

CHAPTER 120 PEACE AND GOOD ORDER

ARTICLE I DISORDERLY CONDUCT

120-1 PROHIBITED ACTS OR ACTIVITIES.

No person shall, within the limits of the Borough of Cape May Point:

a. Consume or possess alcoholic beverages within or on any street, road, avenue, sidewalk, thoroughfare, beach, beach area, approaches thereto, public building or other public or quasi-public place.

b. Throw or discard any tin cans, bottles, garbage or refuse of any kind whatsoever into the water of the Atlantic Ocean or Lake Lily or upon the public street, beach or other public place or discard any sewage or waste into said water or places or any of them or pollute said water in any manner; to place or cause to be placed trash, garbage, brush, fill or other landscape debris or construction waste and debris in any channel, ditch, storm sewer or storm drain which carries storm drainage water, or in any pond, lake or basin which stores stormwater.

c. Throw any paper or posters, stones, sticks, glass, metal or any hard, dangerous or offensive substance upon any sidewalk, street, highway or public place or at any car, vehicle, house, building, fence or person or dump any trash or garbage upon private property not his own.

d. 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 of Cape May Point.

e. Cause or permit to be emitted any smoke, 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, or of such a nature or of such quantity as to be offensive, obnoxious or nauseating to any of the residents of the Borough of Cape May Point.

f. Permit growth of weeds which grass or other impediments on or adjacent to the sidewalks, gutters and street lines of any public street, road, avenue or highway in the Borough.

g. Fire or discharge within the limits of the Borough of Cape May Point any cannon, gun, pistol, revolver, firearm, bow and arrow, crossbow, weapon, 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, however, that this subsection shall not apply to:

1. Any military exercises.
2. Officers of this State, County or Borough charged with the enforcement of the law while said officers are on duty.

h. 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.

i. Participate in any practice, sport or exercise having a tendency to annoy, disturb or frighten any person or persons on any sidewalk, street, road, park, beach or other public place.

j. Change from street attire into bathing suits, or vice versa, in any public building, on any public beach or in any motor vehicle.

k. Unnecessarily obstruct any sidewalk, street or public place with any kind of vehicle or vehicles or with any kind of box or boxes, lumber, wood or other thing, but the provisions of this paragraph shall not prevent persons who are building from occupying such portion of the sidewalk, street or public place designated in a permit therefor.

l. Fail or neglect to provide and use garbage cans with tightfitting covers so that no nuisance may be created by said use nor willfully upset garbage or trash cans on streets or sidewalks.

m. Start or maintain any fire at any time outside the confines of his own property or fail to adequately care for and supervise any fire to prevent the same from spreading beyond the confines of his own property or becoming a nuisance beyond the confines of the same.

n. *Unnecessary Noise.*

1. Make or continue, or permit or cause to be made or continued, any loud, unnecessary or unusual noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Borough of Cape May Point.

2. The following acts are declared to be loud, unnecessary and unusual noises in violation of this chapter:

(a) The sounding of any horn or signal device on any vehicle of any type or description on any street or public place of this Borough, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signal device and the sounding of any such device for unnecessary or unreasonable periods of time, except warnings required by emergency vehicles.

(b) Using, operating or permitting to be played any radio set, television set, musical instrument, phonograph, lawn mower of any type, either power or manual, or other machines or devices producing or reproducing sound, in such manner as to disturb the peace, quiet and comfort of the neighbors. The operation of any such sets, instruments, machines or devices between the hours of 10:00 p.m. and 8:00 a.m., prevailing time, in such a manner as to be plainly audible at a distance of fifty (50) feet from the building or vehicle in which it is located, shall be prima facie evidence of a violation of this paragraph.

(c) Using, operating or permitting the use or operation of the instruments set forth in the preceding paragraph hereof for the purpose of commercial advertising or attracting attention of the public to any building or structure.

(d) Yelling, shouting, hooting, whistling or singing on the public streets or in any dwelling which shall disturb the comfort or repose of any person in the vicinity between the hours of 10:00 p.m. and 8:00 a.m., prevailing time.

(e) The keeping of any animal or bird which, by causing frequent or long-continued noises, shall disturb the comfort or repose of any person in the vicinity.

(f) The use of any vehicle of any kind whatsoever so out of repair or in such manner as to create unnecessary, grinding, grating or rattling noises.

(g) The creation of loud and excessive noises in the opening or destruction of bales, boxes, crates and containers.

(h) The erection, excavation, demolition, alteration or repair of any building or grounds between the hours of 10:00 p.m. and 8:00 a.m., prevailing time, except in cases of urgent necessity, and then only with a permit from the Construction Official. The Construction Official shall determine prior to the issuance of such permit that the public health and safety will be impaired if the erection, excavation, demolition, alteration or repair is not performed immediately.

(i) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church or court while the same is in use.

(j) Shouting and crying of peddlers, hawkers and vendors.

(k) Any and all other unnecessary, unusual or disturbing noises, as shall be determined by the Municipal Court, not enumerated herein.

o. Engage, at any time of the day or night, in the practice commonly known as "sleeping in cars" on the public streets or in other public places within the limits of the Borough.

p. Cut, trim, damage or disturb any plant, tree, bush or natural growth or natural vegetation on any Borough land or on any dedicated natural area without recommendation of the Environmental Commission and appropriate resolution of the Board of Commissioners.

q. Stuff in doorways or otherwise deposit advertisements or other materials on the grounds of any private residence in the Borough.

