
MUNICIPAL ORDINANCE - NEW JERSEY

State v. Frye

Superior Court of New Jersey, Appellate Division - April 9, 2014 - Not Reported in A.3d - 2014 WL 1375587

Defendant challenged the establishment of the factual basis upon which he entered a conditional guilty plea for violating Municipal Ordinance 230–92(a)(3) for continuing "the use of [a] temporary trailer without [an] issued construction permit," after the revocation of the Certificate of Occupancy (CO) by the Zoning officer.

The appeals court agreed, finding that the record clearly demonstrated that defendant did not understand how he could be guilty of having a trailer in the property "after revocation of a certificate of occupancy." In order to have established a factual basis, defendant must have admitted to guilt of all the essential elements of the offense. "In our view, defendant did not do so here."

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