

CHAPTER III VIOLATIONS AND OFFENSES

3-1 LITTER^{*}

3-1.1 Title.

This section shall be known and may be cited as the "Antilitter Ordinance of the City of Sea Isle City." (1976 Code § 11-21; Ord. No. 962 § I)

3-1.2 Definitions.

As used in this section:

Aircraft shall mean any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word *aircraft* shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacles shall mean a litter storage and collection receptacle.

City shall mean the City of Sea Isle City.

Debris shall mean stones, dirt, demolition material, broken concrete, and other like materials, brush, branches, small trees and bushes.

Deck shall include any patio, porch or balcony.

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

Glass shall mean all food and beverage containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and other materials commonly known as glass, excluding blue and flat glass commonly known as window glass, mirrors, milk glass, crystal, china and ceramic material.

Leaves shall mean clean leaves exclusive of such debris as brush, branches, small trees and bushes.

Litter shall mean *garbage*, *refuse* 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.

Metal shall mean all food and beverage containers made of aluminum cans.

Mixed paper shall mean all uncontaminated paper material including used newspaper, magazines, advertising circulars, office paper, wrapping paper, brown bags, corrugated cardboard, discarded letters and envelopes.

Park shall mean a park, reservation, playground, boardwalk, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Private premises shall mean any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwellings, house, building or other structure.

Public place^{*} shall mean any and all streets, sidewalks, beaches, boardwalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse shall mean all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

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

Trash shall mean ashes, plastic material, ceramics, blue and flat glass, nonputrescible solid waste, grass clippings, building materials, contaminated paper, and other 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.

(1976 Code § 11-22; Ord. No. 962 § II; Ord. No. 1181 § I)

3-1.3 Litter in Public Places Prohibited.

No person shall throw or deposit litter in or upon any street, sidewalk, beach, boardwalk or other public place within the City except in public receptacles, authorized private receptacles for collection, or in official City dumps. No person shall discard or dump any household or commercial waste in any place other than those specifically designated for the purpose of solid waste storage or disposal. (1976 Code § 11-25; Ord. No. 962 § III)

3-1.4 Placement of Litter in Receptacles.

a. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a 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. The City will place litter receptacles at all sidewalks used by pedestrians in active commercially-zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle.

c. Receptacles will be placed at buildings held out for use by the public, including schools, government buildings, parks, all street veteran vendor locations, public marinas to include boat moorage and fueling stations, launching areas and public piers operated for public use, public beaches and bathing areas, and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.

d. Proprietors of such places or the sponsors of these events shall be responsible for providing and servicing the litter receptacles such that adequate containerization is available.

(1976 Code § 11-23; Ord. No. 962 § IV)

3-1.5 Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the City 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. (1976 Code § 11-26; Ord. No. 962 § V)

3-1.6 Merchants' Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter. (1976 Code § 11-26; Ord. No. 962 § VI)

3-1.7 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 City, or upon private property. (1976 Code § 11-27; Ord. No. 962 § VII)

3-1.8 Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the City unless the 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. No person shall drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit mud, dirt, sticky substances, litter or foreign matter of any kind in any street, alley or other public place. (1976 Code § 11-33; Ord. No. 962 § VIII)

3-1.9 Litter in Parks.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1976 Code § 11-29; Ord. No. 962 § IX)

3-1.10 Litter in Ocean and Fountains.

No person shall throw or deposit litter in any fountain, pond, ocean, stream, bay or other body of water in a park or elsewhere within the City. No person shall throw or deposit litter, including fish heads and fish parts, in or on any public place or in any body of water within the municipal boundaries. (1976 Code § 11-30; Ord. No. 962 § X)

3-1.11 Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or other object. (1976 Code § 11-28; Ord. No. 962 § XVI)

3-1.12 Posting Notices Prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or shade tree, or upon any public structure or building except as may be authorized or required by law. (1976 Code § 11-34; Ord. No. 962 § XVII)

3-1.13 Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by the person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (1976 Code § 11-31; Ord. No. 962 § XVIII)

3-1.14 Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection. (1976 Code § 11-24; Ord. No. 962 § XIX)

3-1.15 Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by the person or not. (1976 Code § 11-32; Ord. No. 962 § XX)

3-1.16 Other Prohibitions and Requirements.

- a. The storage in areas zoned residential of any bulky household items such as appliances, furniture or mat-tresses, except in a fully enclosed structure or during days designated for the collection of bulky items, is hereby prohibited.
- b. Storing tires in areas zoned residential, except in a fully enclosed structure, is prohibited.
- c. Keeping inoperable or unregistered vehicles on streets, vacant lots and residential lawns is prohibited
- d. The covering of vehicles to prevent loads from dropping, sifting, leaking or otherwise escaping is required.
- e. The accumulation of debris on or around construction sites, or its storage in such a manner that it is likely to be removed by natural forces onto adjacent property, is prohibited.
- f. Open or overflowing commercial, industrial or residential waste disposal bins are prohibited.
- g. Every owner, lessee, tenant, occupant or person in charge of any building or structure is required to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction and nuisances of every kind, and to keep the sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material.
- h. It is prohibited to sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property is required to keep the sidewalk in front of his or her premises free of litter. It is further required that all sweepings shall be collected and properly containerized for disposal.

i. It is prohibited for any owner, lessee, tenant, occupant or person in charge of any building or structure to keep or cause to be kept an accumulation of trash, garbage, refuse, debris, glass, leaves, metal, mixed paper or rubbish on a deck, whether loose or in a container or authorized private receptacle. Each day upon which a violation of this section shall continue to exist, shall be deemed a separate offense.

(Ord. No. 962 § XXI; Ord. No. 1181, § II)

3-1.17 Clearing of Litter from Open Private Property by the City.

- a. *Notice to Remove.* The Health Department is hereby authorized and empowered to notify the owner of any open or vacant private property within the city, or

the agent of the owner, to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be by certified mail addressed to the owner at his/her last known address.

b. *Action Upon Noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare, within ten (10) days after the receipt of written notice provided for in paragraph a. above, or within fifteen (15) days after the date of the notice in the event the same is returned to the Post Office because of the inability to make delivery thereof (provided the notice was properly addressed to the last known address of the owner or agent), the Health Department is hereby authorized and empowered to pay for disposing of the litter or to order its disposal by the City.

c. *Charge Included in Tax Bill.* When the City has effected removal of the dangerous litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six (6%) percent per annum from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner by the City, and the charge shall be due and payable by the owner at the time of payment of the tax bill.

d. *Recorded Statement Constitutes Lien.* When the full amount due the City is not paid by the owner within thirty (30) days after the disposal of the litter as provided for in paragraph c. above, then the Health Department shall cause to be recorded in the Tax Collector's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The record of the above sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect until final payment has been made for the amount due in principal and interest plus costs of Court, if any, for collection. Such charges shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty of eight (8%) percent in the event the charges are not paid in full on or before the date the tax bill upon which the charges appear becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily. Such sworn statements shall be full notice to every person concerned that the amounts due in principal and interest constitute a charge against the properties designated or described in the statements and same are due and collectible as provided by law.
(1976 Code § 11-40; Ord. No. 962 § XXI)

3-1.18 Penalties.

