

ORDINANCE 2024-06

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING CHAPTER 9.24, WHICH PERTAINS TO LOITERING, REPEALING CHAPTER 9.28 WHICH PERTAINS TO THE CURFEW, AND AMENDING CHAPTER 9.32, WHICH PERTAINS TO MISCELLANEOUS OFFENSES

STATEMENT OF PURPOSE

The purpose of this ordinance is to repeal Chapter 9.24 which regulates loitering, repeal Chapter 9.28 which relates to the Curfew, and repeal and replace Chapter 9.32 which regulates miscellaneous offenses in order to adopt, update, and reformat regulations relating to the peace and good order and the curfew.

SECTION I

Chapters 9.24 and 9.28 are repealed and marked “(Reserved)”.

SECTION II

§9.32 is repealed and replaced with the following.

Chapter 9.32 Peace and Good Order.

§9.32.010 Public Obstruction and Sleeping.

- A. No person shall intentionally obstruct or interfere with pedestrian or vehicular traffic upon public pavilions, public parks, public docks, public boat ramps, or any other public places. Acts authorized as an exercise of one's Constitutional right to picket or legally protest and acts authorized by a permit issued shall not constitute obstruction.
- B. No person shall sleep in or on any public street, public sidewalk, public pavilion, public park, public docks, public boat ramps, or other public places in a manner that interferes with the passage of any vehicle or person or any person's use lawful use of said public places.
- C. It shall be unlawful to sleep in any parked vehicle at any time or to sleep or lie upon any public or quasi-public bench or seat or usurp the use of such bench or seat for the storage of bundles or other objects so as to prevent the reasonable use thereof by others.

§9.32.020 Illegal entry.

It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously obtained express or implied permission of the owner or person in lawful control and possession of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

§9.32.030 Disturbing good order and peace.

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity in any public or quasi-public place, public rights-of-way, public sidewalk, public park, public dock, public boat ramp, or in any building open for the accommodation of the public for entertainment, or for room accommodations.
- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to picnic, change apparel, dress or undress, or to urinate or defecate upon the premises or commit any other nuisance.

§9.32.040 Keeping and harboring of certain animals.

The Borough of Ship Bottom prohibits the keeping of the following animals.

- A. Animals commonly designated as wild animals, such as lions, tigers, primates, bears, or any other similar animals or members of the dog or cat family usually living in a wild state.
- B. Horses, ponies, donkeys, mules, and any animals commonly referred to as livestock, such as swine, cattle, sheep, pigs, goats, chickens, ducks, geese, pheasants, pigeons, or any other fowl, singly or in any number, and any other related livestock or species.
- C. No person shall keep, harbor, maintain nor have in his or her possession, for any purpose whatsoever, at any place or location anywhere within the Borough, any animal of any sort, kind, or description which is capable of producing poison or venoms harmful or inimical to human beings. The prohibition in this section shall extend to animals whose venom or poison-producing organs or glands have been removed.

§9.32.060 Urinating in public.

- A. No person shall urinate, defecate, or expectorate on any public or private property or place, or within public view, or in any other place open to and used by the public or outdoors upon any private property.
- B. For purposes of this section as such pertains to urinating and defecating, there shall be a rebuttal presumption that this section was violated by a person who is in close proximity to what appears to the complainant or other witness to be fresh urine or feces and in the process of partially disrobing or dressing.

§9.32.070 Juvenile curfew.

- A. The following definitions shall apply to this Section.

GUARDIAN

A person other than a parent to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

JUVENILE

An individual who is under the age of 18 years.

PUBLIC PLACE

Any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, unimproved lots, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot, or any other public building, structure, or area.

- B. Except as otherwise provided herein, juveniles shall not be permitted in any public place after 12:00 a.m. and until 5:00 a.m. the following day.
 - 1. Juveniles 14 through 17 years of age may travel to and from a business or occupation which the laws authorize a juvenile to perform.
 - 2. All juveniles may engage in errands involving medical emergencies and cultural, educational, and social events sponsored by religious or community-based organizations during curfew hours.
- C. Juveniles may be permitted outside in any public areas set forth above after 12:00 a.m. and until 5:00 a.m. the following day, provided they are accompanied by their parent or legal guardian.
- D. It shall be unlawful for any parent or guardian to knowingly allow an unaccompanied juvenile to be in any area set forth in Paragraph A above after 12:00 a.m. and until 5:00 a.m. the following day.

§9.32.080 Violations and penalties.

A violation of this article shall be punishable as provided in Title 1, General Provisions, Chapter 1.08, General Penalty.

SECTION III

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-06 was duly adopted by the Mayor and Council at the meeting held on February 27, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor