

ORDINANCE #364-93

"AN ORDINANCE REGULATING PEACE, NOISE, AND GOOD ORDER IN AND ABOUT THE BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR ANY VIOLATION THEREOF."

BE IT ORDAINED by the MAYOR AND COUNCIL of the BOROUGH OF OCEAN GATE, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

SECTION 1. Certain conduct prohibited.

It shall be unlawful for any person to:

- A. Provoke a breach of the peace on any public or private sidewalk or public or private street or public or private parking lot in the Borough.
- B. Congregate with other persons on a public or private street or sidewalk or on a public or private parking lot with an intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned and refuse to move from said public or private street, sidewalk or parking lot after being requested to do so by a police officer of the Borough.
- C. Congregate with other persons on a public or private sidewalk or on a public or private street or on a public or private parking lot in the Borough so as to prevent the unhampered passage along and over said sidewalk, street or parking lot by the public.
- D. Refuse to move on when so ordered by a police officer, provided that the police officer has exercised reasonable discretion under the circumstances, in order to preserve or promote public peace and order.
- E. For the purposes of this chapter, public sidewalks, streets and parking lots shall include, but are not limited to those sidewalks, streets, and parking lots under the control of the Board of Education, the Recreation Department and any other municipal agency of the Borough.

SECTION 2. Alcoholic beverages

- A. It shall be unlawful for any person to drink, buy or consume any alcoholic beverage or have in his or her possession any open alcoholic beverage container with unconsumed alcoholic beverage contained therein in the following places, locations, situations or settings:
 1. Upon any portion of lawn or other public ground within the Borough, including, but not limited to public places, playgrounds, municipal grounds surrounding municipal buildings, grounds under the control of the Board of Education, grounds under the control of the Recreation Department, streets and sidewalks within the Borough without the express consent of the Borough Council or its delegated agency.
 2. Upon any private property owned by such person without the expressed permission of the owner or other person having authority to grant such permission.
- B. At certain specifically designated recreation areas, the Recreation Department and the Board of Education or any other body of the municipal government may issue a special permit for the consumption of alcoholic beverages at a picnic or other activity sponsored by a nonprofit corporation or organization.
- C. No person shall discharge any alcoholic beverage container upon any public street, lane, sidewalk, public parking lot or other private property not his own without the permission of the owner.
- D. No person or persons, whether owner, tenant, occupant or guest, shall suffer or take part in any riotous or other disorderly conduct that shall disturb the peace and quiet of any family or neighborhood of any inhabitants of this Borough.

SECTION 3. Disturbing the peace prohibited.

No person shall, by noisy or disorderly conduct, disturb or interfere with the quiet or good order of any place of assembly, public or private, including schools, churches, libraries and reading rooms.

SECTION 4. Interference with proceedings of officials.

No person shall interfere with hinder, disturb or obstruction the proceedings or deliberations of the Borough Council, the Board of Health or any other official body of the Borough of Ocean Gate; nor shall any person molest obstruct, hinder or interfere with any Borough official or officer engaged in the performance of his duty or knowingly resist or oppose any person authorized by law to make arrests or to serve any writ, bill, order, or process when the person so authorized is acting in the performance of his/her duty.

SECTION 5. Defacing of property.

No person shall write or cause to be written any lewd or obscene word or words, mark or marks whatsoever upon any house, building, wall, fence or other place in the Borough, or deface any structure by marks, drawings or graffiti.

SECTION 6. Throwing objects at vehicles.

No person shall cast, shoot or throw anything at, against or into any vehicle airplane or other facility of transportation with intent to damage said vehicle or the passengers therein.

SECTION 7. Depositing substances in streets.

No person shall place or throw or suffer or permit the depositing of any stones, sticks, glass, snow or ice or any hard, dangerous or offensive substance upon any street, avenue, road, highway or other public thoroughfare; nor shall any person throw any such object or substance at or against any person, vehicle or transportation, building or other structure.

SECTION 8. Additional prohibitions.

The following acts shall also be prohibited:

- A. No person shall at any time use any automobile, truck, or other vehicle located on any public or private highway, road or street or any public or private lot or premises in the Borough for:
 - Living purposes;
- B. No person shall urinate in the open or any public or private place, lot or premises, highway, road or street in the Borough.
- C. No person shall at any time undress or change his or her clothes or wearing apparel on a beach or boardwalk or in waters adjacent thereto in any automobile, truck or other vehicle located on any public or private highway road, street or any public or quasi-public lot or in the open on any public or private lot or premises, highway, road or street in the Borough.

