**ORDINANCE No. 8-2015**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, to amend Chapter III, “POLICE REGULATIONS,” Section 3-11, “drug free zones maps” of the code of the borough of bloomingdale**

**WHEREAS**, the Borough of Bloomingdale (“Bloomingdale”) has in place Drug Free Zones Maps wherein controlled dangerous substances are not permitted within a 1,000 foot radius of schools; and

**WHEREAS**, the Borough is also concerned about the dangers of driving while intoxicated, particularly in school zones; and

**WHEREAS**, N.J.S.A. 39:4-50 provides that a map depicting school zones may be used in the prosecution for driving while intoxicated (DUI); and

**WHEREAS**, the Borough desires to update its Drug Free Zone Maps ordinances to include the offense of driving while intoxicated (DUI).

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1**. Chapter III, “Police Regulations,” Section 3-11, “Drug Free Zones Maps” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**3-11 DRUG *AND ALCOHOL* FREE ZONES MAPS.**

**3-11.1 Maps Adopted.**

Official maps entitled "Radius Map I" and "Radius Map II", produced by Borough Engineer Kevin P. Wynn, P.E., N.J. LIC. NO. 39025, of Goodkind & O'Dea, Inc. and dated December, 2000, are hereby approved and adopted as official findings of record of controlled dangerous substance *and alcohol* zones for schools, delineated by a radius of one thousand (1,000) feet, and controlled dangerous substance *and alcohol* zones for public parks, public libraries, public museums and public housing facilities, delineated by a radius of five hundred (500) feet.

**3-11.2 Original Map and List to be on File; Copies.**

The Borough Clerk is hereby directed to receive and to keep on file the originals of the maps approved and adopted pursuant to subsection 3-11.1 of the chapter 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 maps approved and adopted herein and kept on file. It is hereby further directed that true copies of such maps shall be provided without cost to the Passaic County Clerk and to the office of the Passaic County Prosecutor.

**3-11.3 Maps as Prima Facie Evidence.**

The following additional matters are hereby determined, declared, recited and stated:

It is understood that the maps approved and adopted pursuant to this chapter were prepared and are intended to be used as evidence in prosecutions arising under the criminal and traffic laws of this State, specifically those prohibited and described in N.J.S.A. 2C:35-7, N.J.S.A. 2C:35-7.1, P.L. 1999 CH.185 *and N.J.S.A. 39:4-50*, and that, pursuant to State law, such maps shall constitute prima facie evidence of the locations and boundaries of the property containing elementary and secondary schools, public parks, public libraries, public museums and public housing facilities within the Borough.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official. Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 24th day of March 2015, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 21st day of April, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

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Jane McCarthy, RMC

Municipal Clerk