

CHAPTER IV

POLICE REGULATIONS

4-1 LITTER.*

***Editor's Note:** For additional provisions regarding litter on public and private property and procedures for the removal of same, see Chapter XII Property Maintenance. For provisions regarding receptacles and other solid waste regulations, see Chapter XVII, Solid Waste Management.

4-1.1 Definitions. As used in this section:

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and/or consumption of food.

Litter shall mean garbage, refuse, junk, scrap and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or creates a distraction from the natural beauty of the landscape.

Public place shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

Refuse shall mean all nonputrescible solid waste (except body wastes) including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, or cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(1969 Code § 4-3.1; Ord. No. 89-16 § 3; Ord. No. 2007-7 § I)

4-1.2 Litter in Public Places.

- a. No person shall sweep, throw or deposit litter in or upon any occupied, open or vacant property, whether owned by such person or not, or in or upon any street, sidewalk, park or other public place, or any pond, lake, or other body of water within the Borough, except in public receptacles or in authorized private receptacles for collection, or in official Borough dumps. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.
- b. There is hereby required litter receptacles and their servicing at the following public places which exist within the Borough: sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter (1/4) mile without a receptacle; buildings held out for use by the public, including but not limited to schools, and public buildings; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas, construction sites; gasoline service station islands; shopping centers; parking lots; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including but not limited to sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these

POLICE REGULATIONS

4-1

events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

(1969 Code § 4-3.2; Ord. No. 88-20 § 1)

4-1.3 Sweeping Litter Into Gutters Prohibited.

- a. No person, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter, street or other public place within the Borough, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

POLICE REGULATIONS

4-1

- b. Every owner, lessee, tenant, occupant or person in charge of any building or structure is hereby required to keep or cause to be kept the sidewalk and curb abutting the building and structure free from construction and nuisances of every kind, and to keep the sidewalks, areas, backyards, courts and alleys free from litter and other offensive material.
- c. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter or any other material or item from any public or private sidewalk, driveway or other source; and every person who owns or occupies the property is hereby required to keep the sidewalk and curbline in front of his or her premises or property free of litter or any other material or item, and is hereby required to collect all sweepings and properly dispose of it in containers.
- d. No person shall be permitted to spill, dump, or dispose of materials other than stormwater to the municipal separate storm sewer system operated by Surf City. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.
 - 1. Exceptions:
 - (a) Water line flushing and discharges from potable water sources.
 - (b) Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
 - (c) Air conditioning condensate (excluding contact and non-contact cooling water).
 - (d) Irrigation water (including landscape and lawn watering runoff).

- (e) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- (f) Residential car washing water, and residential swimming pool discharges.
- (g) Sidewalk, driveway and street wash water.
- (h) Flows from firefighting activities.
- (i) Flows from rinsing of the following equipment with clean water:
 - (1) Beach maintenance equipment immediately following their use for the intended purposes.
 - (2) Equipment use during the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.
(1969 Code § 4-3.3; Ord. No. 88-20 § 5; Ord. No. 2005-08 § IV; Ord. No. 2006-14 § II)

4-1.4 Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough, or upon private property. (1969 Code § 4-3.4)

4-1.5 Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Borough, the wheels or tires of which carry onto a deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. In addition, trucks or vehicles carrying loads shall be covered so as to prevent the loads from dropping, leaking or otherwise escaping. (1969 Code § 4-3.5; Ord. No. 88-20 § 3)

4-2 DISTRIBUTION OF HANDBILLS.

No person shall place or throw or cause to be placed or thrown any advertisement, handbill, circular or other paper on any public street or sidewalk, or into the vestibule or yard or upon the porch of any dwelling house or other building or into or on any vehicle on a public highway or on private property. This section shall not apply to newspapers and addressed envelopes delivered to the subscribers and addresses. Advertisements, handbills, circulars and papers may be distributed in the Borough provided they are securely placed at each dwelling so as not to be blown away by the wind. (1969 Code § 4-4)

4-3 NOISE.

4-3.1 Definitions. As used in this section, all acoustical words and terms shall have the meanings set forth in the publication of the United States of America Standards

Institute, New York, New York, Acoustical Terminology cited as US ASI SI 1-1960. All equipment used in making acoustical measurements shall meet or exceed the requirements set forth in the publication of the institute entitled Specification for General Purpose Sound Level Meters, cited as US ASI SI 4-1961, and all such measurements so made shall be made in full accordance with the methods and procedures set forth in US ASI SI 2-1962 entitled "Methods for the Physical Measurement of Sound." (Ord. No. 77-5 § 2)

4-3.2 Prohibited Noises. It shall be unlawful and a nuisance for any person to make or cause or permit to be made upon any premises owned, occupied or controlled by him, or upon any public street or thoroughfare in the Borough, any unnecessary noise or sound by means of the human voice or by other means or methods which is physically annoying to persons or which is so harsh or so prolonged or unnatural, or unusual in its use, time or place as to cause physical

discomfort, or which is injurious to the life, health, peace or comfort of any inhabitant of the Borough. (1969 Code § 4-2.1)

