

****ADOPTED FEBRUARY 9, 2009****

**DELANCO TOWNSHIP
ORDINANCE 2009-3**

**DELETING PORTIONS OF CHAPTER 218-1
OF TOWNSHIP CODE GOVERNING
“PEACE AND GOOD ORDER”**

WHEREAS, the Township Code of the Township of Delanco, at Chapter 218-1.A(1) provides for a disorderly person offense for public alcohol consumption; and

WHEREAS, New Jersey State law, under the 1975 Alcoholism Treatment and Rehabilitation Act, N.J.S.A. 26:2B-1, et seq., preempts public intoxication ordinances; and

WHEREAS, the Township Code, at Chapter 218-1.A(2) attempts to regulate loitering and is unenforceable under a United States Supreme Court ruling; and

WHEREAS, the Township Committee desires to repeal Chapter 218-1.A(1) and (2) in order to comply with the State law.

NOW, THEREFORE, BE IT HEREBY ORDAINED that Chapter 218-1.A(1) and (2) is hereby repealed.

Section One: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency

Section Two: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section Three: This ordinance shall take effect immediately upon final passage and publication according to law.