

CHAPTER IV

POLICE REGULATIONS

4-1 LITTER; PROPERTY MAINTENANCE REGULATIONS; INOPERABLE MOTOR VEHICLES.

4-1.1 Littering Prohibited.

It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

(Ord. #92-5 § 55.1; Ord. #05-35 § 1)

4-1.2 Definitions.

As used in this section:

Litter shall mean any used or unconsumed substances or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, leaves, grass clippings or other lawn or garden waste, newspaper, magazines, glass metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

Litter receptacle shall mean a container suitable for the depositing of litter.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. (Ord. #92-5 § 55.2; Ord. #05-35 § 2)

4-1.3 Receptacles Required.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear quarter mile without a receptacle; buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including

sporting events, parades, carnivals, circuses, and festivals. The proprietors of these places or sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.
(Ord. #92-5, § 55.3)

4-1.4 Dumping Prohibited; Illegal Dumping.

a. It shall be unlawful for any person to discard or sump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle, or vehicle parts, rubber tires, appliances, furniture, private property, or in any place not specifically designated for the purpose of solid waste storage or disposal.

b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this chapter, the operator or owner, or both, of the motor vehicle or boat shall be deemed to have violated this section.

(Ord. #92-5 § 55-4; Ord. #05-35 § 3)

4-1.5 Storage of Household Waste Restricted.

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

(Ord. 92-5 § 55-5)

4-1.6 Storage of Tires Restricted.

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned as residential, or in non-residential zones where the property is primarily devoted to residential use, except in a fully enclosed structure.
(O-13-19)

4-1.7 Storage of Inoperable Vehicles Restricted.

It shall be unlawful for any person to keep, or permit the keeping of, on streets, or any property, except in a fully enclosed structure, or on the property of a licensed motor vehicle sales, service, towing or storage facility, any motor vehicle, trailer, or semi-trailer which is missing tires, wheels, engine, or any essential parts, or which displays extensive body damage or deterioration, or which is disassembled or partially disassembled. For the purposes of this section, the term motor vehicle shall apply to any powered vehicle or conveyance, whether or not same was intended or designed for use on streets or roadways. Subject to the foregoing exceptions, any motor vehicle kept on streets, or on any property, must be a currently registered vehicle with valid license plates, provided that same was subject to registration and/or licensure.

(Ord. O-13-19)

4-1.8 Open or Overflowing Waste Disposal Bins Prohibited.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal binds on his or her property.
(Ord. 92-5 § 55-8)

4-1.9 Vehicle Loads to be Secure.

It shall be unlawful for any vehicle to be driven, moved, stopped, or parked on any public roadway unless such a vehicle is constructed, covered, or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, should immediately cause the public property to be cleaned of all such materials and shall pay the cost thereof.
(Ord. 92-5 § 55-8)

4-1.10 Deposit in Sewers, Gutters, and Bodies of Water; Containerization of Sweepings Required.

No person shall sweep, throw, or deposit any litter in any sewer, gutter, curb, street, catch basin, fountain, pond, lake stream, or other body of water of any other public place, except that solid waste material or bagged leaves may be placed at curbside during the Township’s authorized and designated clean-up or pick-up periods. Every person who owns or occupies property shall keep the sidewalk in front of his/her premises free of litter or obstructions. All sweepings shall be collected and properly containerized for disposal.
(Ord. 92-5 § 55-10)

4-1.11 Construction Sites.

It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or immediately following completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of the construction side to furnish containers adequate to accommodate flyable or nonflyable debris or trash throughout areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse.
(Ord. 92-5 § 55-11)

4-1.12 Maintenance of Commercial Establishments and Residences.

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free of litter.
(Ord. 92-5 § 55-12)

4-1.13 Distribution of Handbills.

It shall be unlawful for any person to place, to cause to be placed or to hire another person to place any advertisement, handbill or unsolicited materials of any kind or on any street, utility pole, street, sidewalk, building or vehicle within the community in such a manner that it may be removed by natural forces.
(Ord. 92-5 § 55-13)

4-1.14 Upsetting Refuse or Garbage Containers.