4-3.3 Prohibited Sound Levels. No person shall cause to be made or permit such noise to be made, directly or indirectly, by any means whatsoever, any sound that:

- a. Exceeds the following measurements on the 'A' weighing scale of the sound level meter when measured at any point on the complainant's property or Borough owned or publicly owned property including streets, alleyways, thoroughfares, easements or any other property which may be designated or dedicated for public use:
 1. Sixty-five (65) decibels (dBA) between the hours of 7:00 a.m. and 10:00 p.m.
 2. Fifty (50) decibels (dBA) between the hours of 10:00 p.m. and 7:00 a.m.
- b. Exceeds the following measurements on the 'A' weighing scale of the sound level meter when measured in the center of the room where the sound originates:
 1. Seventy (70) decibels (dBA) between the hours of 7:00 a.m. and 10:00 p.m.
 2. Sixty (60) decibels (dBA) between the hours of 10:00 p.m. and 7:00 a.m.
- c. Exceeds eighty-eight (88) decibels (dBA) on the 'A' weighing scale when the noise is caused by a vehicle, whether mechanical or not, and measured within the Borough limits at a distance of at least twenty-five (25') feet from the noise source located within the public right-of-way.
(Ord. No. 80-9)

4-3.4 Specific Noise Prohibitions. The following acts are declared to be loud, disturbing and unnecessary noises in

violation of this section, but this enumeration is intended to be typical only and shall not be construed as being exclusive.

- a. *Radios, Television, Phonographs.* The playing of any radio receiving sets, television, musical instruments, phonographs, or other machine or device for the production or reproduction of sound at a louder volume than is necessary or convenient for the hearing of the person playing, using or operating the instrument or device, and the persons who are voluntary listeners to it, as well as playing any such instruments in a manner that will disturb the peace, quiet and comfort of neighboring inhabitants.
- b. *Loudspeakers and Amplifiers for Advertising.* The playing for advertising purposes, or for the purpose of attracting the attention of the passing public, of any radio receiving sets, musical instruments, phonographs, loudspeakers, sound amplifiers, or other machine or device for the producing or reproducing of sound on the streets or public places of the Borough or in any place where the sound from any such instrument is broadcast directly upon the public streets or public places, or which is placed and operated in such a manner that the sound can be heard to the annoyance or inconvenience of travelers upon any street or public place, or to persons on any neighboring premises.
- c. *Sound Trucks.* The playing for any purpose whatever on any public street or thoroughfare in the Borough, any device known as a sound truck, loudspeaker or sound amplifier, or radio or phonograph with a loudspeaker or sound amplifier, or any instrument known as a calliope, or any instrument of any kind which emits loud and raucous noises and is attached to any vehicle operated or standing upon any street or public place in the Borough.
- d. *Horns, Signalling Devices.* The sounding of any horn or warning device on any automobile, motorcycle, bus

POLICE REGULATIONS

4-4

or other vehicle, except when required by law, or when necessary to give a warning of impending danger to persons driving other vehicles or to persons upon the street, as well as the sounding of any horn or warning device on any motorcycle, automobile, bus or other vehicle which emits an unreasonably loud or harsh sound, or for any unnecessary or unreasonable persons of time.

(1969 Code § 4-2.4; Ord. No. 77-5 § 6)

4-4 LOITERING.

4-4.1 Definitions. As used in this section:

Loitering shall mean remaining idle in essentially one (1) location and shall include the concepts of spending time idly, loafing or walking about aimlessly. It shall also include the colloquial expression "hanging around."

Parent or *guardian* shall include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court, or otherwise.

Public place shall mean any place to which the public has access, and shall include any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this section or, in the case of a minor, not owned or under the control of his parent or guardian.

(1969 Code § 4-1.1)

4-4.2 Certain Types of Loitering Prohibited. No person shall loiter in such a manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in any public place as defined in subsection 4-4.1. This paragraph shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing they are made.
(1969 Code § 4-1.2)

4-4.3 Discretion of Police Officer. Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection 4-4.2, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section. (1969 Code § 4-1.3)

4-4.4 Loitering by Minors. No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this section. (1969 Code § 4-1.4)

4-4.5 Notice of Violation. Whenever any minor under the age of eighteen (18) years is charged with a violation of this section, his parent or guardian shall be notified of this fact by the Director of Police or any other person designated by him to give such notice. (1969 Code § 4-1.5; Ord. No. 93-8 § 3)

4-4.6 Presumption. If at any time within the thirty (30) days following the giving of notice as provided in subsection 4-4.5, the minor to whom such notice relates again violates

this section, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian. (1969 Code § 4-1.6)

4-5 BICYCLES.

