AN ORDINANCE BY PRINCETON CONCERNING JOGGING AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and updated Chapter 10A.1 of the "Code of the Township of Princeton, New Jersey, 1968," pertaining to Jogging; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 10A.1 of the "Code of the Township of Princeton, New Jersey, 1968," is hereby repealed in its entity.

Section 2. A NEW Chapter 10A.1 of the "Code of the Township of Princeton, New Jersey, 1968," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth provisions governing jogging and to replace the aforementioned Chapter 10A.1 of the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The attached Chapter 10A.1 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on May 5, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on May 27, 2014 which begins at 7:00 p.m.

Kathleen K. Brzezynski

Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 10A.1 JOGGING

Sec. 10A.1-1. Findings and purpose.

The council finds that due to the increased popularity of jogging it is advisable for the purposes of public health, safety and welfare to regulate jogging within Princeton.

Sec. 10A.1-2. Jogging regulations.

It shall be unlawful for any person to jog on any public street, highway, roadway, alley or shoulder in Princeton except in accordance with the following regulations:

(a) All joggers running during hours of darkness must wear reflective material between the waist and shoulders on their front and back which gives an indication of the jogger's presence through reflected light from the head lamp beams of motor vehicles at a distance of at least five hundred feet.

Sec. 10A.1-3. Definitions.

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

(a) *Hours of darkness*. Any time from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light or visibility to render clearly discernible persons on the highway at a distance of five hundred feet ahead.

(b) *Jog or jogging*. Running of any kind and at all speeds.

Sec. 10A.1-4. New Jersey State law.

This chapter shall not be construed to permit jogging where prohibited by any law of the State of New Jersey nor in violation of Article 6 of Chapter 4 of Title 39 of the Revised Statutes of the State of New Jersey.

Sec. 10A.1-5. Severability.

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

Sec. 10A.1-6. Violation and penalties.

Any person violating the provisions of this chapter shall for the first violation receive a warning. Any person who has received a warning and who subsequently is convicted of a violation of any provision of this chapter after said warning shall be subject to a fine of twenty-five dollars.

Any person being convicted of a violation of any provision of this chapter after said first conviction shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars per conviction.