No person shall willfully upset refuse containers or garbage cans or containers.
(Code 1971, § 62-25)

4-1.15 Depositing Substances in Streets or Other Places.

No person shall place, throw, suffer or permit the depositing of any stone, sticks, glass, snow or ice, or any hard, dangerous or offensive substance upon any street; nor shall any person throw any such object or substance at, upon or against any person, vehicle of transportation, building or other structure; nor shall any person throw objects from a moving vehicle within the Township.
(Code 1971 § 63-8)

4-1.16 Depositing Rubbish in Public Places.

No person shall, within the Township, dispose of, throw away or discard any papers, bottles, tin cans, cartons, garbage or refuse upon public streets, sidewalks, public grounds or parks, playgrounds or place of public assemblage or accommodation, including all municipally owned facilities, nor shall the refuse be thrown into the waters of any pond, street or lake, or into waters adjacent thereto, nor shall any person discharge any sewage or waste into the waters or pollute the waters in any manner.
(Code 1971, § 63-9)

4-1.17 Violations and Penalties.

Any person who violates any provision of this chapter shall upon trial and conviction, be subject to a fine of up to one thousand (\$1,000.00) dollars or one hundred (\$100.00) dollars for each violation, plus the cost of clean-up or community service work for a period of not less than thirty (30) days, but not to exceed two hundred seventy (270) days, or imprisonment for a term not to exceed ninety (90)

days, or any combination of these penalties. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 92-5 § 55-14)

4-2 RESERVED.

4-3 CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

4-3.1 Prohibited Acts.

No person shall consume or offer to another for consumption, any alcoholic beverage in an open container while:

- a. In or on any public street, including parking lots.
- b. In or upon any private property or private street, beach, park or recreational facility, land or thoroughfare or other area frequented by the public without the express consent, permission or authorization of the owner or other authorized person empowered to give such consent, permission or authorization with respect to such property.
- c. In or upon any motor vehicle whether in motion, parked or stopped, in or on any public street, including parking lots or any other area frequented by the public or private property without the express, written consent of the owner or other person authorized to grant such consent.
- d. Nothing in this subsection shall be construed to prohibit the consumption or possession of an alcoholic beverage within premises licensed by the New Jersey Alcoholic Beverage Control Board or where a special permit is issued pursuant to N.J.A.C. 13-5.1 (Social Affairs) and approved by resolution of the local governing authority for the control of alcoholic beverages. The permit shall include terms and conditions as established by the issuing authority and shall note the duration of such permit.
- e. Notwithstanding the foregoing, a person may be guilty of violating this subsection only when the person has failed to obey a request to cease violating the subsection made by a Police Officer exercising this discretion reasonably under the circumstances in order to preserve or promote public peace and order or to reduce the danger of littering, or curtail noise and the potentiality of public disturbance.

(Code 1971 § 63-1A; Ord. 9-7-82)

4-4 RESERVED.

4-5 DRUG-FREE SCHOOL ZONE MAP.

4-5.1 Map Approved and Adopted.

In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, the Drug-Free School Zone map produced on or about April, 1988 by William Willadsen, Land Surveyor, is hereby approved and adopted as an official finding and record of the location and areas within the municipality 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.

(Ord. 12-6-88 § 1)

4-5.2 Official Record Established.

The Drug-Free School Zone Map approved and adopted pursuant to subsection 4-5.1 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 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 and Drug-Free School Zones.

(Ord. 12-6-88 § 2)

4-5.3 Notification of County Officials of Changes in School Property Location and 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 County Engineer and the County 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. 12-6-88 § 3)

4-5.4 Certified Copies Available from Municipal Clerk's Office.

The Municipal Clerk is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to subsection 4-5.1, 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 such 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 such map and of this section shall be provided without cost to the County Clerk and to the Office of the Morris County Prosecutor.

(Ord. 12-6-88 § 4)

4-5.5 Purpose of Map; Items Required to Be Included.