4-5.1 Definitions. As used in this section:

Bicycle shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than ten (10") inches in diameter.

Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
(Ord. No. 75-6 §§ 1-2)

4-5.2 Operation of Bicycles and Play Vehicles.

a. *Riding on Bicycles.*

1. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one (1) time than the number for which it is designated and equipped.

b. *Clinging to Vehicles.* No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach same or himself to any streetcar or vehicle upon a roadway.

c. *Riding on Roadways and Bicycle Paths.*

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing

a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
 3. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.
- d. *Carrying Articles.* No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one (1) hand upon the handlebars.
- e. *Lamps and Other Equipment.*
1. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a visible white light, and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from one hundred (100') feet to six hundred (600') feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a visible red light to the rear may be used in addition to the red reflector.
 2. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100') feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
 3. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
(Ord. No. 75-6 § 3)

issued, and the number on the frame of the bicycle for which issued.

3. **Inspection.** The Safety Officer, or an officer assigned such responsibility, shall inspect each bicycle before registering the same and shall refuse a registration for any bicycle which he determines is in unsafe mechanical condition.
4. **Renewal.** Upon the expiration of any bicycle registration, the same may be renewed upon application.

c. *Rental Agencies.*

1. A rental agency renting bicycles out between sundown and sunrise should have the bicycles equipped with light and reflector.
2. A rental agency may, if they so desire, register all their bicycles with the safety officer.

d. *Traffic Ordinances Applicable to Persons Riding Bicycles.* Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the provisions of this section, except as to the special regulations in this section and except as to those provisions of this section, which by their nature have no application.

e. *Obedience to Traffic Control Devices.*

1. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a Police Officer.
2. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except when such person dismounts from the bicycle to make

POLICE REGULATIONS

4-6

such turn, in which event such person shall then obey the regulations applicable to pedestrians.

- f. *Parking.* No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.
- g. *Riding on Sidewalks.* No person shall ride a bicycle upon a sidewalk.

(Ord. No. 75-6 § 4)

4-5.4 Penalties. Every person convicted of a violation of any provision of this section shall be punished by a fine of not more than ten (\$10.00) dollars or by impounding of such person's bicycle for a period not to exceed seven (7) days or by any combination thereof. (Ord. No. 75-6 § 4)

4-6 TRAILER UTILIZATION.

- a. It shall be unlawful to use any trailer, tent camper, pickup camper, mobile home, van type camper or tent as living quarters on any property in the Borough, whether the same be private, public or quasi-public, or on a public park or street. Further, it shall be unlawful to utilize any trailer or trailer coach on any street in the Borough for the purpose of eating or changing clothes therein.
- b. Boxed or closed trailers as defined below, utilized for the purpose of storage including but not limited to those utilized for storage during the construction or renovation of a structure or those utilized for the purpose of storage in relation to a business, may be utilized provided that same complies with all ordinances of the Borough of Surf City, including but not limited to all zoning provisions, side, rear and front yard setbacks and lot coverage, building codes, BOCA code and fire

code provisions of the Borough of Surf City, County of Ocean and State of New Jersey or receives site plan approval from the Planning Board of the Borough of Surf City.

- c. Storage or placement of a delivered modular or pre-manufactured home, office or structure of any kind, for any purpose and for any length of time is prohibited within the Borough of Surf City. Modular or pre-manufactured homes, office or structure of any kind shall be delivered to the site, where it is to be constructed and/or placed on a permanent foundation, on the day of placement. Said delivery and construction shall not commence any earlier than 7:00 a.m. on weekdays and Saturdays.

(Ord. No. 72-9; Ord. No. 2000-14 § I; Ord. No. 01-05 § I; Ord. No. 03-04 § I; Ord. No. 2015-07)

4-7 STORAGE OF MOTOR VEHICLES.

4-7.1 Storage Prohibited. No person shall store or permit to be stored upon any lands within the Borough, any motor vehicle which does not have attached thereto registration plates authorizing the operation of the vehicle upon the public streets and highways, unless the motor vehicle is garaged. (1969 Code § 4-5.1)

4-7.2 Definition. For the purpose of this section, *store* and *stored* shall mean keeping a motor vehicle upon any lands for a period of more than sixty (60) days. (1969 Code § 4-5.2)

4-7.3 Service Stations. A service station operating within the Borough may store motor vehicles for a period not to exceed one (1) year after the expiration of the motor vehicle registration of the vehicles; providing that vehicles so stored are registered with the Police Department. (Ord. No. 76-4 § 1)

4-8 CONSTRUCTION ON SUNDAYS.

No person shall engage in construction work, haul, fill or gravel over any public street, or use any bulldozer, grading machine or concrete mixer on Sunday, unless such work is necessary for the protection of life or property and is performed pursuant to the declaration of an emergency by the governing body or by the Mayor. (1969 Code § 4-9)

4-9 INTERFERENCE WITH FIREFIGHTING AND FIREFIGHTING EQUIPMENT.

