

ORDINANCE NO. 2019 - 7

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, STATE OF NEW JERSEY ESTABLISHING CHAPTER 41A OF THE TOWNSHIP CODE TO BE ENTITLED "TRUANCY".

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. The Township hereby establishes Chapter 41A of the Township Code to be entitled "Truancy" and shall read as follows:

§41A-1. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

GUARDIAN. A person other than a parent to whom legal custody of a juvenile has been by court order, or who is acting in the place of a parent, or who is responsible for the care and welfare of a juvenile.

JUVENILE. An individual who is under the age of eighteen (18) years.

A PUBLIC PLACE. Any place to which the public has access including but not limited to a public street, road, sidewalk, bridge, alley, plaza, park, recreation or shopping area, parking lot, or any other public building, structure or area and any other structure or area in which the public generally has access.

§41A-2. Truancy Prohibited.

It shall be unlawful for a juvenile under the age of eighteen (18) years to be in any public place during the hours when the juvenile is required to be in attendance at either a public or non-public school unless the juvenile is accompanied by a parent or guardian or is carrying written permission from juvenile's educational authority allowing the juvenile to be in a public place.

§41A-3. Responsibility of Parent or Guardian.

A parent or guardian is prohibited from allowing any juvenile to be in a public place when the juvenile is required to be in attendance at either a public or non-public school. In the event that a juvenile is found to be in violation of this ordinance, it shall be presumed that such was allowed by the juvenile's parent or guardian, but such presumption shall be rebuttable.

§41A-4. Penalties.

Any persons violating any provision of this ordinance shall be required to perform community service and may be subject to a fine up to one thousand dollars (\$1,000.00), in the discretion of the municipal court judge. If both a juvenile and the juvenile's parent or guardian are found to be in violation of this ordinance, they shall be required to perform community service together.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 5th day of March, **2019**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 2nd day of April, **2019**, at 10:00 A.M.. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC
Municipal Clerk

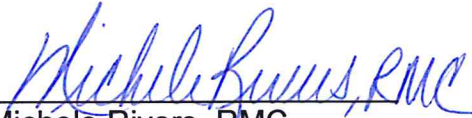
**LAW OFFICES OF
CHRISTOPHER J. DASTI**

COUNSELLOR AT LAW

900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee on the 5th day of March 2019, and finally adopted after Public Hearing at a meeting held on the 2nd day of April, 2019 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ


Michele Rivers, RMC
Municipal Clerk



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