

Hightstown Borough Revised General Ordinances

Chapter 3

POLICE REGULATIONS

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- 3-2 ALCOHOLIC BEVERAGES IN PUBLIC PLACES
- 3-3 PUBLIC GAMBLING PROHIBITED
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# Hightstown Borough Revised General Ordinances

## Section 3-1

### UNLAWFUL ACTS

#### Subsections:

- 3-1.1 Definitions.
- 3-1.2 Actions Prohibited.
- 3-1.3 Obeying Order of a Police Officer.
- 3-1.4 Public Urination.

#### 3-1.1 Definitions.

As used in this section:

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

“Public place” shall mean a place to which the public has access, including any public building and grounds, street, highway, road, alley, boardwalk or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parent or guardian. (1991 Code § 141-1)

#### 3-1.2 Actions Prohibited.

No person shall remain in a public place in such a manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.

d. Obstruct, molest or interfere with any person lawfully in a public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made. (1991 Code § 141-2)

#### 3-1.3 Obeying Order of a Police Officer.

Any person violating the provisions of subsection 3-1.2 shall be ordered to move on by a Police Officer, failing which he shall be guilty of a violation. (1991 Code § 141-3)

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### **3-1.4 Public Urination.**

a. No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, including on private property within public viewing, or to which any member of the public is invited or has access (including line of sight access), except in a lavatory toilet or similar facility.

b. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5. (Ord. No. 2019-15)

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**Section 3-2**

**ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

**Subsections:**

- 3-2.1 Definitions.**
- 3-2.2 Open Containers of Alcoholic Beverages in Public Areas or Vehicles.**
- 3-2.3 Violations and Penalties.**

**3-2.1 Definitions.**

As used in this section:

“Alcoholic beverages” shall mean liquor or malt brewed beverages, as defined herein, or both of them.

“Liquor” shall include spirituous, vinous, fermented or other alcoholic beverages or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered or redistilled denatured alcohol usable for beverage purposes, which contain more than one-half (1/2) of one (1%) percent of alcohol by volume.

“Malt” or “brewed” beverages” shall mean any beer, lager, lager beer, ale, porter or similar fermented malt beverages containing one-half (1/2) of one (1%) percent or more of alcohol by volume. (1991 Code § 57-8)

**3-2.2 Open Containers of Alcoholic Beverages in Public Areas or Vehicles.**

It shall be unlawful for any person to possess an open container of alcoholic beverage on any public street, public sidewalk, public alley, public park or public areas of public housing developments within the Borough. Possession of an open container of alcoholic beverage by any person in or on a vehicle parked on any of the public areas referenced above will also constitute a violation of this section. (1991 Code § 57-9)

**3-2.3 Violations and Penalties.**

Any person violating any provision of this section shall, upon conviction, be subject to the fine so stated in Chapter I, Section 1-5. (1991 Code § 57-10; New)

**Section 3-3**

**PUBLIC GAMBLING PROHIBITED**

**Subsections:**

- 3-3.1 Findings and Purpose.**
- 3-3.2 Definitions.**
- 3-3.3 Public Gambling Prohibited.**
- 3-3.4 Violations and Penalties.**

**3-3.1 Findings and Purpose.**

The Mayor and Council have determined and found that public gambling is unlawful and is a nuisance and that public gambling is offensive and annoying to the residents of the Borough and that, in some instances, it improperly blocks or impedes pedestrian traffic. The purpose of this section is to prohibit public gambling in order to eliminate the nuisance created thereby in the interest of maintaining the public health, safety and welfare in public and quasi-public places. (Ord. No. 94-5 § 1)

**3-3.2 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

“Contest of chance” shall mean a contest, game, gaming scheme, or gaming device in which the outcome depends to a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor.

“Gambling” shall occur when a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. The intrinsic nature of gambling is the payment of a price for a chance to obtain that which one seeks but which one could not obtain unless the element of chance were present and unless one had paid a price for the availability of the chance.

“Gambling” shall not include contests of chance permitted by a duly issued State or local license or permit. (Ord. No. 94-5 § 1)

**3-3.3 Public Gambling Prohibited.**

No person shall engage in gambling within the Borough in any public or quasi-public place, including but not limited to any public street, alley, sidewalk, park, playground, public conveyance, parking facility or in any municipal building. Such public gambling is unlawful and is deemed a public nuisance and is specifically prohibited. For the purposes of this section, the term "public or quasi-public place" shall include but not be limited to public areas of public housing developments within the Borough, which shall include all areas except rooms of the leased dwelling units as specified in any Housing Authority lease. Public areas of public housing developments shall also include but not be limited to porches, patios, stairwells and stairways. (Ord. No. 94-5 § 1)

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### **3-3.4 Violations and Penalties.**

a. Any person violating any provision of this section shall, upon conviction, be liable to the penalty as stated in Chapter I, Section 1-5.

b. Separate Violations. Except as otherwise provided, each and every day in which a violation of any provision of this section exists shall constitute a separate violation.

c. Any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided by this section, the Borough, through the Borough Attorney, may apply to the Superior Court for an injunction to prohibit the continuation or repetition of any violation of this section. (Ord. No. 94-5 § 1; New)

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**Section 3-4**

**FEEDING OF WILDLIFE PROHIBITED**

**Subsections:**

**3-4.1 Feeding of Wildlife Prohibited.**

**3-4.1 Feeding of Wildlife Prohibited.**

- a. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
  - a. "Feed" – 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.
  - b. "Person" – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  - c. "Wildlife" – all animals that are neither human nor domesticated.
- b. Prohibited Conduct. No person shall feed, in any public park or on any other property owned or operated by the Borough of Hightstown, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).
- c. Enforcement.
  - (1) The provisions of this Chapter shall be enforced by the Hightstown Borough Police Department.
  - (2) Any person found to be in violation of this Chapter shall be ordered to cease the feeding immediately.
- d. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5. (Ord. No. 2005-11)

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**Section 3-5**

**DISCHARGE OF FIREARMS UNLAWFUL**

**Subsections:**

**3-5.1 Discharge of Firearms Unlawful.**

**3-5.1 Discharge of Firearms Unlawful.**

No person shall discharge a firearm within the limits of the Borough. (1991 Code § 161-1)