4-9.1 Fire Alarm Systems. No person shall intentionally, willfully or maliciously destroy or injure any of the wires, post, machines, bells, sirens, boxes, box or other apparatus of any fire alarm system or intentionally, willfully or maliciously interfere with the same or any part thereof, or hinder or impede any of the operation intended to be accomplished thereby, or intentionally cause or assist in causing a false alarm of fire to be given in any manner. (1969 Code § 4-7.1)

4-9.2 Interference at Fires. No person shall interfere with or hinder any member of any fire company or first aid squad while engaged in the performance of his duties or while on practice duty, nor shall any person disobey any order of any fireman while on active duty at any fire within the

Borough nor any member of the first aid squad while on active duty; nor shall any person ride over or otherwise damage any fire hose, open any fire hydrant without written permission of the Water Superintendent (except qualified firemen), or otherwise interfere with, damage or destroy any property or equipment of any fire company within the Borough. (1969 Code § 4-7.2)

4-10 GROUP RENTAL.

4-10.1 Definition. As used in this section:

Group of minors shall mean a unit of more than two (2) individual persons at least three (3) of whom are under the age of eighteen (18) years.

(1969 Code § 4-10.1; Ord. No. 73-2)

4-10.2 Group Rental Regulated. No room, rooms, apartment, cottage or house in the Borough shall be rented to, by or for any group of minors unless and until the following regulations have been complied with:

- a. Every group of minors when occupying a room, rooms, apartment, cottage or house shall be under the direct, immediate and personal supervision of a parent or guardian of one (1) of the minors in the group, or a competent adult person having charge of and being responsible for the proper conduct of minors.
- b. Before any room, rooms, apartment, cottage or house shall be occupied by a group of minors, the parent, guardian or adult person (as the case may be) referred to in the preceding paragraph, shall report to the Police Department and register for the group of minors in his or her custody, giving the name and address of the parent, guardian or adult person having a charge of such group of minors.

- c. No landlord, real estate broker or owner of any room, rooms, apartment, cottage or house shall permit the same to be occupied by any group of minors until the provisions of paragraphs a. and b. have been complied with.
- d. No landlord, real estate broker or owner of any room, rooms, apartment, cottage or house shall permit the same to be occupied by or used for any group of minors unless and until the lease is signed by a parent or guardian of one of the minors in the group or by a competent adult person having charge of the group of minors and being responsible for their proper conduct.
(1969 Code § 4-10.2)

4-10.3 Subletting Prohibited. No lease shall be sublet or assigned for use by another group of minors unless and until the same provisions are made and carried out as to the subletting or assignment as provided in this section for the original lease. (1969 Code § 4-10.3)

4-10.4 Qualifications of Parent or Guardian. No parent, guardian or adult person who shall have charge of a group of minors for the purposes stated herein shall have a criminal record. (1969 Code § 4-10.4)

4-11 BAD CHECKS.

4-11.1 Definitions. As used in this section:

Checks shall mean any check, draft, order or other instrument for the payment of money drawn upon any bank or other depository.

Issuing shall mean the making, drawing, altering, tendering or delivering of a check.

(1969 Code § 4-6.1)

4-11.2 Issuing Bad Checks Prohibited. It shall be unlawful for any person, either for himself or as agent or representative of another person, or as an officer or agent of any corporation, or as a member of a partnership, with intent to defraud, to make, draw, utter or deliver any check, draft or order for the payment of money in a sum not in excess of two hundred (\$200.00) dollars, upon any bank or other depository, knowing at the time of so doing that the maker or drawer has no funds or insufficient funds in, or credit with, such bank or other depository for the payment in full of such instrument upon its presentation, although no express representation is made in reference thereto. (1969 Code § 4-6.2)

4-11.3 Presumptions. The making, drawing, uttering or delivering of a check, draft or order as stated in the foregoing section shall be *prima facie* evidence of intent to defraud, and the certificate of protest of nonpayment of same shall be presumptive evidence that there were no funds or insufficient funds in or credit with such bank or other depository and that the person making, drawing, uttering or delivering the instrument knew that there were no funds or insufficient funds in or credit with such bank or other depository. (1969 Code § 4-6.3)

4-12 DISORDERLY CONDUCT AND ELIMINATION OF VICE, IMMORALITY AND PUBLIC NUISANCES.

