

**WEST AMWELL TOWNSHIP
ORDINANCE 06, 2016**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF
WEST AMWELL TO ESTABLISH A NEW CHAPTER ENTITLED “PROTECTIVE CUSTODY
OF INTOXICATED DRIVERS.”**

BE IT ORDAINED by the Township Committee of the Township of West Amwell, County of Hunterdon, and State of New Jersey, as follows:

Section 1. “Protective Custody of Intoxicated Drivers,” Established. The Code of the Township of West Amwell is hereby amended and supplemented by the addition thereto of a new chapter entitled “Protective Custody of Intoxicated Drivers,” to read as follows:

Protective Custody of Intoxicated Drivers

A. Findings.

Pursuant to N.J.S.A. 39:4-50.22, commonly known as “John’s Law,” a law enforcement agency that has arrested a person for a violation of N.J.S.A. 39:4-50, “Driving While Intoxicated,” may impound an arrestee’s vehicle and release the arrestee into the care of an individual summoned to transport or accompany the arrestee from the premises of the law enforcement agency in order to ensure that the arrestee does not again operate a motor vehicle while under the influence. When an arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of the law enforcement agency, the arrestee may present a danger to himself or others if provisions are not made to hold the arrestee in protective custody. Pursuant to N.J.S.A. 40:48-1(34) and 40:48-1.3, a municipality is authorized to enact an ordinance providing that a person who has been arrested for “Driving While Intoxicated” in violation of N.J.S.A. 39:4-50 may be held in protective custody at an appropriate police or other facility for up to eight (8) hours. The Hunterdon County Jail is an appropriate facility in which to maintain an arrestee until the arrestee is no longer a danger to himself or others. The Mayor and Council find and declare that the implementation of this chapter furthers the protection of the public health, safety and welfare.

B. Protective Custody Required; Release.

Any person arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility, including but not limited to the Hunterdon County Jail, where the person’s condition may be monitored until the person is no longer a danger to himself or others, at which time the person shall be released from protective custody. A person is no longer considered a danger to himself or others when the person’s blood alcohol concentration is less than 0.05% 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 eight (8) hours without being provided an appropriate hearing.

C. Exceptions; Liability.

Notwithstanding the provisions of this chapter, provided that it is not a detriment to public safety, the Police Department may, because of the age, health, or safety of the arrestee, release the arrestee pursuant to the provisions of N.J.S.A. 39:4-50.22, or provide an alternative to protective custody. The Township shall not be subject to liability if a person is released from protective custody pursuant to the provisions of this chapter.

D. Use of State Police Facilities.

Nothing in this chapter shall be construed as requiring the use of New Jersey State Police facilities by the Township for the purposes of this chapter.

E. Incorporation of Statute.

The provisions of N.J.S.A. 39:4-50.22, as may be amended from time to time, are hereby incorporated into, and are deemed to be a part hereof.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 4. Adoption. Upon adoption, this Ordinance shall be incorporated into and become part of the Code of the Township of West Amwell

Section 5. Effective Date. This ordinance shall take effect upon passage, publication and as provided by law.

APPROVED BY TOWNSHIP COMMITTEE

Zach Rich, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on April 20, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on May 18, 2016 at 7:30 p.m. All interested parties will be heard at this time.