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**Section 3-6**

**FIREWORKS RESTRICTED**

**Subsections:**

**3-6.1 Fireworks Restricted.**

**3-6.1 Fireworks Restricted.**

No fireworks shall be discharged in the Borough. (1991 Code § 161-2)

**Section 3-7**

**NOISE CONTROL**

**Subsections:**

- 3-7.1 Unnecessary Noise Unlawful.**
- 3-7.2 Radios; Musical Instruments and Other Devices.**
- 3-7.3 Advertising with Sound.**
- 3-7.4 Sound Trucks and Other Instruments.**
- 3-7.5 Vehicular Horns and Warning Devices.**

**3-7.1 Unnecessary Noise Unlawful.**

No person shall permit, make or continue or cause to be permitted, made or continued any unnecessary noise which disturbs the comfort, rest and repose of any person being in his place of abode or at any public or private meeting or at church services or make, cause or permit to be made or caused upon any premises owned, occupied or controlled by him or in any public place or upon any public street, alley or thoroughfare in the Borough any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons or which are so harsh or prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of the Borough or any number thereof. (1991 Code § 147-1)

**3-7.2 Radios; Musical Instruments and Other Devices.**

No person shall play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building or in the open air. (1991 Code § 147-2)

**3-7.3 Advertising with Sound.**

No person shall, for advertising purposes or for the purpose of attracting the attention of the passing public, play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound on the streets or public places of the Borough or in any place where the sound is cast directly upon the streets or public places or which is so placed and operated that the sound can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises. (1991 Code § 147-3)

**3-7.4 Sound Trucks and Other Instruments.**

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No person shall play, use or operate for advertising purposes or for any other purpose whatsoever in public places or in or upon the public streets, alleys or thoroughfares in the Borough any device known as a "sound truck," "loudspeaker" or "sound amplifier" or radio or phonograph with a loudspeaker or sound amplifier or any other instrument known as a "calliope" or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operating or standing upon the streets or public places aforementioned. (1991 Code § 147-4)

### **3-7.5 Vehicular Horns and Warning Devices.**

No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle except when required by law or when necessary to give timely warning of the approach of the vehicle or as a warning of impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for any unnecessary or unreasonable period of time. (1991 Code § 147-5)

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**Section 3-8**

**ENGINE BRAKING**

**Subsections:**

- 3-8.1 Definitions.**
- 3-8.2 Prohibition.**
- 3-8.3 Exceptions.**
- 3-8.4 Violations and Penalties.**

**3-8.1 Definitions.**

As used in this Section, the following terms shall have the meanings indicated:

**ENGINE BRAKING** – The use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle. (Ord. No. 2002-09)

**3-8.2 Prohibition.**

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Borough of Hightstown, any mechanical exhaust or decompression device which results in the practice known as “engine braking.” (Ord. No. 2002-09)

**3-8.3 Exceptions.**

The provisions of this Section shall not apply to the application of compression brakes for emergency purposes when necessary for the protection of persons and/or property. (Ord. No. 2002-09)

**3-8.4 Violations and Penalties.**

Any person violating any provision of this Section shall be subject to penalties as set forth in Chapter 1, Section 5. (Ord. No. 2002-09)

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**Section 3-9**

**BICYCLES, SKATEBOARDS, SCOOTERS, SKATES AND ROLLER BLADES\***

**Subsections:**

- 3-9.1 Definitions.**
- 3-9.2 License Required for Bicycles.**
- 3-9.3 Bicycle License Application; License Issuance or Denial; Records.**
- 3-9.4 Inspection of Bicycle; Testing of Applicant.**
- 3-9.5 Bicycle Registration Decal.**
- 3-9.6 Rules and Regulations.**
- 3-9.7 Riding Prohibited on Certain Sidewalks.**
- 3-9.8 Violations and Penalties.**
- 3-9.9 Hearing Officer.**

\* **Editor's Note:** Helmets are required when riding a bicycle pursuant to N.J.S. 39:4-14.3q.

**3-9.1 Definitions.**

As used in this section:

“Bicycle” shall mean a device having two (2) wheels, with tires connected by a frame and arranged to be propelled by human power. This definition shall not apply to toy bicycles or velocipedes.

“Roadway” shall mean that portion of a highway improved, designated or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

“Sidewalk” shall mean that portion of a highway intended for the use of pedestrians between the curblin e or the lateral line of a shoulder or, if none, the lateral line of the roadway and the adjacent right-of-way line. (1991 Code § 63-1; Ord. 2001-05, Amended, 06/04/2001)

**3-9.2 License Required for Bicycles.**

No person who resides within the Borough shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless the bicycle has been licensed and a license decal is attached thereto as provided in this section. This section shall also apply to a person who resides outside the Borough but who operates a bicycle within the limits of the Borough more than casually or on a transient basis. (1991 Code § 63-2; Ord. 2001-05, Renamed, 06/04/2001)

**3-9.3 Bicycle License Application; License Issuance or Denial; Records.**

a. Application for a bicycle license and license plate shall be made upon a form provided by the Borough and shall be made to the Chief of Police.

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b. The Chief of Police, upon receiving proper application from the parent or guardian or, if an adult, from the adult shall issue a bicycle license. Licenses shall be issued annually during April, to be effective from May 1 to April 30. Any license obtained during the license year shall be effective only until the end of that license year, and a new license shall be obtained at that time. A newly acquired bicycle shall be licensed within fourteen (14) days of acquisition.

c. The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

d. The Chief of Police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued and the number on the frame of the bicycle for which issued. (1991 Code § 63-3; Ord. 2001-05, Amended, 06/04/2001)

### **3-9.4 Inspection of Bicycle; Testing of Applicant.**

The applicant shall demonstrate to the Chief of Police that the bicycle is in a safe mechanical condition and that he is capable of operating the same and is familiar with the traffic laws of the State of New Jersey, as well as the provisions of this section, relative to the operation and equipment of the bicycle. Before issuing a bicycle license to an applicant, the Chief of Police shall first provide the applicant with a copy of this section. (1991 Code § 63-4; Ord. 2001-05, Amended, 06/04/2001)

### **3-9.5 Bicycle Registration Decal.**

Upon compliance by the applicant with the requirements herein set forth, the Police Department shall issue to the applicant a registration decal, which shall be fastened to the frame of the bicycle in a conspicuous place. Removal of the tag shall be grounds for revocation of the license. (1991 Code § 63-5; Ord. 2001-05, Amended, 06/04/2001)

### **3-9.6 Rules and Regulations.**

a. The following rules and regulations shall be observed in the operation of bicycles, skateboards, scooters, skates and roller blades in the streets and public places of the Borough:

1. Every person operating a bicycle, skateboard, scooter, skates or roller blades shall at all times operate such vehicle with due regard for the safety of other persons and vehicles lawfully upon the streets, highways, parkways and public places, as well as for his own safety, and shall at all times and under all conditions yield the right-of-way to pedestrians on the streets, highways, public places and crosswalks.