(1988 Code § 120-1; Ord. No. 552-08; Ord. No. 2014-11)

120-2 OBSERVANCE OF LAWFUL ORDERS AND DIRECTIONS.

All orders, directions, whistles or other signals used by police officers and lifeguards within the Borough of Cape May Point shall be immediately obeyed by those to whom the orders or directions are issued. (1988 Code § 120-1.1)

120-3 WORD USAGE.

The term "person" as used in this Article shall, wherever appropriate in connection with the context, include corporation, partnership, association and individual and shall include the plural. The masculine pronoun shall include the feminine and neuter. (1988 Code § 120-3)

120-4—120-9 RESERVED. ARTICLE II ABANDONED MOTOR VEHICLES

120-10 ABANDONED MOTOR VEHICLES; REGULATIONS.

120-10.1 Definitions.

The following definitions shall apply in the interpretation and enforcement of this section:

Property shall mean any real property within the Borough which is not a street or highway.

Street or **Highway** shall mean the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle shall mean a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runner or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons. (Ord. No. 441-01)

120-10.2 Abandonment of Vehicles Prohibited.

No person shall abandon any vehicle within the Borough and no person shall leave any vehicle at any place within the Borough for such time and under such circumstances as to cause such vehicle to reasonably appear to have been abandoned. (Ord. No. 441-10)

120-10.3 Leaving of Wrecked, Nonoperating Vehicles on Street Prohibited.

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the Borough. (Ord. No. 441-04)

120-10.4 Disposition of Wrecked or Discarded Vehicles.

No person in charge or control of any property within the Borough whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicles to remain on such property longer than forty-eight (48) hours; and no person shall leave any such vehicle on any property within the Borough for a longer time than forty-eight (48) hours; except that this subsection shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful, place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough. (Ord. No. 441-04)

120-10.5 Impounding.

Any member of any Police Department empowered to exercise police powers within the Borough of Cape May Point is hereby authorized to remove or have removed any vehicle left at any place within the Borough which reasonably appears to be in violation of this section, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable statutes. Such police officer shall notify the registered and legal owner in writing by person service or by certified mail, at the last known address of the owner, of the removal of such vehicle and the reason for the same, and the location of the vehicle. Such vehicle shall be retained and impounded until the owner or his duly authorized agent shall have paid the cost of such taking and removal, together with a garage charge for each and every day such vehicle is retained and impounded. (Ord. No. 441-04)

120-10.6 Emergency Approval.

If there should be an emergency need or valid reason for the temporary leaving of a vehicle on a street, highway or property, the person in charge of that vehicle must file a written registration with the Police Department or the Municipal Clerk stating the reason for the request and setting forth the local persons to contact with a local phone number. (Ord. No. 441-04)

ARTICLE III PERSONAL MEMORIALS ON PUBLIC PROPERTY

120-11 PERSONAL MEMORIALS ON PUBLIC PROPERTY PROHIBITED.

a. All private memorials as defined herein are prohibited.

b. *Definitions.*

Private Memorials shall mean and include but are not limited to: signs, plaques, and/or engraved items of any type posted in remembrance of a particular individual.

ARTICLE IV ALCOHOLIC BEVERAGES: UNDERAGE PERSONS ON PRIVATE PROPERTY

120-12 ALCOHOL POSSESSION AND/OR CONSUMPTION BY UNDERAGE PERSONS.

120-12.1 Prohibition; Exception.

It shall be unlawful to possess or consume alcoholic beverages on private property by a minor under the age of twenty-one (21) years unless:

a. Said minor under the age of twenty-one (21) years is possessing or consuming alcohol in connection with a religious observance, ceremony or rite, and consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative, who has obtained the legal age to purchase and consume alcoholic beverages;

b. Said minor under the age of twenty-one (21) years of age is engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, or while such minor is actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a County or vocational school or post secondary educational institution.

(Ord. No. 596-11 § 1)

120-12.2 Definitions.

The definitions contained in N.J.S.A.40:48-1 (c) are applicable to this Article and are currently as follows:

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

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

(Ord. No. 596-11 § 2)

120-12.3 Violations and Penalties.

Anyone convicted of a violation of this Article shall be subject to a fine of two hundred fifty (\$250.00) dollars for the first offense and three hundred fifty (\$350.00) dollars for any subsequent offense. In addition thereto, the sentencing court may, in addition to the fine authorized herein, suspend or postpone for six (6) months, the driving privileges of the defendant. If the defendant, at the time of sentencing, is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating 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. (Ord. No. 596-11 § 3)

120-12.4 Exemption from Prosecution.

a. An underage person and one or two other persons shall be immune from prosecution under this Article prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:

1. One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;
3. The underage person was the first person to make the 9-1-1 report; and
4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

b. The underage person who received medical assistance as provided in paragraph a. above also shall be immune from prosecution under this section

(N.J.S.A. 40:48-1.2a; New)

ARTICLE V PENALTIES FOR VIOLATIONS

120-13 VIOLATIONS AND PENALTIES.

Unless another penalty is provided by law, any person, firm, association, partnership or corporation violating any section of this chapter, shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5. (1988 Code § 120-10)