

Borough of Matawan

Notice of Pending Ordinance

The ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on July 14, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the regular meeting of the governing body in the Borough on August 11, 2015 at 7:00 o'clock pm. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 15-11

AMENDING ORDINANCE 3-3, ET SEQ., AND PROVIDING FOR THE APPROVAL AND ADOPTION OF A REVISED MAP DEPICTING THE LOCATION AND BOUNDARIES OF DRUG-FREE SCHOOL ZONES AND MAKING AN OFFICIAL FINDING AND RECORD OF THE LOCATIONS AND BOUNDARIES OF SUCH ZONES

WHEREAS, the Borough of Matawan on September 19, 1989, adopted Ordinance 89-16, which thereafter was codified into Ordinance 3-3, et seq., of the Revised Ordinances of the Borough of Matawan, which provided for the approval and adoption of a map depicting the location and boundaries of Drug-Free School Zones and the making of a record of the location and boundaries of such zones; and

WHEREAS, it is necessary periodically to revise and amend the location of the Drug-Free School Zones for the protection of the public interest in the Borough of Matawan; and

WHEREAS, the Borough Engineer, the firm T&M Associates, has prepared an updated and revised Drug-Free School Zone map consistent with the provisions of N.J.S.A. 2C:35-7, et seq.; and

WHEREAS, said map has been reviewed by the Borough Engineer; by the officials and administration of the Borough of Matawan; by the officials of private, public, and parochial educational institutions; and by the Borough Attorney; and

WHEREAS, it is necessary to implement the revisions and upgrades to the official map adopted on September 19, 1989.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan as follows:

Section 1: In accordance with and pursuant to the authority of NJSA 2C:35-7, et seq., the Drug-Free School Zone map for the Borough of Matawan, County of Monmouth, State of New Jersey, prepared by T&M Associates Consulting Engineers, with the latest revision dated April 16, 2015, is hereby approved and adopted as an official finding and record of the locations and areas within the Municipality of property that is used for school purposes and which is owned by

or leased to educational institutions or school boards, and of the areas within one thousand (1,000) feet of such property.

Section 2: The provisions of Ordinance 3-3, et seq., are supplemented and amended by the insertion of the referenced Drug-Free School Zone map for the Borough of Matawan, County of Monmouth, State of New Jersey, prepared by T&M Associates Consulting Engineers, with the latest revision dated April 16, 2015, which is being adopted herewith.

Section 3 (Location and Boundaries of Public Facilities and School Property): The Drug-Free Safety Zone Map approved and adopted pursuant to Section 1 shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned by or leased to the Borough or to any elementary or secondary school or school board which is used for public or school purposes until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of Borough or school property and Drug-Free Safety Zones. (1971 Code § 14-12.2; Ord. No. 98-19 § 1)

Section 4 (Notification of Changes in Location and Boundaries): Borough Clerk, school board or the Chief Administrative Officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Borough Engineer and the Borough Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to the Borough or any elementary or secondary school or school board and which is used for public or school purposes. (1971 Code § 14-12.3; Ord. No. 98-19)

Section 5 (Copies of Map on File): The Borough Clerk is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to subsection 3-1.1, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this section shall be provided without cost to the County Clerk and to the office of the Monmouth County Prosecutor. (1971 Code § 14-12.4)

Section 6 (Map To Be Used as Evidence): The following additional matters are hereby determined, declared, recited and stated:

a. It is understood that the map approved and adopted pursuant to subsection 3-3.1 was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such map shall constitute prima facie evidence of the following:

1. The location of public facilities and elementary and secondary schools within the Borough;
2. The boundaries of the real property which is owned by or leased to such public facilities or schools or a school board;
3. That such public or school property is and continues to be used for public or school purposes; and
4. The location and boundaries of areas which are on or within one thousand (1,000) feet of such public or school property.

b. Except as is otherwise expressly noted on the face of the approved and adopted map, all of the property depicted on the map approved and adopted herein as school property was owned

by (or leased to) the Borough or a school or school board and was being used for public or school purposes as of July 9, 1987, that being the effective date of NJSA 2C:35-7.

c. Pursuant to the provisions of NJSA 2C:35-7, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to subsection 3-3.1. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for public or school purposes and which is owned by or leased to the Borough or any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is now owned by or leased to the Borough or school board, or that such property is not used for public or school purposes.

d. All of the requirements set forth in NJSA 2C:35-7 et seq. concerning the preparation, approval and adoption of a Drug-Free Safety Zone Map have been complied with. (1971 Code § 14-12.5; Ord. No. 98-19)

If any part of this Ordinance is deemed to be illegal or ineffective, the other provisions shall nonetheless remain in force.