

NOTICE OF PENDING ORDINANCE

ORDINANCE 2026-9 OF THE TOWNSHIP OF BERLIN ORDINANCE MODIFYING AND REPLACING CHAPTER 137 OF THE TOWNSHIP OF BERLIN CODE ENTITLED “CURFEW” AND RENAMING AS “MINORS AND PARENTAL RESPONSIBILITY” FOR THE CODE BOOK OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY

WHEREAS, the Township Council of the Township of Berlin is authorized to adopt ordinances necessary and proper for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, the Township Council has a compelling interest in protecting minors from the harms, dangers, and negative influences associated with unsupervised, late-night or illicit activities in public places, and a concurrent interest in protecting the community from juvenile delinquency, vandalism, and public nuisances; and

WHEREAS, the Township Council recognizes that the primary responsibility for the supervision, guidance, and control of minors rests with their parents, legal guardians, or other persons having legal custody of such minors; and

WHEREAS, The Township Council finds that a significant contributing factor to juvenile misconduct and the victimization of minors is the failure or omission of parents or guardians to exercise reasonable supervision, control, and diligence over the conduct and whereabouts of their minor children; and

WHEREAS, the Township Council determines that holding parents and legal guardians accountable when they knowingly permit, or through a failure of reasonable supervision allow their minor children to engage in unlawful conduct or violate municipal peace regulations is an effective means to encourage parental responsibility and promote public safety;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

Chapter 137 “Curfew” of the Township Code shall hereafter be modified and replaced as “Minors and Parental Responsibility” and each subsection shall be replaced in their entirety as follows:

§137-1 “Definitions” shall now read:

Curfew – N.J.S.A. 40:48-2.52 is incorporated herein to define “Curfew” for purposes of this Ordinance. N.J.S.A. 40:48-2.52 provides: 40:48-2.52 Definitions relative to adoption of curfew ordinances for juveniles.

2. a. As used in this act:

(1) "Juvenile" means an individual who is under the age of 18 years.

(2) "Guardian" means a person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

(3) "Public place" means any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

b. (1) A municipality is hereby authorized and empowered to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this State authorize a juvenile to perform. Such an ordinance may also make it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours.

(2) A municipality is hereby authorized and empowered to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality 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 the juvenile's educational authority allowing the juvenile to be in a public place.

c. An ordinance enacted pursuant to this act shall provide that violators shall be required to perform community service and may be subject to a fine of up to \$1,000.00. If both a juvenile and the juvenile's parent or guardian violate such an ordinance, they shall be required to perform community service together.

d. An ordinance enacted pursuant to this act shall include exceptions permitting juveniles to engage in errands involving medical emergencies, to attend extracurricular school activities, and to participate in other cultural, educational and social events, sponsored by religious or community-based organizations during curfew hours.

e. An ordinance enacted pursuant to this act shall establish clear standards in precise language adequate to apprise a juvenile and a parent or guardian of that which is unlawful and adequate to circumscribe the discretion of police officers in order to overcome subjective and discriminatory enforcement.

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

Parent – Any natural parent or any adult person over the age of eighteen (18) or who is responsible for the care, custody, and control of a minor child.

Legal Guardian – A person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in place of the parent or is responsible for the care and welfare of the juvenile. See also N.J.S.A. 40:48-2.52.

Public Place – Any place to which the public has access, including but not limited to a public roadway, thoroughfare, sidewalk, bridge, plaza, park, recreation or shopping area, public

transportation facility, vehicle used for public transportation, parking lot, or any other public building, structure, or area. See also N.J.S.A. 40:48-2.52.