2. No person shall operate a bicycle upon the streets, highways, parkways and public places of the Borough during the period of one (1) hour after sunset to one (1) hour before sunrise unless the bicycle is equipped with a front light casting a beam of white light in front of the bicycle visible for not less than five hundred (500) feet and also with a real signal, i.e., an official reflector or red light, visible for not less than three hundred (300) feet.

3. No person shall operate a bicycle upon the streets, highways, parkways and public places of the Borough that is not equipped with adequate brakes and warning signals, all of which shall be in proper working order during

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all the time of operation of the bicycle after police inspection and approval.

4. The hand signal shall be used to indicate that an operator is about to turn or change the direction of any bicycle.

5. No person operating a bicycle, skateboard, scooter, skates or roller blades upon any street, highway or parking or public place shall attach himself to any other moving vehicle.

6. No person operating a bicycle for carrying only the rider shall carry another person on the front or rear frame or handlebars of a bicycle.

b. These rules and regulations are intended to supplement the laws of the State of New Jersey and not to alter them. The laws of the State of New Jersey are incorporated herein as if set forth in detail. (1991 Code § 63-6; Ord. 2001-05, Amended, 06/04/2001)

### **3-9.7 Riding Prohibited on Certain Sidewalks.**

In the following described areas, the riding of a bicycle, skateboard, scooter, skates or roller blades shall be prohibited on the sidewalks. In those areas, bicycles shall be walked on the sidewalk.

a. On Mercer Street from the intersection of Ward Street north to Main Street.

b. On South Main Street from the intersection of Ward Street north to Main Street.

c. On Main Street from the intersection of Mercer Street and South Main Street north to the intersection of Franklin Street.

d. On Stockton Street from the intersection of Academy Street to Main Street.

e. On Franklin Street from the intersection of Broad Street to Main Street.

f. On North Main Street from the intersection of Monmouth Street south to Main Street. (1991 Code § 63-7; Ord. 2001-05, Amended, 06/04/2001)

### **3-9.8 Violations and Penalties.**

a. Bicycles

1. Any person under the age of eighteen (18) who violates any of the provisions of this section relating to vehicle and traffic laws or the bicycle safe-riding rules and regulations and the official police instructions for the safe operation of a bicycle shall be reprimanded for the first offense, in writing, by the Borough Police Department, addressed to the offender's parent or guardian, stating the nature of the violation and a warning that a repetition of the violation or any other violation shall be prevented or the violator shall be penalized by removal and detention of the license decal from his bicycle for a period not to exceed thirty (30) days or by impounding his bicycle for a period of time not to exceed thirty (30) days; and during that

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period of time, the offender shall not ride any bicycle on the streets. On the second complaint, the offender shall be summoned to appear at police headquarters with his bicycle, accompanied by his parent or guardian, and, after a hearing on the violation, may be punished by removal and detention of the license decal from his bicycle for a period not to exceed thirty (30) days or by impounding of the bicycle for a period not to exceed thirty (30) days by the hearing officer with the approval, if possible, of the parent or guardian, but the decision of the hearing officer shall prevail. (1991 Code § 63-8)

2. Any person over the age of eighteen (18) who violates any of the provisions of this section relating to vehicle and traffic laws or the bicycle safe-riding rules and regulations and the official police instructions for the safe operation of a bicycle shall be subject to penalties as set forth in Section 1-5, "General Penalty," of the *Revised General Ordinances of the Borough of Hightstown*.

### b. Skateboards, Scooters, Skates and Roller Blades

1. Any person under the age of eighteen (18) who violates any of the provisions of this section relating to skateboards, scooters, skates or roller blades shall be reprimanded for the first offense, in writing, by the Borough Police Department, addressed to the offender's parent or guardian, stating the nature of the violation and a warning that a repetition of the violation or any other violation shall be prevented or the violator shall be penalized by impounding his skateboard, scooter, skates or roller blades for a period of time not to exceed thirty (30) days; and during that period of time, the offender shall not ride any such vehicle on the streets. On the second complaint, the offender shall be summoned to appear at police headquarters with his skateboard, scooter, skates or roller blades, accompanied by his parent or guardian, and, after a hearing on the violation, may be punished by impounding of the skateboard, scooter, skates or roller blades for a period not to exceed thirty (30) days by the hearing officer with the approval, if possible, of the parent or guardian, but the decision of the hearing officer shall prevail.
2. Any person over the age of eighteen (18) who violates any of the provisions of this section relating to skateboards, scooters, skates or roller blades shall be subject to penalties as set forth in Section 1-5, "General Penalty," of the *Revised General Ordinances of the Borough of Hightstown*. (Ord. 2001-05, Amended, 06/04/2001)

### 3-9.9 Hearing Officer.

The hearing officer shall be appointed by the Chief of Police subject to confirmation by the Council. The Chief of Police shall consult with the Police Commissioner with reference to the appointment, and the Council shall only act after recommendation is made on the appointment by the Commissioner. The hearing officer shall perform his duties during hours that shall be fixed, having in mind the convenience of the public. (1991 Code § 63-9; Ord. 2001-05, Amended, 06/04/2001)

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## Section 3-10

### ABANDONED OR WRECKED VEHICLES\*

#### Subsections:

- 3-10.1**            **Definitions.**
- 3-10.2**            **Abandoning Vehicles Unlawful.**
- 3-10.3**            **Leaving Non-operating Vehicles on Streets Unlawful.**
- 3-10.4**            **Storage on Private or Borough Property Restricted; Exceptions.**
- 3-10.5**            **Impoundment; Redemption.**
- 3-10.6**            **Violations and Penalties.**

\*            **Editor's Note:** For additional regulations on property maintenance, see Chapter XIV.