Any person violating any of the provisions of this section shall, upon conviction in the Municipal Court of the City, be liable for a penalty according to the following penalty scheme.

a. For the first offense, the individual shall be fined not less than sixty (\$60.00) dollars nor more than one hundred (\$100.00) dollars.

b. For a second offense occurring within one (1) year of a prior violation, the individual may be fined not less than one hundred (\$100.00) dollars nor more than two hundred fifty (\$250.00) dollars, and, in the Court's discretion, the Court may order the individual to participate in two (2) days of community service;

c. For a third and subsequent offense occurring within one (1) year of two (2) or more violations, the individual shall be fined not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars and shall be ordered to participate in five (5) days of community service.
(1976 Code § 11-41; Ord. No. 962 § XXII; New; Ord. No. 1486 (2010) § I)

3-2 DISTRIBUTION OF HANDBILLS.*

3-2.1 Definitions.

As used in this section:

Commercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature:

a. Which advertises for sale any merchandise, product, commodity, or thing; or

b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying expenses incident to such meeting, theatrical performance, exhibition, or event of any kind; when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State or under any ordinance of this City; or

d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Newspaper shall mean any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office of the United States in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

Noncommercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(1976 Code § 11-22; Ord. No. 962 § II)

3-2.2 Throwing or Distributing Commercial Handbills in Public Places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. No person shall hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. (1976 Code § 11-35; Ord. No. 962 § XI)

3-2.3 Placing Commercial and Noncommercial Handbills on Vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (1976 Code § 11-36; Ord. No. 962 § XII)

3-2.4 Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any commercial or noncommercial handbills in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1976 Code § 11-37; Ord. No. 962 § XIII)

3-2.5 Prohibiting Distribution of Handbills Where Properly Posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers" or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises. (1976 Code § 11-38; Ord. No. 962 § XIV)

3-2.6 Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon the private premises; provided, however, that, in the case of inhabited private premises which are not posted as provided in subsection 3-2.5 above, such person may place or deposit any handbill in or upon the inhabited private premises unless requested by anyone upon the premises not to do so, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, except that mailboxes may not be so used when prohibited by Federal postal law or regulations.

a. *Exemption for Mail and Newspapers.* The provisions of this subsection shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (1976 Code § 11-39; Ord. No. 962 § XV)

3-3 DUMPING OF WASTE.

3-3.1 Waste Disposal Regulated.

The use or maintenance of any waste disposal within the City other than those areas, officially established by New Jersey Department of Environmental Protection permit or officially designated by the City shall constitute a detriment to the public health and a nuisance. (Ord. No. 940 § 1)

3-3.2 Dumping Prohibited.

No person, firm or corporation whether acting as contractor, agent, employee, collector or owner shall dump, deposit or dispose of any garbage, animal matter, refuse, rubbish, debris, salvage or waste material in or upon any lands anywhere within the City other than the designated and permitted areas. (Ord. No. 940 § 2)

3-3.3 Penalties for Violations.

Any person, firm or corporation who shall violate any provision of this section shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5, plus the cost of clean-up. Each day upon which a violation of this section shall continue to exist, shall be deemed a separate offense. (Ord. No. 940 § 3)

3-3.4 Reward for Assistance in Conviction of Violators.

Any person assisting in the conviction of a violator of this section through the signing of a complaint, the giving of testimony in Court, or other significant assistance of the enforcement authorities thereof or who testifies in Court in an action against an alleged violator of this section resulting in conviction, shall receive a reward of two hundred fifty (\$250.00) dollars. (Ord. No. 940 § 4)

3-4 NOISE.*

3-4.1 Short Title.

This section may be cited as the "Noise Control Regulations of the City of Sea Isle City." (Ord. No. 892 A. I)

3-4.2 Declaration of Findings and Policy.

Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and technology exists by which excessive sound and vibration may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; it is the policy of the City to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. (Ord. No. 892 A. II § 2.1)

3-4.3 Scope.

This section shall apply to the control of all sound and vibration originating within the limits of the City. (Ord. No. 892 A. II § 2.2)

3-4.4 Definitions.

Agent shall mean a duly authorized individual or corporate officer designated by the owner.

Commercial area shall mean a group of commercial facilities and the abutting public rights-of-way and public spaces.

Commercial facility shall mean any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- a. Banking and other financial institutions;
- b. Dining establishments;
- c. Establishments for providing retail services;
- d. Establishments for providing wholesale services;
- e. Establishments for recreation and entertainment;
- f. Office buildings;
- g. Transportation;
- h. Warehouses.

Construction shall mean any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

Decibel, (dB) shall mean the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound of a standard sound [twenty (20) micropascals]; abbreviated

dB.

Demolition shall mean any dismantling, intentional destruction, or removal of buildings or structures.

Emergency work shall mean any work or action necessary to deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

Industrial facility shall mean any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

Motor vehicle shall mean any vehicle that is propelled or drawn on land by an engine or motor.

Muffler shall mean a sound dissipating device or system for abating the sound of escaping gases of an internal combustion engine.

Multi-dwelling unit building shall mean any building wherein there are more than two (2) dwelling units.

Noise shall mean any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the City or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

Noise Control Administrator shall mean the Sea Isle City Chief of Police who is designated as the official liaison with all municipal departments, empowered to grant permits for variances.

Noise Control Officers shall mean Police Officers of the City and licensed Code Enforcement Officers who are employees of the City.

Noise disturbance shall mean any sound that:

- a. Endangers the safety or health of any person; or
- b. Disturbs a reasonable person of normal sensitivities; or
- c. Endangers personal or real property.

Noise Free Zone shall mean an area in the City of Sea Isle City where, because of the history of repeated or continuous noise violations occurring in the area, the Council, by ordinance, adopts a special enforcement area with clearly marked boundaries established by signs, in which the penalties for violations of noise regulations shall be doubled.

Person shall mean any individual, corporation, company, association, society, firm, partnership, joint stock company, the State or any political subdivision, agency or instrumentality of the State.

Public right-of-way shall mean any street, avenue, boulevard, road, highway, sidewalk or alley that is leased, owned or controlled by a governmental entity.