4-12.1 Regulations. No person shall, within the Borough:

- a. Be intoxicated or drunk or disorderly in any public omnibus, street, beach, thoroughfare or on any sidewalk or in any private house, home or in any boardinghouse, store, restaurant or other private, public or quasi-public place or house;
- b. Appear on any street, park, beach, or other public place in a state of nudity, or make an indecent exposure of

his or her person or commit or do any lewd or indecent act or behave in a lewd or indecent manner;

- c. Keep or maintain or be present in a disorderly house or a house of ill-fame or allow or permit any house, shop, store or other building or structure owned or occupied by him or her to be used as a disorderly house or house of ill-fame;
- d. Solicit, invite or in any manner suggest by word of mouth or any writing or other communication or by any device whatsoever any lewd, lascivious or other immoral act;
- e. Permit any house, shop, store or other building or structure owned or occupied by him or her to be frequented or resorted to by noisy, riotous or disorderly persons or by prostitutes, gamblers or vagrants;
- f. Maliciously destroy, damage or injure any property, public or private;
- g. Cause or permit to be emitted any vile, offensive, obnoxious or nauseating odor, or any odor that may be vile, offensive, obnoxious or nauseating to any of the residents of the Borough;
- h. Cause or permit to be emitted any fumes, gases, vapors, steam or other substances of a nature, or of such quantity as to be injurious to life, health, plants, trees, produce of the soil, buildings or other property;
- i. Possess, keep or maintain any faro table, roulette wheel, equipment or supplies for lottery and numbers game or other games of chance, or any pinball machine designed for gambling, or other gambling device whatever;
- j. Carry without lawful authority any revolver, pistol or other instrument of the kind known as a blackjack, sling shot, blow gun or similar device, billy sand club, sand bag, bludgeon, metal knuckles, dagger, dirk,

POLICE REGULATIONS

4-12

dangerous knife, stiletto, bomb or other high explosive concealed in or about his or her clothes or person or in any portable vehicle, automobile, motorcycle or other vehicle. Nothing herein contained shall be construed in any way to prohibit the carrying or transportation of any firearms for hunting target practice, trap shooting or any similar lawful purpose which now or may hereafter be permitted by law;

- k. Possess, keep, sell, distribute or discharge any firecrackers, Roman candles, sky rockets or any fireworks of any explosive nature commonly used as fireworks display;
- l. Fire or discharge within the limits of the Borough any cannon, gun, pistol, revolver, firearm, firecrackers or fireworks of any description, in a careless, negligent or reckless manner, so as to endanger the life, welfare or property of anyone, provided that this section shall not apply.
 - 1. To any military exercises.
 - 2. To officers of this State, County or Borough with the enforcement of the law, while the officers are on duty.
 - 3. To the use of a pistol or revolver in the defense of life or property; or
 - 4. To licensed hunters during the legal gunning seasons.
- m. Have upon his or her person or in his or her possession any pick-lock key, crow, jack, bit or other implement with any intent to break and enter into any building.
- n. Go about from door to door or place himself or herself on any sidewalk, street, beach, store or other public place or places to beg or gather alms.

- o. Participate in any practice, sport or exercise which would create a danger to any person or persons on any sidewalk, street, park, beach or other public place.
- p. Enter any building or any public or private lands to break, injure or deface such building or any part thereof or the fences, outhouses, or other property belonging to or connected with such building.
- q. Hinder or obstruct any Borough officer in the performance of his duties or willfully refuse or neglect to assist any Borough officer when lawfully called upon by him to do so in the execution of any process or in the suppression of any breach of the peace or disorderly conduct or in case of escape or when such officer is resisted in the discharge of his duty; or resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill, order or process or when making any arrest.
- r. Willfully, wantonly, carelessly, recklessly or negligently run into or collide with any fire hydrant so to injure, damage or destroy same.
- s. Enter upon or trespass upon the land or property of any person, or upon the lands and premises of the Borough, or of any public or quasi-public body, without lawful permission to do so.
- t. Use a loud speaking device or apparatus, separate or attached to a mobile vehicle, not for advertising of any kind, nor shall any person use such loud speaker for any other purpose unless specifically permitted by some other law or ordinance.
- u. Open any public street in the Borough, for any purpose without having first obtained a written permit from the Superintendent of Water Department or the Borough Clerk to do so, nor fail to adequately protect the opening by barricades in the daytime and barricades and red lights at night, nor fail to properly replace the street

POLICE REGULATIONS

4-12

surface in its original condition within the time specified in the permit.