#### **3-10.1**    **Definitions.**

As used in this section:

“Abandon” shall mean to intentionally and permanently give up, surrender, leave, desert or relinquish all interest or ownership in a vehicle. A vehicle is considered abandoned if it has been in the same public location for at least three consecutive days. Most often, it will be damaged or missing critical components, such as the engine, wheels, tires or plates. Circumstances which may lead to a presumption of abandonment include, but are not necessarily limited to, broken window(s) or windshield that limit visibility; one or more flat tires; invalid license plates; or vehicle being unregistered or uninspected. This does not include any vehicle that is kept within a building when it is not in use.

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

“Renovated” shall mean restored to good condition; made new or as if new again; repaired.

“Repaired” shall mean restored to former condition or operational soundness.

“Restored” shall mean brought back into a former, original, or normal condition.

“Street” or “highway” shall mean the entire width between the boundary lines of every way 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 other than human power, designed to travel along the ground by the use of wheels, treads, runners or slides and to transport persons or property or pull machinery, including, but not by way of limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (1991 Code § 217-1; Ord. No. 2015-23)

#### **3-10.2**    **Abandoning Vehicles Unlawful.**

No person shall abandon a vehicle within the Borough, and no person shall leave a vehicle at any place within the Borough for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. (1991 Code § 217-2)

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### **3-10.3 Leaving Non-operating Vehicles on Streets Unlawful.**

No person shall leave any unregistered, partially dismantled, non-operating, wrecked or junked vehicle on a street or highway within the Borough. (1991 Code § 217-3; Ord. No. 2002-04)

### **3-10.4 Storage on Private or Borough Property Restricted; Exceptions.**

a. No person in charge or control of property within the Borough, whether as owner, tenant, occupant, lessee or otherwise, shall allow unregistered or uninspected or partially dismantled or non-operating or wrecked or junked or discarded vehicles to be parked or stored anywhere on private property except on a paved or stoned driveway or an approved extension of a driveway, and such vehicles shall not be permitted to remain on the property longer than forty-eight (48) hours. Moreover, no person shall leave such vehicles on any property within the Borough for a longer period than forty-eight (48) hours.

b. This section shall not apply 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 the business enterprise; a vehicle that is parked or stored on a paved or stoned driveway or an approved extension of a driveway and which is actively being repaired, renovated or restored, so long as the vehicle is covered with an appropriate durable car cover, during times when such work is not being undertaken; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough.

c. If an unregistered or uninspected or partially dismantled or non-operating or wrecked or junked or discarded vehicle is parked on private or Borough property in any other manner than as permitted pursuant to this Section, then it shall be considered a violation of this Section.

(1991 Code § 217-4; Ord. No. 2002-04; Ord. No. 2015-23)

### **3-10.5 Impoundment; Redemption.**

The Chief of Police or any member of the Police Department designated by him is authorized to remove or have removed any vehicle left at any place within the Borough which appears to be present in violation of this section. Such a vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable statutes. The Chief of Police or any member of the Police Department acting for him shall notify the registered and legal owner, in writing, by personal service or by certified mail, at the last known address of the owner, of the removal of the vehicle, the reason for the removal and the location of the vehicle. The vehicle shall be retained and impounded until the owner or his authorized agent pays the cost of such taking and removal, together with a garage charge of two (\$2.00) dollars for each day that the vehicle is retained and impounded. (1991 Code § 217-5)

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### **3-10.6 Violations and Penalties.**

In addition to the penalties set forth in Subsection 3-10.5, a summons may be issued for any violation of the provisions of this Section by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law. (Ord. No. 2015-23)

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Section 3-11

**PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES**

**Subsections:**

- 3-11.1 Definitions.**
- 3-11.2 Parking in Public Streets Restricted; Repairs.**
- 3-11.3 Storage of Boats, Trailers and Camping Vehicles on Private Property.\***
- 3-11.4 Storage of Registered, Operating Vehicles on Private Property.**
- 3-11.5 Violations and Penalties.**

**3-11.1 Definitions.**

As used in this section:

Trailer or Camping and recreational vehicle shall mean any boat mounted on a trailer or any vehicle or structure used or intended to be used as a conveyance upon the public streets or highways and duly licensed as such, including self-propelled and non-self-propelled vehicles or structures designed, constructed and reconstructed or added to by means of accessories in such a manner as to permit the occupancy thereof as a dwelling or sleeping place, temporary or permanent, for one (1) or more persons and having no foundations other than wheels, skids, jacks or similar devices so arranged as to be integral with or portable by the trailer or camping and recreational vehicle, including any trailer or camping and recreational vehicle so arranged and installable as not be subject to transportation. (1991 Code § 203-1)

**3-11.2 Parking in Public Streets Restricted; Repairs.**

a. No person shall park any camping vehicle for any period exceeding two (2) hours on any street in the Borough except for the purpose of repair.

b. If any person desires to repair a camping vehicle while it is parked on any street, he shall obtain a permit therefor from the Police Department. Such permit shall not be issued unless the camping vehicle cannot be removed to a garage, service station or other premises for the purpose of repair and shall be granted on request without fee. It shall be valid for a period of forty-eight (48) hours from the issuance thereof but may, for good cause shown, be renewed for an additional forty-eight (48) hour period or periods as necessity may require. Any camping vehicle undergoing repairs while parked in a street shall not be used by any person as a dwelling or sleeping place during such period of repair. (1991 Code § 203-2)

**3-11.3 Storage of Boats, Trailers and Camping Vehicles on Private Property.\***

Any owner of a boat, trailer or camping vehicle may park or store his equipment on private residential property in the Borough subject to the following conditions:

a. If the boat, trailer or camping vehicle is parked or stored outside of a garage or building, it shall be parked or stored to the rear of the front building line of the lot, on a paved or stoned driveway or an approved extension of a

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driveway, except that a boat, trailer or camping vehicle may be parked anywhere on private residential property for loading or unloading purposes.

b. At no time shall a parked or stored boat or camping vehicle be occupied or used for living, sleeping or housekeeping purposes or for storage of other than equipment used in connection with the vehicle.

c. Only one (1) of each such vehicle shall be permitted to be parked at one (1) time on any one (1) property. (1991 Code § 203-3; Ord. No. 2002-04)

\* **Editor's Note:** For additional regulations on property maintenance, see Chapter XIV.