Public space shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

Real property line shall mean either:

- a. The imaginary line including its vertical extension that separates one (1) parcel of real property from another; or
- b. The vertical and horizontal boundaries of a dwelling unit that is one (1) in a multi-dwelling-unit building.

Residential property shall mean a property used for human habitation, including but not limited to:

- a. Private property used for human habitation;
- b. Commercial living accommodations and commercial property used for human habitation;
- c. Recreational and entertainment property used for human habitation;
- d. Community service property used for human habitation.

Sound level shall mean the sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

Sound level meter shall mean an instrument used to measure sound level and which conforms to Type 1 or Type 2 standards as specified by ANSI specifications S1.4-1971.

Weekday shall mean any day, Monday through Friday, that is not a legal holiday.

(Ord. No. 892, A. III; Ord. No. 1199 § I; Ord. No. 1431 § V)

3-4.5 Enforcement.

- a. The provisions of this section shall be enforced by any aggrieved citizen, agent or employee of the City by the Noise Control Officers.
- b. The Noise Control Administrator shall have the power to:
 1. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;
 2. Review the actions of other municipal departments and advise such departments of the effect, if any, of those actions on noise control;
 3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this section.
 4. Grant permits for variances according to the provisions of subsection 3-4.10 provided the variances are consistent with regulations concerning noise control promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:29.
- c. A person shall be qualified to be a Noise Control Officer as defined in subsection 3-4.4 if the person has satisfactorily completed any of the following:
 1. "Community Noise—A Short Course" offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or
 2. A program of tutoring and the on-the-job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control, to its employees; or
 3. Education or experience or a combination thereof certified by the above Department as equivalent to the provisions of subparagraphs 1. or 2. of this sub-section.
- d. Noise measurements made by Noise Control Officers shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in subsection 3-4.7a.1.

(Ord. No. 892 A. IV)

3-4.6 Duties and Responsibilities of Other Departments.

a. All departments and agencies of the City shall carry out their programs according to law and shall cooperate with the Noise Control Administrator in the implementation and enforcement of this section.

b. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the Noise Control Administrator prior to the approval of such projects to insure that such activities comply with the provisions of this section.

(Ord. No. 892 A.V)

3-4.7 Maximum Permissible Sound Levels.

a. No person shall cause, suffer, allow, or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table I when measured at or within the real property line of the receiving property except as provided in subparagraph 1. below. A sound level in excess of Table I shall create a presumption of a violation of this section.

1. When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

Table I. Maximum Permissible Sound Levels by Receiving Property Category, in dBA

Sound Source Property Category	Receiving Property Category					
	Another Dwelling-Within a Residential		Commercial Multi-Dwelling-Unit Building			
	7 am- 10 pm	10 pm- 7 am	7 am- 10 pm	10 pm- 7 am	All Times	All Times
Any location within a Multi-Dwelling-Unit Building	45	40	55	50	65	75
Residential			55	50	65	75
Commercial or Public spaces or Rights-of-Way			65	50	65	75
Industrial			65	50	65	75

b. The following are exempt from the sound level limits of Table I.

1. Noise from domestic power tools, lawn mowers, and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays, provided they produce less than eighty-five (85) dBA at or within any real property line of a residential property;

2. Sound from church bells and church chimes when a part of a religious observance or service;

3. Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers;

4. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal;

5. Noise from stationary emergency signaling devices that conform with the provisions of N.J.A.C. 7:29;

6. Noise from an exterior burglar alarm of any building or motor vehicle, provided such burglar alarm shall terminate its operation within ten (10) minutes after it has been activated.

(Ord. No. 892 A. VI)

3-4.8 Prohibited Acts.

a. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the enforcement of this subsection.

b. No person shall cause, suffer, allow, or permit the following acts:

1. Sound Reproduction Systems. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device;

2. Loudspeakers and Public Address Systems. Using or operating of any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line;

3. Animals and Birds. Owning, possession, or harboring any pet animal or pet bird that frequently or for continued duration, makes sounds that create a noise disturbance across a residential real property line (for the purpose of this subsection, a noise disturbance from a barking dog continually for ten (10) minutes or intermittently for thirty (30) minutes unless provoked);

4. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a weekday and between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a legal holiday or a weekend day except by permit, when the sound therefrom creates a noise disturbance across a residential real property line;

5. Standing Motor Vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within one hundred fifty (150') feet [forty-six (46) meters] of a residential area between the hours of 8:00 p.m. and 5:00 a.m. of the following day;

6. Construction and Demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 8:00 p.m. and 9:00 a.m. the following day when the latter is a legal holiday or a weekend day except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.

c. No persons shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance in a Noise Free Zone. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the enforcement of this section.

<i>Name of Street</i>	<i>Location</i>
Central Avenue	31st Street to 33rd Street
Central Avenue	38th Street to 39th Street
Landis Avenue	48th Street to 49th Street
31st Street	Central Avenue to Landis Avenue
32nd Street	Central Avenue to Landis Avenue
36th Street	Central Avenue to Cini Street
37th Street	Central Avenue to Cini Street
37th Street	Landis Avenue to Pleasure Avenue
38th Street	Landis Avenue to Central Avenue
38th Street	Central Avenue to Kneass Street
39th Street	Landis Avenue to Kneass Street
40th Street	Landis Avenue to Central Avenue
43rd Place	Park Road to Bay
46th Street	Landis Avenue to Central Avenue
47th Street	Landis Avenue to Central Avenue
49th Street	Landis Avenue to Central Avenue
55th Street	Landis Avenue to Central Avenue
56th Street	Sounds Avenue to Roberts Avenue
88th Street	Landis Avenue to Bay

(Ord. No. 892 A. VII; Ord. No. 1199 § II; Ord. No. 1203 § I; Ord. No. 1230 § I; Ord. No. 1252 § I; Ord. No. 1498 (2011) § I)

3-4.9 Exceptions.

a. The provisions of this section shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency except as provided in subsection 3-4.7b, 5. and 6.
2. The emission of sound in the performance of emergency work; or
3. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

b. Noise from municipally sponsored or approved celebrations, events or emergency work shall be exempt from the provisions of this section.

(Ord. No. 892 A. VIII)

3-4.10 Conditions for Variances; Application; Fee.

a. Any person who owns or operates any stationary noise source may apply to the Noise Control Administrator for a variance from one (1) or more of the provisions of this section.

