

**BOROUGH OF FRANKLIN  
ORDINANCE NO. 16- 2025**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO  
ESTABLISH SECTION 108, ENTITLED "CURFEW"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Code of the Borough of Franklin is hereby amended as follows:

**SECTION I.**

Chapter 108 of the Code is hereby created as follows:

**§108-1        Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Caretaker** – An adult who is at least 18 years of age who has been formally authorized, by the juvenile's parents to be temporarily responsible for the parental care, custody, authority, safety, and/or any other parental responsibilities required to supervise the juvenile, such as, but not limited to, babysitter(s).

**Establishment** – Any privately owned place within the Borough, to which any member of the public is invited, including, but not limited to, any place of amusement, business, eating/dining, entertainment, and/or convenience store.

**Guardian** – Any person, other than a parent or caregiver, who pursuant to a Court order, is the guardian to whom legal custody of the juvenile has been given pursuant to a Court order; or, a public or private agency with whom a juvenile has been placed by a Court. In either circumstance, they are responsible for the care and/or welfare of the juvenile.

**Juvenile** – Any person under 18 years of age who has not been emancipated in accordance with all New Jersey State laws, regulations, and/or procedures, whether or not they reside in the Borough of Franklin.

**Law Enforcement Officer** – A police officer and/or any other law enforcement officer charged with the duty of enforcing the laws of the State of New Jersey, and/or the County of Sussex, and/or the laws and/or ordinances of the Borough of Franklin.

**Parent** – A biological parent, adoptive parent, or step-parent of the juvenile, including either parent if juvenile custody is shared under a Court order or legal agreement.

**Public Place** – Any place to which the public has access to, including, but not limited to, public street, public highways, roads, sidewalks, bridges, alleys, plazas, avenues, parks, thoroughfares, recreational, and/or public transportation facilities, vehicles used for public transportation, parking lots, the common areas of schools, apartment buildings, office buildings, commercial facilities/establishments, shops, and/or hospitals, as well as any other public building, structure, and/or area which members of the public at any time of the day or night have access to.

§108-2      **Curfew hours established.**

It shall be unlawful for any juvenile, as defined herein, to be in or on any public place and/or establishment, as defined herein, in the Borough between the hours of 10:00 p.m. and 6:00 a.m., whether on foot, bicycle, scooter, skateboard, and/or motor vehicle, unless said juvenile is accompanied by a parent, guardian, and/or caretaker, who must be over the age of 18 years.

§108-3      **Offenses.**

- A. During the curfew hours, It shall be unlawful for a juvenile to remain in or upon any public place within the geographic boundaries of the Borough of Franklin, to remain in any operating or parked motor vehicle, and/or to remain in or upon the premises of any establishment within the geographic boundaries of the Borough.
- B. A parent, guardian, and/or caretaker of a juvenile commits an offense if they knowingly permit, allow, and/or encourage or, by insufficient control of the juvenile, allow the juvenile to remain in or upon any public place within the geographic boundaries of the Borough of Franklin and/or to remain in any motor vehicle operating or parked therein or thereon and/or to remain in or upon the premises or any establishment within the Borough during curfew hours.
- C. It shall be unlawful for the operator/owner of any establishment, or for any person who is an employee thereof, to knowingly permit, allow, or encourage a juvenile to remain upon the premises of any establishment during curfew hours.
- D. It shall be unlawful for any person, including any juvenile, to give a false name, address, and/or telephone number to any Law Enforcement Officer investigating, in any manner, a possible violation of the curfew.