### **3-11.4 Storage of Registered, Operating Vehicles on Private Property**

Registered, operating vehicles shall be parked or stored on a paved or stoned driveway or an approved extension of a driveway. If a vehicle is parked on private property in any other manner, then it shall be considered a violation of this Section. (Ord. No. 2002-04; Ord. No. 2015-23)

### **3-11.5 Violations and Penalties.**

For any violation of the provisions of this Section, a summons may be issued by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law. (Ord. No. 2015-23)

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**Section 3-12**

**MOTOR VEHICLE REPAIRS ON PUBLIC PROPERTY**

**Subsections:**

**3-12.1 Motor Vehicle Repairs on Public Property.**

**3-12.1 Motor Vehicle Repairs on Public Property.**

It shall be unlawful for any person to dismantle any vehicle or perform motor vehicle repairs in any public parking lot within the Borough. (Ord. No. 2002-06)

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**Section 3-13**

**PARADES**

**Subsections:**

- 3-13.1**            **Definitions.**
- 3-13.2**            **Permit Required.**
- 3-13.3**            **Application.**
- 3-13.4**            **Standards for Issuance.**
- 3-13.5**            **Issuance or Disapproval of Permit.**
- 3-13.6**            **Appeals.**
- 3-13.7**            **Alternate Permit.**
- 3-13.8**            **Officials to Be Notified of Permit Issuance.**
- 3-13.9**            **Content of Permit.**
- 3-13.10**           **Responsibilities of Permittee.**
- 3-13.11**           **Public Conduct During Parades.**
- 3-13.12**           **Revocation of Permit.**
- 3-13.13**           **Violations and Penalties.**
- 3-13.14**           **Applicability of Penalty.**

**3-13.1 Definitions.**

As used in this section:

“Parade” shall mean any parade, march, ceremony, show, exhibition, run, bicycle race, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the Borough.

“Parade permit” shall mean the permit required by this section. (1991 Code § 153-1; New)

**3-13.2 Permit Required.**

No person shall engage in, participate in, aid, form or start any parade unless a parade permit is obtained from the Chief of Police or other appropriate official or body. This regulation shall not apply to funeral processions, to students going to and from school or participating in educational activities, provided that their conduct is under the immediate direction and supervision of the proper school authority, or to a governmental agency acting within the scope of its functions. (1991 Code § 153-2)

**3-13.3 Application.**

A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by him.

- a. **Filing Period.** The application shall be filed with the Chief of Police not less than thirty (30) days nor more than sixty (60) days before the date on which it is proposed to conduct the parade.

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b. Contents. The application shall contain the following information:

1. The name, address and telephone number of the person seeking to conduct the parade.
2. If the parade is to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible head of the organization.
3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
4. The date when the parade is to be conducted.
5. The route to be traveled, the starting point and the termination point.
6. The approximate number of persons who and animals and vehicles which will constitute the parade, the type of animals and description of the vehicles.
7. The hours when the parade will start and terminate.
8. A statement as to whether the parade will occupy all or only a portion of the width of the streets to be traveled.
9. The location by streets of any assembly areas for the parade.
10. The time when units of the parade will begin to assemble at any assembly area.
11. The interval of space to be maintained between units of the parade.
12. If the parade is to be held by or for any person other than the applicant, a written statement from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.

c. Late Applications. When good cause is shown, the Chief of Police shall have the authority to consider any application which is filed less than thirty (30) days before the proposed date of the parade.

d. Fee. A fee of fifty (\$50.00) dollars shall be paid at the filing of the application. This fee shall be waived for any organization qualified as nonprofit under Section 501(c)(3) of the Internal Revenue Code.

e. Police Service Fee. A fee for Police Services shall be charged pursuant to Subsection 2-19.19 "Engagement of Services of Off-Duty Police Officers," of the "Revised General Ordinances of Hightstown Borough". The fee for Police Services shall not be waived for any organization qualified as nonprofit under Section 501(c)(3) of the Internal Revenue Code.

(1991 Code § 153-3; New; Ord. No. 1999-01 § 1; Ord. No. 2016-24)

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### **3-13.4 Standards for Issuance.**

The Chief of Police shall issue a parade permit when, from a consideration of the application and any other information otherwise obtained, he finds that:

- a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- b. The conduct of the parade will not require the diversion of so great a number of Police Officers to properly police the line of movement and areas contiguous thereto as to prevent normal police protection to the Borough.
- c. The conduct of the parade will not require a diversion of so great a number of ambulances as to prevent normal ambulance service to other portions of the Borough.
- d. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to the assembly points.
- e. The conduct of the parade will not interfere with the movement of fire-fighting equipment en route to a fire.
- f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provide disorderly conduct or to create a disturbance.
- g. The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit. (1991 Code § 153-4)

### **3-13.5 Issuance or Disapproval of Permit.**

The Chief of Police shall act upon the application within two (2) days after the filing thereof. If he disapproves the application, he shall mail to the applicant within two (2) days after its filing a notice of his actions, stating the reasons for denial. (1991 Code § 153-5)

### **3-13.6 Appeals.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the Borough Council. The appeal shall be taken within two (2) days after notice, and the Council shall act upon the appeal within two (2) days of its receipt. (1991 Code § 153-6)

### **3-13.7 Alternate Permit.**

The Chief of Police, in denying a parade permit application, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within seven (7) days after notice of the Police Chief's action, file a written notice of acceptance

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with the Chief of Police. An alternate parade permit shall conform to the requirements of and have the effect of a parade permit under this section. (1991 Code § 153-7)

### **3-13.8 Officials to Be Notified of Permit Issuance.**

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to:

- a. The Mayor.
- b. The Borough Attorney.
- c. The Fire Chief.
- d. The Superintendent of Public Works.
- e. The Postmaster.
- f. The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade. (1991 Code § 153-8)

### **3-13.9 Content of Permit.**

Each permit shall state the following information:

- a. Starting time.
- b. Minimum speed.
- c. Maximum speed.
- d. Maximum interval of space to be maintained between units of the parade.
- e. Portions of streets to be traversed that may be occupied by the parade.
- f. Maximum length of the parade in miles or fraction thereof.
- g. Any other information the Chief of Police shall find necessary to the enforcement of this section. (1991 Code § 153-9)