Applications for a permit of variance shall supply information including, but not limited to:

1. The nature and location of the noise source for which the application is made;
2. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of variance is not granted;
3. The nature and intensity of noise that will occur during the period of the variance;
4. The subsection or subsections of this section for which the permit of variance shall apply;
5. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom;
6. A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this section within a reasonable time;

b. Failure to supply the information required by the Noise Control Administrator shall be cause for rejection of the application.

c. A copy of the permit of variance must be kept on file by the City Clerk for public inspection.

d. The Noise Control Administrator shall charge the applicant a fee of twenty-five (\$25.00) dollars to cover expenses resulting from the processing of the permit of variance application.

e. The Noise Control Administrator may, at his/her discretion, limit the duration of the permit of variance, which shall be no longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this subsection.

f. No variance shall be approved unless the applicant presents adequate proof that:

1. Noise levels occurring during the period of the variance will not constitute a danger to public health; and
2. Compliance with this section would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

g. In making the determination on granting a variance, the Noise Control Administrator shall consider:

1. The character and degree of injury to, or interference with, the health and welfare of, or the reasonable use of, property which is caused or threatened to be caused.
2. The social and economic value of the activity for which the variance is sought.
3. The ability of the applicant to apply best practical noise control measures.

h. The permit of variance may be revoked by the Noise Control Administrator if the terms of the permit of variance are violated.

i. A variance may be revoked by the Noise Control Administrator if there is:

1. Violation of one (1) or more conditions of the variance;
2. Material misrepresentation of fact in the variance application; or
3. Material change in any of the circumstances relied upon by the Noise Control Administrator in granting the variance.

j. Either a denial of a variance or a revocation of a variance may be appealed to the Council.

(Ord. No. 892 A. IX; Ord. No. 1431 § VI)

3-4.11 Enforcement.

a. *Abatement Orders.* In lieu of issuing a summons as provided, a Noise Control Officer may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period and unless he/she has reason to believe there will not be compliance with the abatement order.

b. Violation of any provision of this section upon complaint of any individual listed in subsection 3-4.5a. shall be cause for a summons to be issued.

(Ord. No. 892 A. X §§ 10.1, 10.2)

3-4.12 Penalties; Other Remedies.

a. Any person who violates any provision of this section shall be liable upon conviction to the penalty stated in Chapter I, Section 1-5. Each day any such violation continues shall be construed as a separate offense.

b. Any person who exercises dominion and/or control over the premises or establishment where sound in violation of this section occurs shall be presumed to be a violator of this section. Such presumption shall be subject to rebuttal in a court of law.

c. *Other Remedies.* No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this section or from other law.

d. *Noise Free Zones.* Any person who commits any offense defined in this section while in an area of the City of Sea Isle City designated by ordinance of the Council as a Noise Free Zone, as that term is defined by subsection 3-4.4, shall:

1. Be liable upon conviction to double the penalty stated in Chapter I, Section 1-5; and,
2. In addition to any other sentence which the Court may impose, be required to perform not less than twenty-five (25) hours of community service.

Each day any such violation continues shall be construed as a separate offense.

(Ord. No. 892 A. X §§ 10.3, 10.4; Ord. No. 1199 § III; Ord. No. 1431 § VII)

3-5 SMOKING PROHIBITED IN PUBLIC BUILDINGS.

3-5.1 Purpose; Findings.

Recent studies have demonstrated that the deleterious effect upon smokers and nonsmokers of tobacco smoke presents a substantial health hazard and therefore the City finds that it is in the interest of public health to discourage and prohibit smoking in public buildings.

The City has determined that the right of nonsmokers to breathe clean air should supersede the right of smokers to smoke.

The people have a right and should be insured of an environment free from smoke which may constitute a danger to their health and in accord with N.J.S.A. 40:48-2 and N.J.S.A. 26:3D-46, the City wishes to eliminate smoking, which may jeopardize the health or welfare or safety or degrade the quality of life.

(Ord. No. 1050 preamble; Ord. No. 1431 § VIII)

3-5.2 Definitions.

As used in this section:

Government building shall mean a building or portion of a building owned or leased by the City for its use. Facilities owned or leased by the City and used for the holding of outdoor sports events are excluded from this definition.

Smoking shall mean the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

(Ord. No. 1050 § 1)

3-5.3 Prohibited Acts.

No person shall smoke or engage in smoking in any public building as defined herein. All municipally owned buildings in the City shall be smoke free. (Ord. No. 1050 § 2)

3-5.4 Enforcement; Penalty.

a. Any person who knowingly violates any provision of this section shall be liable for a fine for each offense of the sum of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

b. This section shall be enforced by the local Health Official or any officer or special officer of the Police Department.

(Ord. No. 1050 § 3)

3-6 CONDUCT IN PUBLIC AND PRIVATE PLACES.

3-6.1 Applicability of Regulations.

The regulations hereinafter set forth, and acts herein prohibited, apply to all public places, public areas, and public beaches within the jurisdictional limits of the City and include the public streets and rights-of-way, street ends, walks, ramps, Promenade, pavilions, steps, approaches, stone revetments, bulkheads, seawalls, sand dunes, jetties and areas beneath all of the foregoing in case some or any of them are structures. (Ord. No. 768 preamble)

3-6.2 Loud Noise or Behavior.

No person shall, in any place, public or private, act, conduct or deport himself or herself in a loud, indecent, obscene, offensive or lascivious manner; nor permit,

nor cause to permit unusual, unnecessary or obnoxious noise or noises. (1976 Code § 17-15; Ord. No. 768 § 1)

3-6.3 Loitering.

No person or persons shall loiter, assemble, band or crowd together in such manner as to interfere with the rights of others lawfully therein or thereon. (Ord. No. 768 § 1)

3-6.4 Misrepresentation of Age.

No person shall misrepresent or misstate his or her age, or the age of any other person for the purpose of evading any provision of the laws of the State of New Jersey, or the ordinances of this City. (1976 Code § 17-17; Ord. No. 768 § 1)

3-6.5 Littering Prohibited.

No person shall throw or drop any bundle, object, article or debris of any nature onto the public or private areas of the City, or from any vehicle, whether same is in motion or not, or whether the same is on public or private lands, or on the highway. (1976 Code § 17-8; Ord. No. 768 § 1)

3-6.6 Vandalism.

No person shall destroy, deface, damage or injure any property of another; nor remove from the property of another any earth, gravel, sand, stone, shrubs, trees, animals, fence, sign, notice, building, or any article belonging to another without the consent of the owner. (1976 Code § 17-2; Ord. No. 768 § 1)

3-6.7 Dressing, Undressing or Sleeping in Vehicles.