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

a. It is understood that the map approved and adopted pursuant to subsection 4-5.1 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 map shall constitute prima facie evidence of the following:

1. The location of elementary and secondary schools within the municipality;
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.

b. Except as is otherwise expressly noted in 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 (or leased to) a school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of L. 1987, c.101 (N.J.S.A. 2C:35-7).

c. Pursuant to the provisions of Chapter 44 of the Laws of 1988, 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 map or diagram other than the one approved and adopted pursuant to subsection 4-5.1. 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 such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.

d. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone map have been complied with.

(Ord. 12-6-88 § 5)

4-6 TOWING, ROAD SERVICE AND STORAGE OF VEHICLES.

4-6.1 Title.

This section shall be known as the “Towing, Road Service and Storage of Vehicles Ordinance” of the Township.
(Ord. 92-2 § 1)

4-6.2 Purpose and Intent.

The purpose and intent of this section is to provide criteria and standard operating procedures that are reasonable, non-exclusionary and non-discriminatory in the selection and use of towing operators, on a rotational basis, in providing towing, road services and the storage of vehicles, including, but not limited to, the towing of vehicles that are abandoned, disabled, illegally parked or stolen, vehicles involved in accidents and/or those vehicles suspected or identified by the Township as being involved criminal activities.
(Ord. #92-2 § 2)

4-6.3 Definitions.

As used in this section:

Basic towing service shall mean the removal and transportation of a vehicle from a highway, street or other public or private road, parking area or from a storage facility. This section and the definitions herein shall not include the recovery of a vehicle from a position beyond the public right-of-way or berm, or from being impaled upon any other object outside of the public right-of-way or berm.

Classification of towing vehicles shall mean and include:

a. *Light duty* shall mean:

1. Commercially manufactured chassis, rated capacity of not less than ten thousand (10,000) pounds GVWR;
2. Commercially manufactured wheel lifting apparatus with a minimum capacity of four (4) tons;
3. Dual rear wheels;
4. Universal tow sling or wheel life with System 7 safety chains;
5. Proper safety lights;
6. Amber rotation emergency flashing light;

7. Two (2) flood lights to the rear of the vehicle;
8. One (1) motorcycle sling;
9. Two (2)-way radio/cell phone;
10. Lettering in accordance with New Jersey Division of Motor Vehicle standards for commercial light duty vehicles.

b. *Heavy duty* shall mean:

1. Commercially manufactured chassis, rated capacity of not less than thirty-two thousand nine hundred (32,900) pounds GVWR;
2. Commercially manufactured lifting apparatus with a minimum capacity of twenty-five (25) tons;
3. Two (2) snatch blocks, twelve (12) ton rating;
4. Air brake hookup lines;
5. Tow sling-towbar or wheel life with System 7 safety chains;
6. Proper safety lights;
7. Amber rotation emergency flashing light;
8. Two (2) flood lights to rear of vehicle;
9. Two (2)-way radio.

Disable vehicle shall mean a vehicle which has been abandoned, impounded or rendered inoperable as a result of a mechanical failure, involvement in an accident or criminal activity. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed disable for the purpose of this section.

Impoundment shall mean the act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage area or at a Township facility as a result of abandonment, involvement in an accident or suspected criminal activity.

Inside building storage facility shall mean a vehicle storage facility that is completely indoors, having one (1) or more openings or storage bins in the walls for the storage of vehicles and that is secured by a locking device on each bin or opening.

Off-road recovery shall mean the act of towing a vehicle which is located off the paved portion of the right-of-way.

Outside secured storage facility shall mean a vehicle storage facility that is not completely indoors and that is secured by a fence, wall or other man-made barrier that is at least six (6') feet in height and is protected with on-site security or an alarm system. Outside storage facilities shall also maintain adequate lighting to protect stored vehicles from vandalism.

Owner shall mean a person, firm, corporation or partnership who owns and/or operates a vehicle on the roads and highways within the Township, which vehicle, by reason of being disable or abandoned on the roads and highways of the Township requires towing and/or storage.

Road call shall mean the act of a tow or service vehicle responding to a service call and making repairs on site without towing said vehicle back to the service garage.

Towing operator shall mean a person, firm, corporation or partnership engaged in the business of providing towing, road and storage services for vehicles. (Ord. 92-2 § 3; Ord. #99-21 §§ 1, 2; Ord. #04-31 § 1)

4-6.4 Administration.