SECTION 9. General noise prohibition.

- A. The making, creating or permitting of any unreasonably loud, disturbing or unnecessary noise within the Borough is hereby prohibited.
- B. The making, creating or permitting of any noise of such character, intent or duration that is detrimental to the life, health or welfare of any individual or which, either steadily or intermittently annoys, disturbs injures or endangers the comfort, repose, peace or safety of any individual is hereby prohibited.

SECTION 10. Specific noise prohibitions.

Unless exempted under the provisions of this chapter, no person shall cause to be made directly or indirectly, any of the following noises which have been deemed to be unnecessary any in violation of this chapter. Said enumeration shall not be deemed to be exclusive.

- A. Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Borough, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary and unreasonable period of time.
- B. Burglar, fire and other audible alarm systems. The sounding of any alarm system for an unnecessary and unreasonable period of time.
- C. Sound-producing devices. The using, operating or permitting to be played of any radio receiving set, musical instrument, phonograph, live band, speaker system or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time, with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or devices operate and who are voluntary listeners thereto. The operation of any such instrument as enumerated heretofore between the hours of 11:00 P.M. and 7:00 A.M. in a manner as to be plainly audible at a distance of one hundred (100) feet or more from the vehicle or structure within which the same is located shall be prima facie evidence of a violation of this Section.
- D. Yelling and shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling or other type of residence or of any persons in the vicinity.
- E. Animals, birds, etc. The keeping of any animal or bird which by causing of frequent or loud, continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- F. Exhaust. The discharge into the open air of any exhaust of any steam engine, stationary internal-combustion engine motorboat or motor vehicle, except through a muffler or other device which will effectively prevent ^{loud} or explosive noises therefrom.
- G. Construction or repair. Operating or use of any pile driver steam shovel pneumatic hammer, derrick, steam or electric hoist or any tools or equipment which shall make any loud or disturbing noise on any Sunday, legal holiday or on any weekdays between the hours of 9:00 P.M. and 7:00 A.M. in conduct any excavation, demolition, erection, alteration, repair or other building operation within one thousand (1,000) feet of any dwelling or business property, except in the case of urgent necessity in the interest of public safety and then only upon obtaining the consent of the proper authority of the Borough or the Police Department of the Borough, as the case may be, which permission must be renewed every three (3) days.
- H. Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- I. Blowers. The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is multiple and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION II. Exceptions

Nothing herein contained shall be construed to apply to:

- A. The use of bells, chimes or sound amplifiers by churches and church activities.
- B. Activities of the Borough departments in performance of their duties, drills or public demonstrations.
- C. Activities in the public parks, playgrounds or public buildings under the permission or authority of Borough officials.
- D. Any public utility as defined in Title 48 of the Revised Statutes of New Jersey, or to any employee of such public utility when such public utility or its employees shall be engaged in performing work to prevent the threatened interruption of services or to terminate the interruption of services rendered to its customers.

SECTION 12. Violations and penalties.

Any person, partnership, corporation or other entity who violates any provision of this Ordinance shall be subject to one (1) or more of the following penalties: No more than one thousand dollars (\$1,000) or imprisonment in the Ocean County Jail not exceeding ninety (90) days. In the event that the Statutes of the State are amended to provide greater penalties, this Section may be construed to authorize and permit the imposition of said maximum fine, imprisonment or community service. The purpose of this penalty clause is to provide the maximum penalty permitted by law.

SECTION 13. Severability.

In the event that any section, sentence or clause of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, said declaration shall not in any manner prejudice the enforcement of the remaining provisions as long as the intent of the remaining provisions, sentences or clauses are consistent with the purposes of this Ordinance.

SECTION 14. This Ordinance shall take effect immediately upon its final passage, publication and approval as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Ocean Gate, in the County of Ocean, held on March 9, 1993, and will come on for second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on March 23, 1993, at Borough Council Chambers, Adrian Hall, East Cape May Avenue, Ocean Gate, New Jersey, at 8:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within Ordinance, will be given an opportunity to be so heard.

Margaret S. Boice

Margaret S. Boice
Borough Clerk