No person shall dress, undress, change clothes or sleep in any vehicle, motor or otherwise, within the public or private confines of this City; and all persons are prohibited from appearing in public in the City without being clothed in adequate and proper attire. (1976 Code § 17-3; Ord. No. 768 § 2)

3-6.8 Alcoholic Beverages.

a. No person shall possess, consume or sell open containers of any type or kind of alcoholic beverages in any public place, public area or public building of the City, including possession, consumption or sale at public events sponsored by the City; nor in any motor vehicle, whether parked or moving, or in any public place in the City.

b. The only exception to the prohibitions contained in paragraph a. of subsection 3-6.8 is the allowance of possession, consumption and sale of open containers of alcoholic beverages for special events at Excursion Park located at J.F.K. Boulevard and the Promenade as restricted herein:

1. Shall be a special event as envisioned in Chapter XX Parks and Recreational Facilities;
2. Shall meet all requirements for special events and be governed by special events regulations subsections 20-1.3 and 20-5.2;
3. Shall be subject to all other Park rules and regulations except as may be waived by the Director of Community Services;
4. Shall be a nonprofit, as defined below, applicant which nonprofit shall have a Special Event Permit or contracted with a licensed establishment, licensed under Chapter VI herein.
5. Shall be an organization benefitting from the Internal Revenue Code (IRS) section 501 (c)(3). The organization must be recognized of exemption under Federal income tax of the IRS on the day applying for the special event continuously until the day of the event.
6. Shall have bartenders and staff trained in the observation of intoxicated individuals and a plan to control alcohol consumption, ensuring that no one under the legal age can obtain alcoholic beverages. Said plan shall be in writing and submitted to the City with the application.
(1976 Code §§ 17-1, 17-21; Ord. No. 768 § 2; Ord. No. 1039 § 2; Ord. No. 1114 §§ 2, 3; Ord. No. 1453 § I; Ord. No. 1507 (2011) § I)

3-6.9 Nudity.

a. *Definition.* As used in this subsection:

Nudity in the case of a male person shall mean the exposure of any parts of the genitalia. *Nudity* in the case of a female person shall mean the exposure of any parts of the genitalia and/or complete exposure of the bosom.

b. *In Motor Vehicle or Public Place.* No person shall appear nude in any motor vehicle or vehicle of any kind in the City, or appear nude in public or any place to which the public shall be invited.

c. *Exception.* The prohibition of paragraph b. shall not apply to actors in a bona fide theatrical show or dramatic presentation.
(1976 Code §§ 17-18–17-20)

3-6.10 Police Officer to Issue Order to Leave; Refusal to Comply.

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 will probably cause any of the conditions enumerated in subsection 3-17.2, he/she may, if he/she deems it necessary for the preservation of the public peace and safety, order the 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. (1976 Code § 17-11)

3-7 POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE PROPERTY.*

3-7.1 Purpose.

The purpose of this section is to provide for the enforcement of P.L. 2000 c.33. (Ord. No. 1257 § I)

3-7.2 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. 1257 § I)

3-7.3 Possession or 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 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 the 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, for 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 underaged 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, R.S. 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. 1257 § I)

3-8 CURFEW FOR MINORS UNDER SEVENTEEN (17) YEARS OF AGE.

3-8.1 Curfew Established; Hours.

A curfew shall be and hereby is established in accordance with the schedule below for those individuals seventeen (17) years of age and under.

a. From May 15 to September 15, curfew shall be 12:00 midnight until 6:00 a.m.

b. From September 16 to May 14, curfew shall be 9:30 p.m. until 6:00 a.m., Sunday through Thursday, and from 11:00 p.m. until 6:00 a.m., Friday and Saturday.

c. Beginning seventy-two (72) hours prior to Halloween, curfew shall be 7:00 p.m. until 6:00 a.m., with the exception of Halloween night.

(1976 Code 17-1.1; Ord. No. 867 § 1)

3-8.2 Exceptions.

The provisions of this section shall not apply to any individuals seventeen (17) years of age or under who shall be accompanied by a parent or guardian or who shall be actually going to or returning home from employment, civic, athletic, educational, religious, and City-sponsored recreational activities. (Ord. No. 867 § 2)

3-8.3 Enforcement.

Any individual violating the terms of this section shall be cited as a juvenile in need of supervision and appropriate action shall be instituted by the Police Department, who shall have jurisdiction for the enforcement of this section. (Ord. No. 867 § 3)

3-9 DRUG-FREE SCHOOL ZONES AND OTHER DRUG-FREE ZONES.

3-9.1 Adoption of Map by Reference.

In accordance with the provisions of and pursuant to the authority of N.J.S.A. 2C:35-7, the Drug-Free Zone Map prepared by the Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the City of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or School Board, and of the areas on or within one thousand (1,000') feet of such school property. The Drug-Free Zone Map is also approved and adopted as an official finding and record of the location and areas within the City which are used for public housing facilities, public parks, or public buildings, and of the areas on or within five hundred (500') feet of such public property. (Ord. No. 972 § 1; Ord. No. 1259 § II)

3-9.2 Location and Boundaries of School Property and Public Property.

The Drug-Free Zone Map approved and adopted pursuant to subsection 3-9.1 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 owned by or leased to any elementary or secondary school or School Board which is used for school purposes, as well as the location and boundaries of areas on or within five hundred (500') feet of property comprising a public housing facility, a public park, or a public building, 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, public housing facilities, public parks, public buildings, and Drug-Free Zones. (Ord. No. 972 § 2; Ord. No. 1259 § III)

3-9.3 Changes in 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 Engineer and the Municipal Attorney 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. 972 § 3)

3-9.4 Map on File; Copies Available.

The City Clerk is hereby directed to receive and to keep on file the original of the Map approved and adopted pursuant to subsection 3-9.1, and to provide, at a reasonable cost, a true copy thereof to any person, agency or Court which may request such a copy, along with a certification that the 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 the Map and of this section shall be provided, without cost, to the County

3-9.5 Additional Requirements Stated.