### **3-13.10 Responsibilities of Permittee.**

A permittee under this section shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading the parade shall carry the permit on his person during the conduct of the parade. (1991 Code § 153-10)

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### **3-13.11 Public Conduct During Parades.**

a. Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or any person, vehicle or animal participating or used in a parade.

b. Driving through Parades. No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

c. Parking on Parade Route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the parade route. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this subsection. (1991 Code § 153-11)

### **3-13.12 Revocation of Permit.**

The Chief of Police shall have the authority to revoke a parade permit upon application of the standards of issuance in subsection 3-13.4. (1991 Code § 153-12)

### **3-13.13 Violations and Penalties.**

a. Any person violating any provision of this section, shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

b. Except as otherwise provided, each and every day in which a violation of any provision of this section exists shall constitute a separate violation. (1991 Code § 153-13; New)

### **3-13.14 Applicability of Penalty.**

The penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation. (1991 Code § 153-14; New)

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**Section 3-14**

**RESERVED**

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## Section 3-15

### DRUG FREE ZONES

#### Subsections:

- 3-15.1 Map Adopted; Official Record of Municipality.**
- 3-15.2 Notification of Change of School Properties.**
- 3-15.3 Map to be Kept on File; Copies to be Provided.**
- 3-15.4 Purpose of Map.**
- 3-15.5 Properties Depicted on Map.**

#### **3-15.1 Map Adopted; Official Record of Municipality.**

- a. In accordance with and pursuant to the authority of *N.J.S.A. 2C:35-7* and *N.J.S.A. 2C:35-7.1*, the Drug Free Zone Map prepared for the Borough of Hightstown by Roberts Engineering Group, dated March 2014, is hereby approved and adopted as an official finding and record of the location and areas within the Borough of the following: (1) any property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board; (2) any areas on or within one thousand (1,000) feet of such school property; (3) any property which comprises a public housing facility which is owned by or leased to a housing authority in accordance with the Local Redevelopment and Housing Law," *N.J.S.A. 40A:12A-1*, et seq., or any area comprising a public park or public building, as all of those terms are defined in *N.J.S.A. 2C:35-7.1*; or (4) any areas in or within five hundred (500) feet of the real property comprising a public housing facility, a public park or a public building, as those terms are defined in *N.J.S.A. 2C:35-7.1*.
- b. The Drug Free Zone Map, as approved and adopted herein, shall constitute an official finding and record as to the location and boundaries of the areas referenced above until such time, if any, that the Map and this Section shall be amended to reflect any additions or deletions with respect to the location and/or boundaries of such areas. (1991 Code § 91-1; Ord. No. 2004-29; Ord. No. 2014-07)

#### **3-15.2 Notification of Change of School Properties.**

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 Borough Clerk, the Borough Engineer and the Borough 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. (1991 Code § 91-2)

#### **3-15.3 Map to be Kept on File; Copies to be Provided.**

The Borough Clerk has on file the original of the map approved and adopted under this section. The Borough Clerk shall keep on file a certified copy of the map approved and adopted under this section, and provide, at a reasonable cost, a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. A true copy of the map and this section shall be provided without cost to the County Clerk and the office of the Mercer County

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Prosecutor. (1991 Code § 91-3)

### 3-15.4 Purpose of Map.

- a. It is the purpose and intent that the Map approved and adopted under this Section shall be used as evidence in prosecutions arising out of the criminal laws of this State and that, pursuant to State law, such Map shall constitute prima facie evidence of the following:
  1. The location of elementary and secondary schools within the Borough.
  2. The boundaries of the real property which is owned by or leased to such schools or school board.
  3. That such school property is and continues to be used for school ~~properties~~ purposes.
  4. The location of boundaries and areas which are on or within one thousand (1,000) feet of school property.
  5. The location and boundaries of all properties which are the sites of public housing facilities, public parks and public buildings, as those terms are defined under *N.J.S.A. 2C:35-7.1*, within the municipality.
  6. That the properties referenced in sub-paragraph 5 above are and continue to be used for the purposes of public housing facilities, public parks and/or public buildings, as those terms are defined under *N.J.S.A. 2C:35-7.1*.
  7. The location and boundaries of all areas which are on or within five hundred (500) feet of the properties referenced in sub-paragraph 5 above.
- b. Pursuant to the provisions of *N.J.S.A. 2C:35-7* and *N.J.S.A. 2C:35-7.1*, 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 this Section. The failure of the Map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, or for the purposes of public housing facilities, public parks and/or public buildings (as those terms are defined by *N.J.S.A. 2C:35-7.1*), whether the action 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 such property is not owned by or leased to a school or school board or that such property is not used for school purposes, or for any of the other public purposes referenced in this Section. (1991 Code § 91-4; Ord. No. 2004-29)

**Section 3-16**

**SMOKING IN MUNICIPAL BUILDINGS PROHIBITED**

**Subsections:**

- 3-16.1 Findings.**
- 3-16.2 Prohibitions; Exceptions.**
- 3-16.3 Display of Signs.**
- 3-16.4 Removal or Defacing of Signs.**
- 3-16.5 Violations and Penalties.**

**3-16.1 Findings.**

The Mayor and Council determine that the smoking of tobacco in any form is harmful to the public health and welfare and constitutes a fire hazard and nuisance in the Municipal Building and Police Headquarters and requires prohibition thereof. (1991 Code § 180-1)

**3-16.2 Prohibitions; Exceptions.**

No person shall smoke or carry a lighted cigar, cigarette or pipe or use any match, spark, flame or fire-producing device for the purpose of lighting any cigar, cigarette or pipe, in any room, place or area in the Borough Municipal Building or Borough Police Headquarters; however, the Mayor may designate an area in the Municipal Building and in the Police Headquarters where such activities may be permitted. (1991 Code § 180-2)

**3-16.3 Display of Signs.**

The Mayor shall require and cause to be displayed conspicuous signs in the rooms and areas where the activities described in subsection 3-16.2 are prohibited and shall also require and cause the display of conspicuous signs in those areas designated by him where the activities described in subsection 3-16.2 are permitted. Signs displayed for the prohibition of the activities described in subsection 3-16.2 shall read "Smoking Prohibited by Law." Signs displayed for the designation of areas where the activities described in subsection 3-16.2 are permitted shall read "Designated Smoking Area" or "Smoking Permitted in This Area Only." (1991 Code § 180-3)