The Chief of Police and the Business Administrator are hereby designated to administer and enforce all provisions of the “Towing, Road Service and Storage of Vehicles Ordinance.” (Ord. #92-2 § 4)

4-6.5 Qualification Criteria; Application Procedures.

a. It shall be the responsibility of the Business Administrator or his designee, with the advice of the Chief of Police, to approve all applications for towing operators, to be utilized on a rotational basis for the purpose of providing emergency towing, road and storage services to the owners of motor vehicles utilizing Township roads when he determines that the following requirements have been met by the applicant. On forms prepared by the Township, and provided by the Business Administrator or his designee, all towing operators shall submit written documentation that they are in compliance with the qualification requirements set forth below:

1. Submission of Certificate of Insurance. All towing operators shall submit a Certificate of Insurance to the Business Administrator which certificate shall name the Township as “an additional insured.” The certificate shall provide evidence that the towing operator carries the following insurance coverages:

(a) Automobile Liability. Combined single limit coverage in the minimum amount of seven hundred fifty thousand (\$750,000.00) dollars.

(b) Garage Liability. A minimum of seven hundred fifty thousand (\$750,000.00) dollars for each occurrence.

(c) Garage Keepers Liability. A minimum of forty-five thousand (\$45,000.00) dollars for each occurrence.

b. The towing operators agree that to the fullest extent permitted by law, they shall defend, indemnify and hold harmless the Township from and against any and all claims, suits, judgments and demands whatsoever, including, without limitation, cost, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever, or damage to property of any kind by whomever owned, arising out of or caused or claimed to have been caused in whole or in part by the negligent acts or omissions of the towing operators or any other person directly or indirectly employed by the towing operators while in the performance of rendering any services pursuant to the scope of this section.

(Ord. #93-2 § 5; Ord. #10-15 § 1)

4-6.6 Minimum Standards Governing Operator Performance.

a. Any person, firm, corporation or partnership operating a towing and storage business shall endeavor to maintain a principal place of operation or personal residence within the Township as a property taxpayer. In maintaining a principal place of operation or primary residence with the Township, any person, firm, corporation or partnership operating a towing and storage business shall conform to a legally approved zoning and/or site plan and shall comply fully with all of the Township's Zoning, Land Use and Property Maintenance Codes. Failure to comply with the Township's Zoning, Land Use and Development and Property Maintenance Codes may subject any operator to suspension from the Rotational Duty Service List upon request to the Business Administrator from the Township's Construction Code Official/Zoning Officer and/or Property Maintenance Officer. Those towing operators on the police rotational list at the time of the adoption of this subsection shall be deemed to satisfy the residence requirement set forth herein.

b. Nothing herein shall preclude a towing operator from storing his towing vehicles and equipment at another location no greater than five (5) miles outside the boundaries of the Township.

c. All towing operators shall have a storage facility which can accommodate a minimum of ten (10) medium sized vehicles. The storage facilities shall be lighted, fenced and/or secured in order to guarantee the safe storage of all

vehicles in accordance with the minimum requirements for indoor and outdoor secured storage facilities as defined under subsection 4-6.3.

d. In addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services, all towing operators must own and have available at least one (1) conventional wheel life wrecker and one (1) flatbed/rollback truck. Towing operators may, at their option, own one available one (1) heavy duty tow truck.

e. All towing operators' trucks must be equipped with either two (2)-way radio and/or mobile telephone communications equipment with their principal place of business including their garage and/or facilities to ensure the proper availability of services and equipment on behalf of the Township and motorists.

f. All towing operators' trucks shall be equipped with brooms, shovels and any other street sweeping equipment for the purpose of clearing debris off the roadways. The towing operator shall at the time of removing any motor vehicle, in response to a police request, removed from the public or private roads or highways, any motor vehicle debris or material in the area surrounding the vehicle, including up to five (5) gallons of any debris or material such as oil, gasoline, kerosene, antifreeze or other petroleum or chemical products. The cleanup of debris, other than hazardous materials, shall be performed by the towing operator, without charge to the Township.