The following additional matters are hereby determined, declared, recited and stated:

a. It is understood that the Map approved and adopted pursuant to subsection 3-9.1 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 shall constitute prima facie evidence of the following:

1. The location of elementary and secondary schools within the City;
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 public housing facilities, public parks, or public buildings within the City;
6. The boundaries of the real property which constitutes public housing facilities, public parks, or public buildings within the City;
7. That such public housing facilities, public parks, or public buildings are and continue to be used as public housing facilities, public parks, or public buildings; and
8. The location and boundaries of areas which are on or within five hundred (500) feet of such public housing facilities, public parks, or public buildings.

b. Except as is otherwise 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 a school or School Board and was being used for school purposes as of July 9, 1987, that being the effective date of P.L. 1987, C. 101 (C.2C:35-7). Except as otherwise noted on the face of the approved and adopted Map, all of the property depicted on the Map approved and adopted herein as public housing facility, public park, or public building property constituted a public housing facility, public park, or public building as of January 9, 1998, that being the effective date of P.L. 1997, C. 327 (C.2C:25-7.1).

c. Pursuant to the provisions of P.L. 1988, C. 44, 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 3-9.1. 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, 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 and record that the property is not owned by or leased to a school or School Board, or that the property is not used for school purposes.

d. Pursuant to the provisions of P.L. 1997, C. 327, 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 3-9.1. The failure of the Map approved herein to depict the location and boundaries of any property which is, in fact, used for a public housing facility, public park, or 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 and record that the property is not a public housing facility, public park, or public building.

e. All of the requirements set forth in N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1 concerning the preparation, approval and adoption of a Drug-Free Zone Map have been complied with.

f. The Governing Body is hereby authorized to approve and adopt as the Map depicting the Drug-Free Zones the Map entitled:

Drug-Free School Zone & Public Park & Building Radius Map
City of Sea Isle City, Project No. 8052
Prepared by Andrew A. Previti, P.E., Municipal Engineer,
Walker, Previti, Home & Associates

(Ord. No. 972 § 5; Ord. No. 1259 §§ IV, V, VI, VII, VIII; Ord. No. 1431 § IX)

3-10 RESERVED.

3-11 REGISTRATION OF TENANTS.

3-11.1 Definitions.

As used in this section:

Apartment or *dwelling* shall mean any apartment, cottage, bungalow or other dwelling unit consisting of a room or a suite of rooms designated with or without housekeeping facilities for dwelling purposes regardless of whether or not the unit occupies one (1) or more floors, and regardless of whether the unit occupies an entire building or only part of the building. The term *dwelling* or *apartment* specifically includes a motel, hotel room and boatel.

Contact person shall mean the individual or individuals designated by the owner on the application for a mercantile license for rental units who is authorized by the owner to receive notice of violations of the Revised General Ordinances, Section 11-1 through 11-5.3, arising at the dwelling unit. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, the term may include a licensed real estate broker or salesman of the State of New Jersey if the person designated by the owner as his/her contact person is so licensed. The contact person shall be a resident of Cape May County, New Jersey, for the term of the rental of the dwelling unit.

Tenant shall mean the person or persons to whom an apartment or dwelling is leased, rented or occupied. All children under twelve (12) years of age shall be excluded from the term *tenant*.

(1976 Code § 13-28; Ord. No. 610 § 2; Ord. No. 1162 § I)

3-11.2 Registration.

Every owner renting or leasing a residential property shall cause a register to be maintained on all rented or leased apartments or dwellings which shall contain the names and addresses of all tenants and the name, address and telephone number of the owner and his or her real estate agent or agency. It shall be the responsibility of the owner and/or his or her real estate agent or agency to give a copy of the register to the tenants to be maintained on the rented or leased apartment or dwelling. The register shall be made available for inspection by the Business Administrator or a designee thereof and by the officers of the Sea Isle City Police Department at all times. In addition, it shall be the responsibility of the owner and/or his or her real estate agent or agency to submit a copy of the register to the Sea Isle City Police Department prior to the occupancy of the rental apartment or dwelling. (1976 Code § 13-29; Ord. No. 610 § 2; Ord. No. 896 § 1; Ord. No. 1162 § II; Ord. No.

3-11.3 Owner Responsibility.

It shall be the responsibility of the owner and/or his or her real estate agent or agency to register tenants. It shall specifically be the responsibility of the owner to prevent the violation of the Noise Control Ordinance (Ordinance No. 892 (1987),** and to prevent the premises from being loud and disorderly. Additionally, it shall be the responsibility of the owner to make certain that the property is properly maintained and in good repair, including the land and any structure thereon. (1976 Code § 13-30; Ord. No. 610 § 3; Ord. No. 1162 § III; Ord. No. 1235 § I)

3-11.4 Tenant Responsibility.

It shall be the responsibility of the tenant to register in accordance with subsection 3-11.2. In addition, the tenant shall be responsible to produce the register upon demand of the appropriate authority, which shall include, but not be limited to, the Director of Public Safety, the officers of the Sea Isle City Police Department and the officers of Code Enforcement. It shall specifically be the responsibility of the registered tenants to prevent the violation of the Noise Control Ordinance (Ordinance No. 892 (1987)** of the City, and to keep the premises from being loud and disorderly. (1976 Code § 13-31; Ord. No. 690; Ord. No. 857 § 1; Ord. No. 896 § 2; Ord. No. 951 § 1; Ord. No. 1184 § II)

3-11.5 Enforcement.

The Business Administrator or a designee thereof,* Code Enforcement Officers and the officers of the Police Department shall enforce this section. (Ord. No. 1074 § 1)

3-11.6 Penalties.

The Municipal Court shall have jurisdiction over this section. Any person who violates this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. (1976 Code § 13-32; Ord. No. 610 § 5; New)

3-12 MOTORIZED BICYCLES.*

3-12.1 Use of Motorized Bicycles Restricted.

- a. Motorized bicycles, as defined under the laws of the State, shall not be operated or permitted to be operated or used on the entire length and width of Landis Avenue, Pleasure Avenue, John F. Kennedy Boulevard and the Promenade in the City during the period of May 15 through September 15 of each year.
- b. The use of motorized bicycles shall be limited to use, insofar as North-South streets are concerned, to Central Avenue, and may be used thereon at all times, as well as on all streets perpendicular to the streets above designated.
- c. Any person operating or permitting to be operated or used a motorized bicycle in violation of this section shall be liable, upon conviction, for a penalty not to exceed one hundred (\$100.00) dollars; and for a second offense, a fine not to exceed two hundred (\$200.00) dollars; and for a third offense, in the discretion of the Court, a recommendation to the State Department of Motor Vehicles that the permission to operate the vehicle be revoked and a fine not to exceed three hundred (\$300.00) dollars, all to be imposed by the Municipal Court of the City, which penalty shall be originated by a traffic summons. (1976 Code § 16-10.1)

3-13 FIREARMS AND FIREWORKS.

3-13.1 Discharging of Firearms Prohibited; Exception.

- a. Pursuant to N.J.S.A. 2C:39-3 and 2C:39-5, the unlawful possession and/or discharging of firearms, slingshots and other weapons and devices, without the requisite New Jersey State permits, in the City of Sea Isle City be and hereby is prohibited, with the exception of policemen in the line of duty.
- b. Any person violating this subsection shall be liable, upon conviction, for the penalty stated in Chapter I, Section 1-5. (1976 Code § 17-3.1; Ord. No. 641 §§ 1, 2; New; Ord. No. 1131 §§ 2, 4)

3-13.2 Reserved.