§137-2 “Curfew Established” shall now be replaced by “Enumeration of Offenses” and shall now read as follows:

- A. Offenses against the public peace, safety and morals are hereby defined to include:
1. A felony, high misdemeanor, misdemeanor, or other offense.
 2. Violation of any penal law or municipal ordinance.
 3. Any act or offense for which he or she could be prosecuted in the method partaking of the nature of a criminal action or proceeding.
 4. Being a disorderly person.
 5. Knowingly associating with thieves or vicious or immoral people.
 6. Knowingly visiting gambling places, or patronizing other places or establishments, his or her admission to which constitutes a violation of law.
 7. Idly roaming the streets at night.
 8. Habitual truancy from school.
 9. Deportment endangering the morals, health, or general welfare of said child.
 10. Including any and all state statutes under Title 39 of the Motor Vehicle Act as to violations in the operation and use of a motor vehicle but not including violations for parking.
 11. Sale and use of narcotics or other drugs.
 12. Defacing the property of another (graffiti).
 13. Destroying any property of another.
 14. Mugging.
 15. Assaults.
 16. Assaults and battery.
 17. Loitering in groups of three or more on any public streets, highways, or alleys.
 18. Loitering or destruction or defacing of public property owned by the governments of the township, county, or state.
 19. Destruction of playground equipment and public parks.
 20. Consumption of or possession of alcoholic beverages on a public street.
 21. Drunkenness.
 22. Begging.
 23. Lack of supervision by a parent, legal guardian or other person having the care or custody of a minor child under the age of eighteen. A “person” is defined to include parents, guardians, or persons having custody or control of minor children.
 24. Indecent exposure.

§137-3 “Responsibility of parent or guardian” shall now read as follows:

It shall be unlawful for any parent, legal guardian or other adult person having the care or custody of a minor child under eighteen (18) years of age, by any act or word, or the failure to act or by the lack of supervision and control over said minor to encourage, contribute toward, cause or tend to cause said child to violate this ordinance by reason of the activity of said minor child within the Township of Berlin.

§137-4 “Responsibility of operators of establishments” shall remain the same.

§137-5 “Violations and Penalties” shall now be replaced by “Supervision” and shall now read as follows:

Supervision is the exercise of control over a minor child, knowing his or her whereabouts, knowing with whom he or she associates and in what activities he or she may engage which could affect or offend public peace, safety, or morals.

A new §137-6 shall be created titled “Assisting in encouraging violations” and shall read as follows:

It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 to assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this ordinance or any other ordinance of the Township of Berlin as defined herein, either by overt act, by failing to act or by lack of supervision and control over said minor child.

A new §137-7 shall be created titled “Presumption of Evidence” and shall read as follows:

The fact that a child under the age of eighteen (18) years is apprehended while on any public street, highway, alley, or park during hours of curfew shall be prima facie evidence of a violation of this ordinance on the part of the parents, legal guardian or other person having custody or care of said minor. Curfew herein shall refer to N.J.S.A. 40:48-2.52.

A new §137-8 shall be created titled “Apprehension of Violators” and shall read as follows:

When any person under the age of eighteen (18) years is apprehended in violation of this ordinance or violation of any laws of the state as outlined in this ordinance and has been brought before the Judge of the Division of Camden County Juvenile and Domestic Relations Court and upon the Court’s determination that the child is guilty of the offense within the purview of this ordinance the parent, legal guardian, or other person having care and custody of said minor may be summoned before a Judge of the Municipal Court of the Township of Berlin and ordered to provide supervision of the minor. The failure of said parent, legal guardian or other person having legal custody of said minor child, upon a second offense, shall cause the parent, legal guardian or the other person having custody of said minor child to be subject to the penalties herein. Nothing within this section shall be deemed to supersede the State’s Juvenile laws or Courts.

A new §137-9 shall be created titled “Violations and Penalties” and shall read as follows:

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$2000 or by imprisonment for a term not exceeding ninety (90) days or both.

A new §137-10 shall be created titled “Curfew” and shall read as follows: At all times the term “curfew” as utilized herein shall be consistent with N.J.S.A. 40:48-2.52.

Miscellaneous Ordinance Provisions:

All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause, or phrase shall be deemed to be severable from the remainder of the ordinance.

This Ordinance shall take effect immediately after final passage and publication as required by law.

INTRODUCED: June 15, 2026

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 15, 2026, and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on July 20, 2026 at 5:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.08091, at which time all persons interested will be given an opportunity to be heard concerning such ordinance.

Published by: Catherine Underwood RMC, Berlin Township
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