§108-4      **Exceptions; defenses**

The following are exceptions to §108-2:

- A. The juvenile is accompanied by a parent, guardian, and/or caretaker; or
- B. The juvenile is engaged in an employment activity or traveling from an employment activity, without detour or stop, which the laws of the State of New Jersey authorize a juvenile to perform during curfew hours; or

- C. The juvenile is responding to a medical emergency or other emergencies during curfew hours; or
- D. The juvenile is attending an extracurricular school activity and/or traveling to or from such extracurricular school activity; without detour or stop, during curfew hours; or
- E. The juvenile is attending an activity sponsored by a religious or community-based organization of a cultural, educational, or social nature if said activity is supervised by at least two or more adults. This shall also involve the juvenile's travel to or from the activity, as defined herein, without detour or stop during curfew hours.

§108-5

**Adult responsibility.**

It shall be unlawful for any parent, guardian, and/or caretaker to allow any unaccompanied juvenile to be on any public place, motor vehicle, and/or establishment during the curfew hours, except as noted in §108-4.

§108-6

**Adult permission presumed.**

If it should be established that any juvenile is found in violation of any of the provisions of this chapter, then it shall be presumed, in the absence of proof to the contrary, that the parent, guardian, and/or caretaker of the juvenile knowingly permitted the juvenile to violate any of the provisions of this chapter.

§108-7

**Violations and penalties, juvenile.**

Any juvenile violating any provision of this chapter may, at the discretion of an officer of the Franklin Borough Police Department, be subject to one or more of the following actions:

- A. A verbal curbside warning to the juvenile.
- B. A formal written warning to the juvenile and to the juvenile's parent, guardian, and/or caretaker.
- C. The issuance of a formal complaint summons to the juvenile and/or the juvenile's parent, guardian, and/or caretaker. If a juvenile is charged with an act of juvenile delinquency while engaged in a violation of this chapter, the violation may be added to the formal complaint.
- D. If a juvenile and/or parent, guardian, and/or caretaker is found to have violated any provisions of this chapter either by a finding of guilt or a plea of guilty for a third or subsequent offense shall be subject to the provisions of §108-8 below.

All actions taken pursuant to this section shall be documented with an entry in the Police Department's CAD system for record keeping and tracking purposes.

§108-8

**Violations and penalties, juvenile, parent, guardian, and/or caretaker.**

- A. Any juvenile, parent, guardian, and/or caretaker who is found guilty or pleads guilty in the Borough of Franklin Municipal Court or other court of jurisdiction, to any violation of this chapter for a third or subsequent offense of any provision of this chapter may

be required to perform community service and may, in addition, be subject to a fine not to exceed \$1,000.00.

- B. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) (juvenile, and/or parent, guardian, and/or caretaker) allowing and/or permitting the continuation of the violation may be punished as provided for above for each separate offense. If both a juvenile and his/her/their parent, guardian, and/or caretaker are found guilty or plead guilty to any provision of this chapter and are required to perform community service, they shall be required to perform community service together.

#### §108-9

##### **Enforcement.**

- A. If an investigation reveals the presence of the juvenile is in violation of any provision of this chapter, then the Law Enforcement Officer:
1. Shall ask the apparent juvenile offender's age and residence and the reason(s) for being out in a public place within the geographic boundaries of the Borough of Franklin; and/or, in any motor vehicle thereon or therein, and/or in or upon the premises of any establishment within the Borough; and
  2. May issue a verbal and/or written warning (as set forth in §108-7) and shall ask the juvenile to leave the public place within the geographic boundaries of the Borough of Franklin, any motor vehicle thereon or therein, and/or in or upon the premises of any establishment within the Borough; and
  3. May issue to the juvenile a violation notice as to any provisions of this chapter to the juvenile; and
  4. If a juvenile refuses to give a law enforcement officer their name and/or address, refuses to give the name and address of their parent, guardian, and/or caretaker, or if no parent, guardian, and/or caretaker can be located prior to the end of the applicable curfew hours, or if located, no parent, guardian, and/or caretaker appears to accept custody of the juvenile, the Law Enforcement Officer shall be empowered to take the juvenile to the Borough of Franklin Police Department Headquarters for a period not to exceed the department's policy outlining the handling of juvenile detainees so that the juvenile's parents, guardian, and/or caretaker may retrieve the juvenile.
- B. If the investigation conducted pursuant to this section reveals the juvenile's parent, guardian, and/or caretaker is in violation of any provision of this chapter, a Law Enforcement Officer shall be empowered to issue a summons to such juvenile's parent, guardian, and/or caretaker, where the juvenile's parent, guardian, and/or caretaker shall appear at the Borough of Franklin Municipal Court.