g. The towing operators' wrecker(s) and all other vehicles shall be properly licensed and registered with the New Jersey Motor Vehicle Commission. All towing operators' vehicles shall display New Jersey commercial license plates.

h. All towing operators shall have facilities and equipment that will ensure and guarantee the furnishing of prompt and efficient services for all standard passenger automobiles.

i. The towing operator's company name, address and telephone number(s) shall be prominently and permanently displayed on both sides of all wrecker(s) and other towing vehicles.

j. All towing operators selected to serve on a rotational basis must guarantee the availability of all services to the Business Administrator seven (7) days a week, twenty-four (24) hours a day. In this request, a towing operator shall immediately respond to any type of towing emergency, road service or storage call with the appropriate vehicle and/or equipment within twenty (20) minutes after receipt of telephone notification from the Police Department's Dispatcher/Deck Officer. Unless heavy or unusual traffic conditions or inclement weather within the Township prevent a towing operator from arriving at the scene within twenty (20) minutes, failure to respond within the time frame shall be considered a breach of this section.

In the event that a towing operator fails to respond within twenty (20) minutes from the time of the call, the Police Department reserves the right to contact the next available towing operator on the rotational list.

k. In times of emergencies and/or natural disasters, the Township authorizes the Chief of Police to contact other towing service operators who may not be on the rotational list.

l. The owner of a vehicle involved in an accident shall have the right, if he/she desires, to designate a towing operator of his/her choice, with the approval of the police officer at the scene of the accident.

m. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic, or cross the median.

n. A towing operator shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime of any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.

o. There shall be a yearly inspection of all towing and storage businesses included on the police rotational list to insure compliance with the minimum standards set forth in this section. There shall be no fee for said inspection.

p. All towing operators on the police rotational list shall tow municipal police and fire vehicles for the Township without charge. Towing of all other non-emergency municipal vehicles shall be charged to the Township at a thirty (30%) percent discount from the regular rates.

(Ord. #92-2 § 6; Ord. #99-21 § 3; Ord. #04-31 § 2; Ord. #07-18 § 1; Ord. #10-15 § 2)

4-6.7 Fees for the Removal and Storage of Vehicles

a. The fees set forth on the schedule for towing and storage rates are the maximum permitted charges that shall apply to the towing and/or storage of passenger automobiles or other vehicles. Towing operators transporting multiple passenger cars atone (1) time shall receive the applicable fees for each vehicle transported.

b. It shall be the responsibility of all towing operators to provide all motorists utilizing the towing operator's services with a written schedule of fees which lists in full all fees to be charged for towing, storage and road service within the Township. Towing operators shall not exceed the maximum charges set

forth on the fee schedule for towing and the storage of vehicles regulated under the provisions of this section.

c. The towing and storage fee schedules of all towing operators serving the Township on a rotational basis shall be filed with the Chief of Police and the Township upon request. The fee schedules shall be available at the Municipal Building, located at 65 Mount Hope Road, Rockaway, Mondays through Fridays, except holidays, between the hours of 9:00 a.m. and 5:00 p.m.

d. In addition, the Chief of Police and the Township Clerk shall be informed in writing at least ten (10) business days prior to the amendment of any towing operator's towing and storage fee charges. Under no circumstances shall any amendments exceed the maximum amounts for towing and storage as described below.

e. In no instance shall the towing operator request payment from the Township for any services rendered to the owners of private vehicles except, however, in those cases where the Police Department authorizes the removal of a Township owned vehicle, or a vehicle that is abandoned or related to criminal activity.

f. The towing and storage fee schedule set forth in subsection 4-6.8 shall be reviewed every three (3) years by the Township and the Police Department.

(Ord. #92-2 § 7; Ord. #99-21 § 4)

4-6.8 Towing and Storage Fee Schedule.

