

ORDINANCE NO. 5683

AN ORDINANCE TO AMEND ARTICLE III OF  
CHAPTER 9.36 OF THE CODE OF THE CITY OF  
ELIZABETH, ENTITLED "WEAPONS FREE  
ZONES" SPECIFICALLY TO INCLUDE LEGAL  
WEAPONS AND EXPAND THE ARTICLE'S SCOPE  
TO INCLUDE ADDITIONAL SENSITIVE PLACES.

WHEREAS, in 1997, the City Council of the City of Elizabeth adopted Ordinance 2978 which established weapons free zones which prohibited weapons within certain areas in the City of Elizabeth in order to protect the health, safety, and welfare of City residents; and

WHEREAS, this prohibition applied only to illegal weapons; and

WHEREAS, since that time there has been a dramatic increase in the use of legally acquired weapons to perpetrate acts of mass violence throughout the country including most notably: at the Independence Day Parade in Highland Park, Illinois; at Robb Elementary School in Uvalde, Texas; at the Tops Friendly supermarket in Buffalo, New York; at the King Soopers supermarket in Boulder Colorado; at Walmart in El Paso, Texas; at the municipal building in Virginia Beach, Virginia; at Marjorie Stoneman Douglass High School in Parkland, Florida; at the Borderline Bar in Thousand Oaks, California; at the Tree of Life Synagogue in Pittsburgh, Pennsylvania; at Santa Fe High School in Santa Fe, Texas; at the Harvest music festival in Las Vegas, Nevada; at the First Baptist Church shooting in Sutherland Springs, Texas; at Pulse nightclub in Orlando, Florida; at the Emmanuel African Methodist Episcopal Church in Charleston, South Carolina; at the Inland Regional Center in San Bernadino, California; at the Washington Navy Yard in Washington, D.C.; at Sandy Hook Elementary in Newtown, Connecticut; at the Century 16 movie theatre in Aurora, Colorado; and

WHEREAS, the United States Supreme Court opinion issued on June 23, 2022, in the case of *New York State Rifle & Pistol Association v. Bruen, Superintendent of the New York State Police*, No. 20-843, 597 U.S. \_\_\_\_ (2022) found New York's "proper cause" requirement prior to issuing a permit to carry a firearm outside the home was unconstitutional; and

WHEREAS, New Jersey Acting Attorney General Matthew J. Platkin issued Directive No. 2022-07 which states his conclusion that *Bruen* prevents the state from "continuing to require a demonstration of justifiable need in order to carry a firearm;" and

WHEREAS, this change in regulation exponentially increases the number of individuals who would be eligible to legally carry firearms outside of the home; and

WHEREAS, the *Bruen* majority opinion found that it was settled law that weapons could be prohibited in "sensitive places;" and

WHEREAS, in light of this, the City Council of the City of Elizabeth seeks to expand its longstanding weapons-free zones regulation to include legal weapons and additional "sensitive places" in order to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, The City Council desires to declare this situation an Emergency so that this Ordinance will become effective on Final Adoption; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:**

**SECTION 1.** The foregoing recitals in the preamble of this Ordinance are hereby incorporated by reference.

**SECTION 2.** Code of the City of Elizabeth Section 9.36.060 entitled "Definitions" is hereby amended to read as follows:

PRESENTED to the Mayor for  
APPROVAL or DISAPPROVAL on  
AUG 24 2022  
City Clerk

As used in this Article, the following terms shall have the following definitions:

“Gun permit” means any certificate, license, or permit issued pursuant to N.J.S.A. 2C:58-1, et seq., or other firearm licensure law, statute, regulation, or ordinance.

“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.

"Public buildings or land" means all property owned or operated by the City of Elizabeth, the County of Union, the State of New Jersey, or the United States, or any associated agency, authority, bureau, division, instrumentality, or other governmental entity.

“Sensitive Place” shall mean and include any and all: public buildings and lands; schools and childcare facilities including nurseries, preschools, and seasonal camps; legislative assemblies; polling places during an election; courthouses; libraries; commercial shops and markets including malls and strip-malls; houses of worship including temples, synagogues, mosques, churches, gurdwaras or any other property used for congregational religious worship or observance; public demonstrations and rallies including festivals, parades, and other mass gathering events; transportation stations including airports, train stations, marine or ferry terminal bus stops, and taxi stands and all associated conveyances and vehicles; hospitals and other healthcare facilities; nursing homes and assisted living facilities; emergency shelters including domestic violence shelters and homeless shelters; conference centers and banquet halls; places of entertainment including bars, restaurants, night clubs, dance halls, concert venues, theaters, arcades, museums, or indoor or outdoor sports facilities.

"Weapon" means a weapon is defined as any instrument or device readily capable of lethal use or of inflicting serious bodily injury, for use in attack or defense in combat, fighting or war. This 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 inoperable; (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 flings or razor blades imbedded in wood; (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; and (5) explosives of any kind.

**SECTION 3.** Code of the City of Elizabeth Section 9.36.070 entitled “Weapons Free Zone” is hereby amended to read as follows:

It shall be unlawful for any person to be within 500 feet of the premises of a public building or land or any sensitive place while in possession of a weapon.

**SECTION 4.** Code of the City of Elizabeth Section 9.36.090 entitled "Exemption" is hereby amended to read as follows:

A. This Article shall not apply to any active or retired law enforcement officer who is authorized by law to be in possession of such weapon.

B. This Article shall not apply to the driver or passenger of an armored car who is authorized by law to be in possession of such weapon.

**SECTION 5.** Code of the City of Elizabeth Section 9.36.100 entitled "Violations and Penalties" is hereby amended to read as follows:

A person who violates any section of this Article shall, upon conviction thereof, be punishable by a fine not to exceed two thousand dollars (\$2,000.00) or imprisonment for not more than ninety (90) days, or both, for each violation of this Article.

**SECTION 6.** Code of the City of Elizabeth Section 9.36.110 entitled "Violations by Gun Permit Holders" is hereby established and shall read as follows:

Where a violator of this Article is the holder of a gun permit, upon conviction, the Chief of Police shall alert the permit's issuing authority to the violation and may request that the permit be revoked or rescinded.

**SECTION 7.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.


**SECTION 8.** If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


**SECTION 9.** Due to the present emergency situation, an Emergency is declared and this Ordinance shall become effective upon Final Adoption.

PASSED: 8/23/22

  
NELSON GONZALEZ  
President of City Council

APPROVED: 08/24/22

  
J. CHRISTIAN BOLLWAGE  
Mayor

ATTEST:  
  
YOLANDA M. ROBERTS, R.M.C.  
Municipal Clerk