3-13.3 Fireworks; Definition.

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion or a burning with suddenness and sparkling. (1976 Code § 17-4)

3-13.4 Sale or Use of Fireworks; Public Display.

It shall be unlawful for any person to sell or expose for sale, display, use or discharge any firework or fireworks as such as is defined in subsection 3-13.3; provided, however, that this shall not prohibit the public display of fireworks when permission for the same is given by the Mayor. (1976 Code § 17-5; Ord. No. 1431 § X)

3-13.5 Authority to Confiscate Firearms.

The Police Department of the City of Sea Isle City retains authority over confiscation and forfeiture proceedings of any firearm, slingshot, weapon or device that is obtained, owned, possessed, used or discharged unlawfully. (Ord. No. 1131 § 3)

3-13.6 Authority to Confiscate Fireworks.

The Police Department of the City of Sea Isle City retains authority over confiscation and forfeiture proceedings of any fireworks that is obtained, owned, possessed, used or discharged in violation of this section, or any applicable State law or regulation. (Ord. No. 1374 § I)

3-14 GAMES OF CHANCE ON SUNDAYS.

3-14.1 Statutory Authority; Conditions.

Pursuant to N.J.S.A. 5:8-58, any charitable organization may conduct games of chance (raffles) on Sundays in the City, provided that the charitable organization takes the appropriate steps as provided for by law to secure a license for the holding, operating and conducting of games of chance. (Ord. No. 887)

3-15 FORTUNETELLING.

3-15.1 Prohibited Practices.

No person shall use or pretend to use or have any skill or charge any price for engaging in palmistry, phrenology, physiognomy, occult practices, or pretend to tell destinies or fortunes. (Ord. No. 1033 § 1)

3-15.2 Violations and Penalties.

Any person found to be in violation of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. (Ord. No. 1033 § 2; New)

3-16 FISHING NETS.

3-16.1 Placing or Stretching on Lands Within City Limits.

It shall be unlawful for any person to place or stretch fishing nets for the purpose of cleaning, washing, drying, mending or storing, on any lands within the limits of the City; provided, however, that the provisions of this section shall not apply to new nets that have never been used for the purpose of fishing. (1976 Code § 17-6)

3-16.2 Use of Fire Burning Apparatus.

It shall be unlawful for any person to erect, maintain or use any fire burning apparatus for the purpose of preheating tar, pitch or other preservatives for the dipping or treating of fishing nets. (1976 Code § 17-7)

3-17 NOISE FROM SOUND REPRODUCING DEVICES.

3-17.1 Prohibitions.

No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, if:

- a. The sound producing device is located in or on any of the following:
 - 1. Any public property, including any public street, boardwalk, highway, building, sidewalk, park or thoroughfare; or
 - 2. Any motor vehicle on a public street, highway or public space; and
- b. If the sound generated is audible at a distance of thirty (30') feet from the device producing the sound.

(Ord. No. 1119 § I)

3-17.2 Violations and Penalties.

Any person, partnership, firm or corporation that violates any section of this section shall, upon conviction thereof, be subject to imprisonment not exceeding ninety (90) days and/or a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars. (Ord. No. 1119 § II)

3-18 WILDLIFE FEEDING.*

*Editor's Note: Prior ordinance history includes portions of Ordinance No. 1375.

3-18.1 Purpose.

The City of Sea Isle City, like many neighboring communities throughout the State of New Jersey has an obligation to effectively and humanely control stray cat populations within its borders. The City recommends to institute a Trap, Neuter and Return Program (TNR) in an effort to reduce the stray cat population over time without the necessity of wholesale capture and euthanization. The City recognizes that this approach must be balanced against the City's obligations in connection with a portion of the City having been identified as a nesting area for certain endangered or threatened avian species. Any portion of the City consisting of such a designation may not become or remain an area for the release of said cats. This will hold true for any future designated area for any endangered or threatened species. The City has prepared this section to provide for the reduction of certain stray cat colonies through TNR. It is the City's intention to establish a permit for nonprofit foundations to establish TNR work. There will be no fee for the permit but proof of existing foundation is required. The permit will be issued yearly and will require an annual report to be submitted for the past year before a current permit can be issued. The City of Sea Isle City shall incur no additional financial obligation for permitting a foundation of this type. Any and all responsibilities for insurance and all costs will be the sole obligation of the foundation. (Ord. No. 1487 (2010) § I)

3-18.2 Definitions.

As used in this section:

Caregiver shall mean a volunteer, uncompensated person who agrees to serve to facilitate the TNR program within the City of Sea Isle City in accordance with this section and any rules and regulations that may be established by the City. A caregiver shall not be deemed an employee of the City and shall hold such volunteer position at the pleasure of the City and being removed from or precluded from holding such a volunteer position is the sole discretion of the City.

City shall mean Sea Isle City.

Ear tipping shall mean the marking of a cat's ear through a surgical procedure performed by qualified personnel.

Feed shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

Foundation shall mean any nonprofit organization.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Stray cat shall mean any cat that is not licensed in accordance with the City ordinance and is free to roam as part of an identifiable colony of such cats, which may consist of several cats or a single cat.

TNR shall mean trap, neuter, and return.

TNR Program shall mean all program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear-tipped and returned to the location where they congregate.

Wildlife shall mean all animals that are neither human nor domesticated.
(Ord. No. 1487 (2010) § II)

3-18.3 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the City of Sea Isle City, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environment education centers), except for nonprofit foundations.

These foundations, with a program to care for stray cats shall have the opportunity to apply for a permit from the City of Sea Isle City. This program will allow for the trapping, neutering, vaccination and release back to the streets. Once released, volunteers from this foundation will continue to feed and provide care for these cats. No individual(s) will be permitted to indiscriminately feed or care for these animals. Feeding of these animals shall occur on public land in a manner that is not to interfere with the use of public land or on private property, with written permission from the owner and in such a way as to not create a nuisance to the neighborhood. It shall be the sole responsibility of the foundation for all costs associated with this program. It shall be the responsibility of the foundation to carry any insurance that would be necessary to perform this program, and the City accepts no responsibility for this program. However the City does see a need and desire to take care of these stray cats. The foundation would be responsible for any complaints made with respect to stray cats or cause and effect of caring for stray cats. An annual report will be provided to the City detailing the number of colonies in the City, the number of cats in each colony, number of cats spayed or neutered, and the number of cats and kittens placed into permanent homes, so that the City and the foundation may work together in caring for these animals. No person shall interfere, hinder or tamper with equipment of a licensed nonprofit foundation. (Ord. No. 1487 (2010) § III)

3-18.4 Enforcement; Responsibilities of Foundation Volunteers.