- v. At any time consume alcoholic beverages or have in his or her possession an opened container containing alcoholic beverage upon any street, sidewalk, beach, or in any automobile or other vehicle parked upon any street, highway, or alley or in any public building or public place, except in a licensed establishment, as regulated by the provisions of Chapter VI of this Revision on alcoholic beverage control.
- w. Place any garbage, litter, refuse, rubbish, recyclable material or other material of any sort, kind or description at the curb or any other place within the Borough for collection by the Sanitation and Recycling Department, except in an authorized private receptacle, in accordance with the rules and regulations of the Department of Sanitation and Recycling and, further, unless the person placing the garbage, litter, refuse, rubbish, recyclable material or other material is the owner, tenant or guest of the owner or tenant of the real property abutting the curb where such placement is made.
- x. Place any garbage, litter, refuse, rubbish, trash, recyclable material or any other material in any authorized private receptacle, except that the owner, tenant or guest of the owner or tenant may make such placement in the authorized private receptacle provided by the owner or tenant of the dwelling house occupied by the person or persons seeking to dispose of such garbage, litter, refuse, rubbish, trash, recyclable material or any other material.
- y. Feed or allow to be fed, any nonconfined wildlife in any public park, playground, beach, boat ramp or any other property owned and/or operated by the Municipality.
(Ord. No. 72-10; Ord. No. 81-6; Ord. No. 88-20 § 4; Ord. No. 2005-08 § III)

4-12.2 Fines. All fines imposed and collected under and by virtue of this section shall be paid into the Borough Treasury. (1969 Code § 4-12.3)

4-13 TOWING REQUIREMENTS.

4-13.1 Definitions. As used in this section:

Dolly service shall mean any operation in which a vehicle is moved without the use of its own tires or wheels, except in the case of a motorcycle or scooter.

Operator shall mean a person who is in actual physical control of the vehicle.

Owner shall mean a person who holds the legal title of a vehicle or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions state in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this section.

Towing operator shall mean any person, firm or corporation engaged in the business of providing wrecker services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by the person, firm or corporation.

Transmission service shall mean the combined operation of removing and then replacing a transmission locking pin, when such operation is necessary before a vehicle can be moved.

Winching service shall mean any operation in which a vehicle is moved onto a roadway, from a position off the

POLICE REGULATIONS

4-13

roadway or any operation in which substantial work is required to prepare a vehicle for normal towing.

Wrecker shall mean a vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles, or parts of vehicles which are unable to be

operated under their own power, for which a service charge or fee is exacted.

(Ord. No. 91-13 § 1)

4-13.2 Exemptions. Specifically exempted from being regulated under this section are towing operators providing towing, transporting, conveying or removing of vehicles from private property within the Borough who are directly and privately engaged or designated by the owner and/or operator of the vehicle to be towed, transported, conveyed or removed or the owner of the private property which the vehicle is located thereon. (Ord. No. 91-13 § 1)

4-13.3 Safety Equipment. Safety equipment to be carried on all trucks shall include approved Police emergency portable lights; universal towing sling; dolly wheels; tow hooks and chains; two (2) high test safety chains; auxiliary safety light kit to place on rear of towed vehicle; tool box with an assortment of hand tools and emergency pry bars; working lights; shovel and broom; steering wheel lock or tie down. (Ord. No. 91-13 § 1)

4-13.4 General Regulations.

- a. Each towing operator, prior to departure from the scene of towing services, shall clean and clear the streets of any debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services.
- b. Towing operators shall arrive at the scene to which dispatched within a reasonable time after being dispatched. Under normal circumstances, such reasonable time limit is defined as within one-half (1/2) hour. Next operator on the list shall be on standby when additional help is needed. If the next towing operator on the list is unable to provide adequate service, the Surf City Police Department reserves the

right to select the best qualified towing operator to perform the service required.

- c. When any unusual situation occurs which may be dangerous to the safety of the public or other unusual circumstances, the most qualified towing operator, in the discretion of the Surf City Police Department will be selected.
- d. Where no other designation has been made, towing operators are authorized to remove the vehicle to the towing operator's place of business.
- e. In all cases where vehicles are to be towed for illegal parking, summonses or for other purposes where summons shall be issued prior to towing, such vehicle shall not be released from Police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service and storage fees have been paid.
- f. When the owner of a vehicle desires to retrieve or take possession of same from a tower hereunder, he/she must, after payment of towing and storage fees, obtain a release slip from the Police Department and exhibit a copy thereof to the tower/operator.
- g. The Surf City Police Department shall keep and maintain a log record of calls to towing operators under this section. The record shall be available for public inspection upon reasonable notice.
- h. Towing operators shall provide to the Municipal Clerk a complete towing fee and storage fee schedule and related regulations which shall be updated annually. The schedules shall be made available to the public during normal municipal office hours.
- i. Each towing operator shall have on the place of business an area designated for the storage of towed vehicles. Operator shall provide for the reasonable security of those vehicles stored on their lot.

- j. All towing operators and their employees shall be fully trained and knowledgeable in the operation of all required equipment.
(Ord. No. 91-13 § 1)

4-13.5 Option to Choose Operator. Any person requiring emergency towing service as prescribed by this section shall have the option to engage an operator of his/her choice; provided, however, that the operator is immediately available to provide the service. If the operator is not immediately available and in the judgment of the Police Officer, the delay in waiting for the operator, will create an unreasonable traffic or safety hazard, the officer shall immediately provide for the towing of the vehicle by the designated operator, pursuant to the towing schedule. The owner shall have the option to engage his own operator only if he/she signs a release to the Township Police for liability thereof. (Ord. No. 91-13 § 1)

4-13.6 Insurance. All towing operators shall maintain and produce proof of the following insurance coverage to the Municipal Clerk:

- a. Workman's Compensation Insurance for all employees as required by statute.
- b. Liability Insurance—five hundred thousand (\$500,000.00) dollars.

