

#03-24

TOWNSHIP OF SOUTH ORANGE VILLAGE

PASSED ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF SOUTH ORANGE VILLAGE,
CHAPTER 5-50, FUNCTIONS OF POLICE FORCE,
TO ADD SUBSECTION H.**

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

The Code of the Township of South Orange Village is hereby amended to add to Chapter 5-50, Functions of Police Force, Subsection H as follows:

Any person who is arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody in an appropriate facility where the person's condition may be monitored until the person is no longer a danger to himself or others. The person shall be released from protective custody when that person is no longer a danger to himself or others. A person shall no longer be deemed a danger to himself or others when the person's blood alcohol concentration is less than .05 percent and the person is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the person's faculties are impaired. In no event shall a person be held in protective custody for a period of longer than 8 hours without being provided an appropriate hearing.

Notwithstanding the provisions set forth above, provided it is not a detriment to public safety, the police force may because of the age, health or safety of the arrested person, release the person pursuant to the provisions of N.J.S.A. 39:4-50.22 or provide an appropriate alternative to protective custody.

Section 2.

Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

Section 3.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4.

This ordinance shall take effect upon final passage and publication as required by law.

The above ordinance was passed on second and final reading by the Board of Trustees of the Township of South Orange Village, County of Essex, NJ at a Regular Meeting held on Monday, December 15, 2003 in Village Hall.

WILLIAM R. CALABRESE
VILLAGE PRESIDENT

MARJORIE G. SMITH
VILLAGE CLERK