This section shall be enforced by the Police Department and/or other municipal officials of the City of Sea Isle City. Any person or foundation volunteer determined to be in violation of paragraphs a. through h. below shall be issued a written warning and be allowed a period of time in the discretion of the City, but not longer than ninety (90) days, to come into compliance, or provide satisfactory evidence of working to achieve compliance. Failure to comply shall result in a violation of this section, which may result in the issuance of a citation. Caregivers of stray cat colonies shall implement proper management and sterilization practices.

- a. Sterilize (spay/neuter) all adult cats that can be captured.
- b. Vaccinate, as required by law, all cats that can be captured against rabies, at least a one (1) year vaccine; and any other infectious disease as mandated by law.
- c. Make every attempt to remove kittens from the colony before eight (8) weeks of age for domestication and placement.
- d. Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care of humane euthanasia.
- e. Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations of the stray cat caregiver. Feeding on caregiver's property of stray cats managed by such caregiver shall not constitute a violation of the prohibition of this section.
- f. Make every attempt to ear-tip all cats with a single cut on the left ear.
- g. Maintain proof of sterilization, vaccination, ear-tipping and medical records for all cats. These records must be provided to the City upon request.
- h. Execute all documents required by the City which may be established by this section of the City of Sea Isle City.

(Ord. No. 1487 (2010) § IV)

3-18.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be ordered to cease the feeding immediately. Any person(s) who is found to be in violation of the provisions of this section shall also be subject to a fine for each offense of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for a first offense and not more than two hundred fifty (\$250.00) dollars and community service for a period not to exceed twenty (20) hours for a second or subsequent offense. Each day a particular violation continues shall constitute a separate offense. Any foundation that does not have a current permit will be subject to all penalties set forth in this section. (Ord. No. 1487 (2010) § V)

3-18.6 Registration of Stray Cat Colonies.

Each stray cat colony will be registered by the foundation with the City of Sea Isle City, at the time the permit is issued. An annual report will also be supplied at that time. The report will contain information such as but not limited to, number of colonies, number of cats in each colony, number of cats spayed or neutered, vaccinations given, ear tipping, and any other medical procedures performed. No stray cat colony shall be permitted to be established or continue with its already established status in the area mentioned in subsection 3-18.1 entitled Purpose, the north end beach where endangered or threatened avian species gather, or in any other area that might be of danger to an endangered or threatened species. If there shall be an established colony in any such area a Sea Isle City representative will effectuate the capture of all stray cats and transport same to the County Animal Shelter for handling in accordance with the interlocal agreement between the City of Sea Isle City and the County applicable to such animals. (Ord. 1487 (2010) § VI)

3-18.7 Ear Tipping.

Ear tipping will be used on stray captured cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony. (Ord. 1487 (2010) § VII)

3-18.8 Adoption of Rules and Regulations.

The City of Sea Isle City shall have the authority to adopt further rules and regulations applicable to the TNR Program to the extent that the same are consistent with and do not modify the provisions of the ordinance as needed. (Ord. No. 1487 (2010) § VIII)

3-19 RESERVED.*

* **Editor's Note:** Former Section 3-19, Sex Offender Residency Prohibition, previously codified herein and containing portions of Ordinance No. 1380, was repealed in its entirety by Ordinance No. 1471 (2009).

3-20 LIVE OUTDOOR COMMERCIAL RADIO BROADCAST.

3-20.1 Live Outdoor Commercial Radio Broadcast Prohibited.

It shall be unlawful for any person to broadcast over the airways or by any sound producing device live commercial radio broadcasts unless first obtaining a permit

herein and complying with the terms of said permit. (Ord. No. 1400 (2006) § I)

3-20.2 Permit Required.

No live outdoor commercial radio broadcast shall occur unless and until the persons desiring to conduct such broadcast obtain a permit from the City Clerk. The City Clerk shall inform the Police Department of any permit request. (Ord. No. 1400 (2006) § I)

3-20.3 Fee.

There shall be an administrative processing fee of twenty-five (\$25.00) dollars for the issuance of each permit. (Ord. No. 1400 (2006) § I)

3-20.4 Permit Conditions.

- a. The permit shall set forth and restrict the time, date, location and duration of the broadcast.
- b. There shall be no blocking sidewalks, streets or intersections.
- c. Any sound created as a result of such broadcast shall be in conformance with the City Noise Ordinance.*
- d. Such other conditions as the City Clerk and/or Police Department deem appropriate.

(Ord. No. 1400 (2600) § I)

3-20.5 Display of Permit.

A permit issued herein shall be posted in a conspicuous place in or around the broadcast area so as to be seen by the public. (Ord. No. 1400 (2006) § I)

3-20.6 Penalty.

Any person conducting a live outdoor commercial radio broadcast without being properly licensed or who shall violate any of the terms of the permit shall upon conviction be subject to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars. (Ord. No. 1400 (2006) § I)

***Editor's Note:** The litter prohibition adopted by Ord. No. 640 and contained in Chapter XI, Sections 11-21-11-41 of the 1976 Code were repealed by Ord. No. 962, adopted December 27, 1988.

***Editor's Note:** For regulations concerning parks, see Chapter XX of this Code. For regulations concerning beaches and the Promenade, see Chapter XXI of this Code.

***History Notes:** Regulations concerning handbills were adopted by Ord. No. 640 and were a part of Chapter XI, Sections 11-21-11-41 of the 1976 Code. Ord. No. 962 repealed Ord. No. 640.

***Editor's Note:** The noise regulations adopted by Ord. No. 666, and contained in Chapter XVI, Sections 16-1-16-1.5 of the 1976 Code, were repealed by Ord. No. 773. Ord. No. 773 was subsequently repealed by Ord. No. 892, adopted April 28, 1987.

***Editor's Note:** Section 3-7 was amended in its entirety 7-25-00 by Ordinance No. 1257. Prior ordinances codified therein included Ordinance Nos. 862 and 863.

***Editor's Note:** Amended per Ordinance No. 1431.

***Editor's Note:** Ordinance No. 892 is codified as Section 3-4 of the Revised General Ordinances.

***Editor's Note:** Noise control regulations are in Section 3-4 of this chapter.

***Editor's Note:** For restrictions on the use of skateboards, roller skates, etc. in the City, see subsection 21-3.7 of Chapter XXI. Beaches, Boardwalk and Protection of Dunes.

***Editor's Note:** The City Noise Ordinance is codified as Section 3-4.

CHAPTER III VIOLATIONS AND OFFENSES

Published by ClerkBase

©2014 by Clerkbase. No Claim to Original Government Works.