Proof of insurance shall be by way of a Certificate of Insurance which also names the Borough of Surf City as additional insured and shall provide that the Borough receive thirty (30) days advance notice in writing in the event of cancellation.

(Ord. No. 91-13 § 1)

4-13.7 Indemnification. The operator shall indemnify, defend and hold harmless the Borough of Surf City from any and all claims against the Borough arising out of the operation of the operator, his servants, agents or employees

under this section. The operator shall provide a written hold harmless agreement, duly executed to the Municipal Clerk prior to being placed on the towing schedule. (Ord. No. 91-13 § 1)

4-13.8 Towing Schedule. Towing shall be scheduled on a per call basis. In the event that the dispatcher or other duly authorized person or officer attempts to contact the scheduled operator and there is no response to the call or the operator called cannot physically handle the safe removal of any certain vehicle, the dispatcher or other duly authorized person or officer shall then notify the next operator on the list to respond to the call. (Ord. No. 91-13 § 1)

4-13.9 Fees. The maximum fees to be charged by the towing operator to the motor vehicle operators or owners thereof shall be as follows with mileage being calculated based on the total distance traveled from the tow vehicles based of service to the job site and return, by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile. Towing fee shall include the first twenty-four (24) hour of storage of a vehicle.

a. *Towing of Accident and Theft Related Vehicles.*

Days—8:00 a.m. to 4:30 p.m. Monday through Friday, except New Jersey State Holidays:

First mile or less	\$35.00
Each additional mile	1.75

Nights, Weekends and New Jersey State Holidays:

First mile or less	\$45.00
Each additional mile	1.75

b. *Storage.*

Inside Building:

21 or more spaces	\$13.00
10-20 spaces	18.00
Less than 10 spaces	22.00

POLICE REGULATIONS

4-14

Outside Secured:

21 or more spaces	\$ 9.00
10-20 spaces.....	11.00
Less than 10 spaces	13.00

Outside Unsecured:

21 or more spaces	\$ 7.00
10-20 spaces.....	9.00
Less than 10 spaces	10.00

(Ord. No. 91-13 § 1)

4-13.10 Additional Charges. Additional charges may be made by any towing operator for towing or storage of vehicles in excess of three-fourths (3/4) ton, including tractor trailers, for services involving unusual wrecks, disassembled vehicles, embankment retrievals, disaster scenes, beach removals and for towing to a location outside the Borough pursuant to an express request by the owner or operator of the vehicle to be so moved. (Ord. No. 91-13 § 1)

4-13.11 Municipal Storage Facility. The Borough of Surf City shall charge a rate of ten (\$10.00) dollars per day storage fee for vehicles stored in unsecured lot owned and operated by the Borough. (Ord. No. 91-13 § 1)

4-13.12 Enforcement. The governing body hereby designates the Surf City Police Department as the supervising authority to enforce the provisions of this section. (Ord. No. 91-13 § 1)

4-14 DRUG-FREE ZONES.

4-14.1 Map Adopted. In accordance with and pursuant to the authority of L. 1988, c.44 (C.2C:35-7), the Drug-Free Zone Map produced on or about March 9, 1999 by the firm of Bay Pointe Engineering Associates, Inc. and certified as to on July 6, 1999, is hereby approved and adopted as an official finding and record of the location and areas within the

municipality of property which is either owned or leased to any elementary school or school board, and the areas on or within one thousand (1,000) feet of such school property and/or within five hundred (500') feet of the real property comprising a public housing facility, a public park or a public building. (Ord. No. 94-12 § 1; Ord. No. 99-8 § I; Ord. No. 99-11 § I)

4-14.2 Map as Official Finding for Schools. The Drug-Free Zone Map approved and adopted pursuant to subsection 4-14.1 of this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property which is either owned or leased to any elementary school or school board which is used for school purposes until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free Zones. (Ord. No. 94-12 § 2; Ord. No. 99-8 § II; Ord. No. 99-11 § II)

4-14.3 Notification of Changes in School Boundaries. The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Municipal Administrator and/or Municipal Clerk of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes. (Ord. No. 94-12 § 3; Ord. No. 98-8 § III; Ord. No. 99-11 § III)

4-14.4 Map as Official Finding for Public Housing Facility, Public Park or Public Building. The Drug-Free Zone Map approved and adopted pursuant to subsection 4-14.1 of this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within five hundred (500) feet of real property comprising a public housing facility, a public park or a public building, which is until such time if any that this section shall be

amended to reflect any additions or deletions with respect to the location and boundaries of real property and Drug-Free Zones. (Ord. No. 99-8 § IV; Ord. No. 99-11 § IV)