**3-16.4 Removal or Defacing of Signs.**

No person shall remove, deface or conceal any sign required or erected by or under the authority of this section. (1991 Code § 180-4)

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### **3-16.5 Violations and Penalties.**

Any person violating any provisions of this section shall, upon conviction thereof, be subject to the penalty as stated in Chapter I, Section 1-5. (1991 Code § 180-5; New)

**Section 3-17**

**SMOKING PROHIBITED ON BOARD OF EDUCATION PROPERTY**

**Subsections:**

- 3-17.1**            **Definitions.**
- 3-17.2**            **Prohibition of smoking.**
- 3-17.3**            **Prohibition of Tobacco Products by Students.**
- 3-17.4**            **Enforcement.**
- 3-17.5**            **Violation.**

**3-17.1 Definitions.**

As used in this section:

*Person:* Shall mean any and all East Windsor Regional School District members, students, teachers, aides, administrators, supervisors, secretarial and clerical staff, custodial and maintenance staff, and all other employees of the school district as well as vendors, independent contractors, and consultants who may from time to time be employed by or volunteer for the East Windsor Regional School District, parents, spectators at indoor and outdoor events, and other visitors.

*School grounds:* Shall mean all lands and grounds owned or leased by the East Windsor Regional School District including, but not limited to, playgrounds, athletic fields, parking areas and parks.

*School vehicle:* Shall mean all vehicles owned or leased by the East Windsor Regional School District as well as any school-approved vehicles used to transport any and all persons during any school sponsored or school approved activity, event, or function, including, but not limited to, field trips and athletic events.

*Smoking:* The burning of a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco and/or other similar products.

*Student:* Any individual (regardless of age) who is receiving instruction from a teacher or his/her designee in the East Windsor Regional School District.

*Tobacco products:* Tobacco products shall mean any product made from the tobacco plant or containing tobacco leaf; for the purpose of smoking, chewing, inhaling or other personal use, including but not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff and dipping tobacco.

**3-17.2 Prohibition of smoking.**

No person shall smoke or carry lighted tobacco in any school building, school vehicle or on any school grounds, at any time.

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### **3-17.3 Prohibition of Tobacco Products by Students.**

It shall be unlawful for any student to use any tobacco product in a school building, school vehicle or on any school grounds.

### **3-17.4 Enforcement.**

The superintendent of the East Windsor School District or his designee or any other person having control of school property or any agent thereof or a police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may sign a complaint against any individual for violation of the provisions of this Section.

### **3-17.5 Violation.**

For violation of the provisions of this Section, the minimum penalty upon conviction shall be a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00) and/or imprisonment in the County Jail or other method of detention for a term not exceeding thirty (30) days.

(Ord. 1999-24; New)

**Section 3-18**

**REGISTRATION OF ALARM SYSTEMS**

**Subsections:**

- 3-18.1 Purpose.**
- 3-18.2 Definitions.**
- 3-18.3 Registration of Alarm System.**
- 3-18.4 General Provisions Regarding Installation, Activation and Operation of Alarm System.**
- 3-18.5 Confidentiality.**
- 3-18.6 Exceptions.**
- 3-18.7 Penalties for Owners and Users of Alarm Systems or Devices.**

**3-18.1 Purpose.**

The purpose of this section is to regulate and control the installation, operation and maintenance of private alarm systems within the Borough in order to insure that the quality of alarm services rendered to the public will be maintained at a high level and to alleviate conditions otherwise leading to an unnecessary drain on the manpower of the Police and Fire Departments of the Borough of Hightstown.

**3-18.2 Definitions.**

As used in this section:

“Alarm business” shall mean any business operated by a person, partnership, corporation, etc., for profit, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to a fire or burglar alarm system, or which causes any of these activities to take place. Excluded from this definition, however, are retail establishments that sell alarm systems over the counter.

“Alarm device” shall mean any type of alarm-activating equipment which provides warning of burglary, intrusion, fire, flood or like peril causing potential for harm to life or property.

“Alarm system” shall mean the installation in a building or structure of one or more alarm devices for the express purpose of giving visual, audible and/or electronic warning of an emergency such as burglary, intrusion, fire, flood or like peril.

“Alarm user” shall mean any person, partnership, association, corporation, company or organization of any kind of control of any building, structure or facility wherein an alarm device is operated.

“False alarm” shall mean an alarm signal eliciting a response by police or firefighters or other public officials when a situation requiring a response by police or firefighters or other public officials does not in fact exist (but excluding an alarm signal caused by violent conditions of nature, such as, but not limited to, lightning, tornadoes, hurricanes, or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user).

“Independent smoke, fire, or CO detector” shall mean a device giving an audible alarm indicating smoke, fire or carbon monoxide within a structure and not connected to an alarm system or to any external warning device.

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### **3-18.3 Registration of Alarm System.**

No person shall install or operate any alarm system unless the alarm system has been registered with the Police Department. An alarm system shall be deemed registered at such time as a registration form supplied by the police department is completed as to all information requested therein and is returned to the Police Department, receipt of which is acknowledged in writing. Among the information to be provided on the registration form is the following:

- a. The name, address, telephone number of the owner or manager of the property upon which the alarm system is installed;
- b. A list of the names, addresses and telephone numbers of the person(s) to be contacted in the event of an alarm or in an emergency situation determined by the Police Department, Fire Department, or Fire Official;
- c. The name, address and telephone number of the installer of the system;
- d. The type of system;
- e. The names, addresses and telephone numbers of the persons or company maintaining the alarm system.

No further renewal registration shall be required unless and until there has occurred any material change in the information previously submitted with respect to any alarm system; in which event it shall be the duty of the user of the alarm system, within ten days of such material change, to file a supplemental or revised registration containing accurate, current information. A one-time fee in the amount of twenty-five (\$25.00) dollars shall accompany each registration form. All pre-existing alarm systems shall comply with requirements of this subsection within ninety days of the date of the final adoption of this section.

