

**BOROUGH OF FRANKLIN
ORDINANCE NO. 17- 2025**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO
ESTABLISH SECTION 101, ENTITLED "CAMPING ON
PUBLIC PROPERTY"**

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 101 of the Code is hereby created as follows:

§101-1 Definitions.

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

Camping – For purposes of this section, Camping means the act of occupying a location outdoors for habitation as evidenced by, including but not limited to, one or more of the following actions: the erection or use of tents, tarps, or other shelters; the laying down of sleeping bags, blankets, pillows, or other items used for bedding; the placing or storing of personal belongings; the act of cooking or making a fire.

Public Area – For purposes of this section, Public Area means any and all areas open to the public including, but not limited to, Borough streets, sidewalks, promenades, alleyways, rights-of-way, parks, benches, parking lots, athletic fields, bus shelters, tennis, and paddle courts.

Available Indoor Housing – For purposes of this section, Available Indoor Housing means an emergency shelter bed or other habitable indoor housing that is actually available at the time (with any needed transport provided) to the person who is Camping in and/or Obstructing a Public Area: (a) in the Borough of Franklin or Sussex County; or (b) another county in New Jersey where the person has applied for assistance and has immediate access to Available Indoor Housing.

Personal Property – For purposes of this section, Personal Property means tents, tarps, shelters, sleeping bags, blankets, pillows, merchandise, wares, cases, boxes, or barrels other, and other items used for bedding or storage or other personal belongings of a person in violation of this ordinance located in a Public Area.

Obstructing – For purposes of this section, Obstructing includes Personal Property blocking or otherwise impeding use of the Public Area and/or storing Personal Property in a Public Area.

§102-2

Camping or obstruction prohibited; exceptions.

- A. No person will be permitted to engage in Camping in any Public Area or portion thereof at any time.
- B. No person will be permitted to engage in Obstructing any Public Area or portion thereof with Personal Property at any time.
- C. Nothing in §102 shall apply to or prosecute a person: (i) participating in or patronizing farmer's markets, sidewalk sales, Borough functions, or special events for which a permit has been lawfully issued; (ii) in the act of transit or delivery for such time and in such manner as may be reasonably necessary for such purposes; or (iii) a person who has no Available Indoor Housing (only until such time as that person has Available Indoor Housing).

§102-3

Procedures for removal of unlawful personal property.

- A. The Borough of Franklin Police Department or other authorized representative, may immediately, without any prior notice, remove and dispose of any illegal firearms, weapons, explosives, or other Personal Property that poses a clear and imminent danger to public safety.
- B. The Borough of Franklin Police Department may also immediately, without any prior notice, arrest and/or charge any person who engages in any criminal conduct that poses a clear and immediate threat to public safety (including, but not limited to, terroristic threats, criminal mischief, lewdness, or assault in violation of Title 2C of the New Jersey Code).
- C. In addition, if Personal Property in a Public Area does not pose a clear and imminent danger to public safety, the Borough of Franklin Police Department, shall provide written and oral notice to any person whom a law enforcement officer believes to be in violation of any section of this chapter instructing them to remove any Personal Property from the Public Areas so that it does not remain in any Public Area as defined herein within twenty-four (24) hours after which the Borough may remove any such Personal Property. Any such removed Personal Property shall be stored by the Borough for the applicable time frame in accordance with state laws.

§102-4

Penalties

- A. Under New Jersey law, including the court passing any judgment on any alleged violation of any section of this chapter has discretion to consider any mitigating or aggravating circumstances when determining what penalties if any to impose for violation of this ordinance beyond the minimum fine set forth in Paragraph C below.
- B. When appropriate, prior to providing its disposition on any alleged violation of any section of this chapter, the court shall offer court-ordered participation with social work professionals and/or behavioral health treatment as an alternative to the penalties set forth in Paragraph C below and, if the offer is accepted, the court may issue an order

to that effect. Violation of any such order will result in a penalty set by the court as described in Paragraph C below.

- C. A violation of the provisions of any section of this chapter will, upon a plea of guilty or conviction thereof, be punishable by a fine not exceeding the sum of \$500.00 and/or imprisonment and/or community service for a term not to exceed thirty (30) days.
- D. No person shall be arrested, prosecuted, or convicted under any section of this chapter if that person has no Available Indoor Housing at the time; provided however, all persons shall remain subject to being charged, arrested, prosecuted, and/or convicted for any criminal conduct in violation of Title 2C of the New Jersey Code. A person shall not be deemed to be engaged in Camping in violation of this ordinance if they are actively working with any governmental entity or nonprofit organization to seek Available Indoor Housing; notwithstanding, this exception shall not apply if at least temporary Available Indoor housing is immediately available.
- E. If a law enforcement officer has reason to believe, under N.J.S.A. 30:4-27.6(a), or if a mental health screener or outpatient treatment provider has certified, under N.J.S.A. 30:4-27.6(b) or (d), that a person by reason of mental illness is "in need of involuntary commitment," as defined in N.J.S.A. 30:4-27.2 (m), the person in question shall not be charged under any section of this chapter, but instead may be taken into custody and transported to a local hospital or other screening service as defined in N.J.S.A. 30:4-27.2(z). Any law enforcement officer, mental health screener, or outpatient provider that does so in good faith shall be immune from civil and criminal liability under N.J.S.A. 30:4-27.7(a).
- F. If any person engaged in Camping and/or Obstructing a Public Area appears to be unhoused, the Franklin Borough Police Department shall contact an appropriate homelessness service provider, outreach agency, or housing coalition to seek their assistance in attempting to resolve the violation through housing in lieu of enforcement of any section of this chapter.

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.



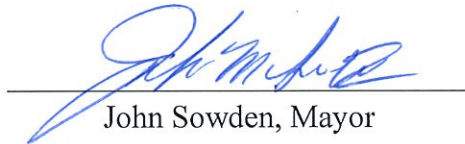
Colleen L. Little
Municipal Clerk

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 23rd day of September, 2025.



Colleen L. Little, Clerk
Borough of Franklin



John Sowden, Mayor

Introduced: September 9, 2025

Adopted: September 23, 2025

BOROUGH OF FRANKLIN**ORDINANCE 2025-17**

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 COUNCIL PRESIDENT	X					X
GILBERT SNYDER	X					
MAYOR SOWDEN, IV (Tie Only)						

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

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO
ESTABLISH SECTION 101, ENTITLED "CAMPING ON
PUBLIC PROPERTY"**

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 9th day of September, 2025, and the same came up for final passage at a meeting of the said Borough Council on the 23rd 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.



Colleen L. Little, Municipal Clerk