4-14.5 Change in Boundaries for Public Housing Facility, Public Park or Public Building. The Chief Administrative Officer is hereby directed and shall have the continuing obligation to promptly notify the Municipal Administrator and/or Municipal Clerk of any changes or contemplated changes in the location and boundaries of any real property comprising a public housing facility, a public park or a public building. (Ord. No. 99-8 § V; Ord. No. 99-11 § V)

4-14.6 Filing and Copies of Map. The Municipal Clerk of the municipality is hereby directed to receive and keep on file the original of the map approved and adopted pursuant to subsection 4-14.1 of this section, and to provide at a reasonable cost a true copy thereof to any person, agency, or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this section shall be provided without cost to the County Clerk and to the Office of the Ocean County Prosecutor. (Ord. No. 94-12 § 4; Ord. No. 99-8 § VI; Ord. No. 99-11 § VI)

4-14.7 Map Intended for Evidence. The following additional matters are hereby determined, declared, recited and stated:

- a. It is understood that the map approved and adopted pursuant to subsection 4-14.1 of this section was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State Law, such map shall constitute prima facie evidence of the following:

1. The location of elementary and secondary schools within the municipality;
 2. The boundaries of the real property which is owned by or leased to such schools or a school board;
 3. That such school property is and continues to be used for school purposes, and
 4. The location and boundaries of areas which are on or within one thousand (1,000') feet of such school property.
 5. The location of real property comprising a public housing facility, a public park or a public building within the municipality.
 6. The boundaries of the real property comprising a public housing facility, a public park or a public building;
 7. That such real property comprising a public housing facility, a public park or a public building property is and continues to be used for said purposes, and
 8. The location and boundaries of areas which are on or within five hundred (500') feet of such real property comprising a public housing facility, a public park or a public building.
- b. Except as is otherwise expressly noted on the face of the approved and adopted map, all of the property depicted on the map approved and adopted herein as school property was owned by (or leased to) a school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of L. 1987 c.101 (C.2C:35-7).
- c. All of the real property depicted on the map approved and adopted herein as real property comprising a public housing facility, a public park or a public building was being used as a public housing facility, a public park or

a public building as of January 9, 1998, that being the effective date of L. 1997 c.327 § 1 (C.2C:35-7.1).

- d. Pursuant to the provisions of L. 1988, c.4, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to subsection 4-14.1 of this section. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, or real property comprising a public housing facility, a public park or a public building, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding on record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes or that such real property is not comprising a public housing facility, a public park or a public building or that such property is not being used as a public housing facility, a public park or a public building.
- e. All of the requirements set forth in L. 1988, c.44 et seq. concerning the preparation, approval and adoption of a Drug-Free Zone Map have been complied with.
(Ord. No. 94-12 § 5; Ord. No. 99-8 § VII; Ord. No. 99-11 § VII)

4-15 POSSESSION, CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSON UNDER LEGAL AGE ON PRIVATE PROPERTY; PENALTY.

4-15.1 Purpose. The purpose of this section is to provide for the enforcement of P.L. 2000 c.33. (Ord. No. 2000-12 § I)

4-15.2 Definitions. As used in this section:

Guardian shall mean a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

Relative shall mean the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

(Ord. No. 2000-12 § I)

4-15.3 Possession, Consumption of Alcoholic Beverages by Person Under Legal Age on Private Property; Penalty. Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage on private property shall be punished by a fine of two hundred fifty (\$250.00) dollars for a first offense and three hundred fifty (\$350.00) dollars for any subsequent offense. The Court may, in addition to the fine authorized for this offense, suspend or postpone for six (6) months the driving privilege of the defendant.

Upon the conviction of any person and the suspension or postponement of that person's driver's license, the Court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the Court pursuant to this section. If a person at the time of the imposition of a sentence is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of seventeen (17) years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the Court shall immediately collect the license and forward it to the Division along with the report. If for any reason the license cannot be collected, the Court shall include in the report the complete

name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the Court.

The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of a written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

The Court shall, of any person convicted under this section who is not a New Jersey resident, suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The Court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the Court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

This section does not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

This section does not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a County vocational school or post secondary educational institution; however, no ordinance enacted pursuant to this section shall be construed to preclude

the imposition of a penalty under this section, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages. (Ord. No. 2000-12 § I)

4-16 ILLICIT CONNECTIONS TO STORMWATER SYSTEM.

4-16.1 Illicit Connection. An illicit connection is any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the sewer authority, unless that discharge is authorized under a NJDES permit other than the Tier A Municipal Stormwater General Permit. Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the municipality any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater). (Ord. No. 2005-08 § V; Ord. No. 2006-14 § 1)