

**ORDINANCE 2014-11**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 3, "ADMINISTRATION OF GOVERNMENT," ARTICLE II, "TOWNSHIP COUNCIL," OF THE CODE OF THE TOWNSHIP OF HARDYSTON BY ADDING SECTION 3-12, "WEAPONS PROHIBITED AT PUBLIC MEETINGS" TO BAN WEAPONS AND IMITATION WEAPONS AT PUBLIC MEETINGS AND MUNICIPAL COURT SESSIONS.**

**WHEREAS**, there have been multiple previous incidents of violence at public meetings including a shooting in 1993 in New Hampshire, in 2003 in New York City, in 2008 in Missouri, in 2011 in Arizona and in 2013 in Pennsylvania, resulting in 23 fatalities or injured persons; and

**WHEREAS**, due to these incidents of violence at public meetings, the Township of Hardyston is concerned for the safety of its public at public Township meetings and municipal court sessions; and

**WHEREAS**, the Township of Hardyston desires to prevent persons from bringing weapons into council chambers during public meetings; and

**WHEREAS**, there is currently in existence a Township policy banning weapons from publicly accessible areas of the municipal building during municipal court; and

**WHEREAS**, the Township Council desires to memorialize that policy; and

**WHEREAS**, as weapons are already banned from municipal court, the Township currently has the ability to effectively implement a weapons ban for public meetings occurring at the Township Municipal Complex; and

**WHEREAS**, the Township Council desires to ban weapons and imitation weapons from public meetings at the Township Municipal Complex and Municipal Court sessions in order to protect the public, the court employees and officials and the elected officials.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

**SECTION 1.** Amend Chapter 3, "Administration of Government," Article II, "Township Council" to add Section 3-12, "Weapons Prohibited at Public Meetings" which shall state in its entirety as follows:

**Section 3-12. Weapons Prohibited at Public Meetings and Municipal Court Sessions**

A. It is an offense for any person to carry or possess a weapon or imitation weapon at a public meeting of a governmental body which is being held at the Township Municipal Complex, 149 Wheatsworth Road, Hardyston, NJ 07419, or into the building during municipal court sessions.

B. This section does not apply to any members of the Hardyston Township that have been assigned by the Hardyston Township Police Department to provide security at the public meeting or municipal court, who possess a firearm in connection with that duty as permitted by State or Federal law.

C. The Chief of Police shall establish a procedure with regard to the enforcement of this Ordinance.

D. For the purposes of this section, the following definitions shall apply:

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Imitation weapon" means an object or device reasonably capable of being mistaken for a weapon.

"Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

E. Any person violating any provision of this Section shall, upon conviction thereof, be subject to the maximum penalty prescribed by § 1-15 of the Hardyston Township Code.

**SECTION 2.** All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.**

**ATTEST:**

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**JANE BAKALARCZYK  
TOWNSHIP CLERK**

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**STANLEY KULA  
MAYOR**

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, in the County of Sussex, New Jersey, held on August 13, 2014. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on September 10, 2014 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC

Municipal Clerk