### **3-18.4 General Provisions Regarding Installation, Activation and Operation of Alarm System.**

- a. Each alarm system shall be installed utilizing discrete circuitry for multipurpose alarm systems to insure appropriate emergency response.
- b. Any alarm system which requires for its operation electricity supplied by a public utility may be equipped with a battery rendering it operable in the event of a power outage, if so desired by the property owner. Such a battery backup system shall be required for any alarm system that will trigger itself automatically in the event of a power fluctuation, surge, or outage.
- c. All burglar alarm systems must be provided with a device that will automatically shut off the alarm after (10) minutes of activation.
- d. All burglar alarm systems not fitted with an external key switch shall be equipped with a time delay of at least 15 seconds which may include an audible signal of the same length of time, said time delay to be designated to prevent accidental activation of the system. The 15-second signal, if utilized, shall be audible only within the structure and not externally.
- e. No person shall install, cause to be installed, or permit to be installed, any alarm device, by whatever name known, which automatically selects a telephone line dedicated to the Police Department or Fire Department for the purpose of playing a recorded message to report any emergency.

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- f. In the event an alarm system, other than a fire or burglary alarm system, is tied into and/or serviced by a central station or answering service, upon activation of said alarm system, the central station or answering service shall verify the validity of the alarm prior to notifying the Police Department of it.
- g. The resetting of any transmitted fire alarm shall be done in the presence of the Fire Department. In no case shall an alarm be reset prior to the Fire Department's authorization. In case of burglary alarms, the police shall not be responsible for resetting the alarm system.
- h. No alarm business or person owning, using or possessing an alarm system shall cause or permit the occurrence of repeated false alarms, whether intentional, accidental or otherwise.
- i. An alarm business having knowledge of conditions described in subsection h above shall be responsible for notifying the Police Department when one of its customers using or possessing an alarm system sells his or her property. The alarm business shall notify the Police Department as to the name of the new owner and whether or not the new owner is continuing with an alarm device or system within the property.

### **3-18.5 Confidentiality.**

All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a record exempt from public disclosure pursuant to state statute. Any violation of confidentiality shall be deemed a violation of this section.

### **3-18.6 Exceptions.**

The provisions of this section shall not apply to any alarm system installed on property occupied by any borough, county, state or federal government agency or office, or to an independent smoke/fire/CO detector as defined in subsection 3-18.2, nor to any medical alert system.

### **3-18.7 Penalties for Owners and Users of Alarm Systems or Devices.**

- a. Any person who fails to register an alarm system as required by the provisions of this section shall be subject to a minimum fine of \$50.00 and a maximum fine as outlined in Section 1-5.1 of the *Revised General Ordinances of the Borough of Hightstown*.
- b. Any person who installs an alarm system not in compliance with this section shall be subject to a minimum fine of \$50.00 and a maximum fine as outlined in Section 1-5.1 of the *Revised General Ordinances of the Borough of Hightstown*. Additionally, said owner or user may be required to remove such an alarm system, unless it is a required system as determined by the Construction Official.
- c. Non-Fire Alarm Systems. Any owner or user of an alarm system (other than a fire alarm system) which experiences more than four false alarms within any calendar year shall be required to modify or improve said system in such a way as to prevent accidental activation. The owner or user of said system shall be subject to a minimum fine of one hundred (\$100.00) dollars for each false alarm after four within any calendar year. Any owner or user of an alarm system (other than a fire alarm system) which experiences more than 12 false alarms within any calendar year shall be required to disconnect said alarm system for a period of 90 days unless said system is required by law, provide a statement from those that service the alarm system that the malfunction has been corrected, and, in addition, shall be assessed a fine of one thousand (\$1,000.00) dollars.

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- d. Fire Alarm Systems. Any owner or user of a fire alarm system which experiences more than three false alarms within any calendar year shall be required by the Fire Official to modify or improve said system in such a way as to prevent accidental activation and may be subject to penalty by the Fire Official in accordance with the Uniform Fire Code (N.J.A.C. 5:18-2.1 et. Seq.). Prior to modifying any required system, the owner shall submit a construction permit application accompanied by two sets of drawings showing the design and nature of the proposed modifications.
- e. Any owner or user of an alarm system other than a fire alarm system shall be notified in writing within 48 hours by the Borough Police Department once three false alarms have occurred with the system within the 12-month period noted in subsection 3-18.7(b) above.
- f. In the event that a fire alarm system is reset without prior authorization from the Fire Department in violation of subsection 3-18.4(g) herein, the owner or user of said system shall be subject to a minimum fine of two hundred fifty (\$250.00) dollars for each resetting occurrence.

**Section 3-19**

**PROHIBITION OF SMOKING IN PARKS AND RECREATIONAL AREAS  
OWNED, LEASED AND/OR OPERATED BY THE BOROUGH**

**Subsections:**

- 3-19.1 Definitions.**
- 3-19.2 Prohibition of Smoking in Public Places.**
- 3-19.3 Signage Required.**
- 3-19.4 Enforcement.**
- 3-19.5 Violations and Penalties.**

**3-19.1 Definitions.**

As used in this chapter, the following words shall have the following meanings:

*Parks and Recreational Facilities* shall include all public parks, playgrounds, ball fields, swimming pools, gardens, plazas publicly owned or leased by the Borough of Hightstown, and all property owned and/or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

*Smoking* shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be lighted and smoked.

**3-19.2 Prohibition of Smoking in Public Places.**

a. Parks and Recreational Facilities. Smoking shall be prohibited in public parks and recreation facilities owned and/or leased by the Borough of Hightstown and property owned or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, which has been designated with no-smoking signs. Areas designated as smoke-free recreational parks shall include:

1. Association Park;
2. Dawes Park;
3. Memorial Park;
4. Rocky Brook Park; and
5. Roger G. Cook Greenway, in those areas where specifically posted.

b. Municipal Vehicles. Smoking shall be prohibited in any vehicle registered to the Borough of Hightstown.

**3-19.3 Signage Required.**

A sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this Ordinance. The sign(s) shall state "Smoke Free Zone" or "This Public Property is 100% Smoke Free" or substantially similar language and may contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section). All signs shall be

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clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited in the designated area. The sign shall also indicate that violators are subject to a fine.

### **3-19.4 Enforcement**

The Business Administrator, police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may enforce this Ordinance and sign a complaint against any individual for violation of the provisions of this Section.

### **3-19.5 Violations and Penalties.**

For violation of the provisions of this Section, the penalty upon conviction shall be a fine of twenty-five dollars (\$25.00) per violation.

(Ord. No. 2016-20)