#### §108-10

##### **School day curfew.**

No juvenile under the age of 18 shall be in any public place within the geographic boundaries of the Borough of Franklin when the juvenile is required to be in attendance at either a public or nonpublic school, unless the juvenile is accompanied by a parent, guardian, and/or caretaker or is carrying written permission from the juvenile's educational authority allowing the juvenile to be in a public place during such time.

## **SECTION II**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

## **SECTION III**

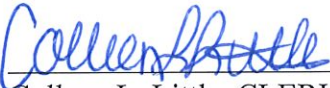
If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

## **SECTION IV**

This Ordinance shall take effect immediately upon final publication as provided by law.

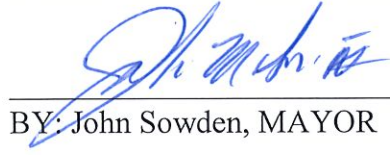
ATTEST:

**BOROUGH OF FRANKLIN**



Colleen L. Little, CLERK

DATED: September 23, 2025



BY: John Sowden, MAYOR

## **NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 9, 2025, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on September 23, 2025, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

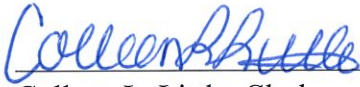


Colleen L. Little

Municipal Clerk

## CERTIFICATION

I, Colleen L. Little, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 23<sup>rd</sup> day of September, 2025.



Colleen L. Little, Clerk  
Borough of Franklin



John Sowden, Mayor

Introduced: September 9, 2025

Adopted: September 23, 2025

| RECORD OF COUNCIL VOTES-FIRST READING   |      |       |         |        | Move | 2nd |
|---|------|-------|---------|--------|------|-----|
| COUNCIL MEMBER                          | AYES | NAYES | ABSTAIN | ABSENT |      |     |
| PATRICIA CARNES                         | X    |       |         |        |      |     |
| CONCETTO FORMICA                        | X    |       |         |        | X    |     |
| RACHEL HEATH                            | X    |       |         |        |      |     |
| JOSEPH LIMON                            | X    |       |         |        |      |     |
| STEPHEN SKELLENGER<br>COUNCIL PRESIDENT | X    |       |         |        |      | X   |
| GILBERT SNYDER                          | X    |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)          |      |       |         |        |      |     |

| RECORD OF COUNCIL VOTES-SECOND READING  |      |       |         |        | Move | 2nd |
|---|------|-------|---------|--------|------|-----|
| COUNCIL MEMBER                          | AYES | NAYES | ABSTAIN | ABSENT |      |     |
| PATRICIA CARNES                         | X    |       |         |        |      |     |
| CONCETTO FORMICA                        | X    |       |         |        |      |     |
| RACHEL HEATH                            | X    |       |         |        | X    |     |
| JOSEPH LIMON                            | X    |       |         |        |      |     |
| STEPHEN SKELLENGER<br>COUNCIL PRESIDENT | X    |       |         |        |      | X   |
| GILBERT SNYDER                          | X    |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)          |      |       |         |        |      |     |

**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**BOROUGH OF FRANKLIN  
ORDINANCE NO.16- 2025**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO  
ESTABLISH SECTION 108, ENTITLED "CURFEW"**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 9<sup>th</sup> day of September, 2025, and the same came up for final passage at a meeting of the said Borough Council on the 23<sup>rd</sup> day of September, 2025, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



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Colleen L. Little, Municipal Clerk