The following fees represent the maximum fees permitted under this section. It shall be unlawful for any towing operator to charge a fee in excess of the fees prescribed in this section for the services regulated therein. The fees prescribed in paragraphs a. and b. herein represent the initial flat towing fee from the site of the incident or the vehicle location in the Township of Rockaway to the towing operator's storage facility, even if towed without the consent of the owner.

a. *Towing Rate.* The towing rate within the Township of Rockaway is Ninety-Five Dollars (\$95.00). An additional charge of three (\$3.00) dollars per mile may be charged by the towing operator.

b. *Storage Rate.* Thirty-five (\$35.00) dollars per day.

c. *Road Repair Service Charge.* Sixty-five (\$65.00) dollars per hour.

d. *Extra Man.* Sixty-five (\$65.00) dollars per hour.

e. *Heavy Duty Wreckers.* The maximum fee permitted for heavy duty towing services shall not exceed three hundred (\$300.00) dollars per hour at any time or any day.

f. *Vehicle Recovery.* The fee for vehicle recovery shall be a flat fee of eighty-five (\$85.00) dollars plus an additional eighty-five (\$85.00) dollars per hour from the time the towing vehicle begins recovery to the time when the vehicle is recovered.

g. *Heavy Duty Vehicle Recovery.* The maximum fee permitted for the recovery of vehicles weighing between ten thousand (10,000) pounds and eighty thousand (80,000) pounds shall not exceed three hundred (\$300.00) dollars per hour, which rate includes operator and vehicle. The rate for vehicles weighing over eighty thousand (80,000) pounds shall be at the discretion of the towing operator.

h. *Road Call.* The maximum fee for a road call for passenger vehicles shall be sixty-five \$65.00) dollars per our regardless of the time of day.

(Ord. #93-2 § 7; Ord. #99-21 § 5; Ord. #04-31 § 3; Ord. 07-18 §§ 1-5; Ord. #10-15 § 3; Ord. O-14-03)

4-6.9 Establishment of Towing Operators Rotational List.

Following the approval of applications by the Business Administrator, it shall be the Chief of Police's responsibility to establish a towing operator's Rotational Duty Service List. The Police Department shall call the towing operators in sequential order as set forth by the Chief so that each towing operator will be given the opportunity to respond to individual calls as received by the Township. The Police Department shall have the right to call the next towing operator on the list should a towing operator fail to respond to a call within twenty (20) minutes or if the first operator called cannot be reached by telephone or advises that he is unable to respond. The final decision on the towing operator called shall be within the discretion of the Shift commander based on individual emergent need such as vehicle location, traffic, volume of police calls for assistance and proximity of the towing operator to the vehicle location.

(Ord. #92-2 § 8; Ord. #99-21 § 7)

4-6.10 Supervision of Towing Operator Services.

The Chief of Police is hereby authorized to establish reasonable rules and regulations for the supervision, inspection and safe operation of tow trucks, wreckers and other related vehicles and equipment in accordance with the standards outlined in this section. The Chief shall maintain due vigilance over all towing operators to make certain that the tow trucks and other related vehicles and equipment are maintained in a safe working condition for transporting and hauling disabled vehicles. The Chief of Police or his duly designated representative shall have the right at all times, to inspect all towing vehicles and related equipment which perform services pursuant to this section.

At any time, should the Chief or his designee determine that the vehicles and/or equipment being used are unsafe, he shall have the power and authority to direct the immediate correction or repair of any automotive defect, malfunction or violation of motor vehicle regulations within a specified period of time to be determined by the Chief. The Chief of Police is authorized and empowered to establish and transmit to all towing operators on the rotational list, such additional rules and regulations not inconsistent with the provisions of this section as may be reasonable and necessary in carrying out the provisions of this section. (Ord. #92-2 § 9; Ord. #99-21 § 6)

4-6.11 Suspension and Removal from List for Non-Compliance.

a. The Chief of Police shall have the power to suspend a towing operator from the Rotational Duty Service List for a period of up to thirty (30) calendar days for failure to comply with any provision of this section. A subsequent violation may result in the permanent removal of a towing operator from the Rotational Duty Service List for a twelve (12) month period. A towing operator may appeal the Chief's ruling of either a suspension or a permanent removal. In such cases, an appeal may be filed with the Township Clerk within ten (10) business days of the Chief's decision. A hearing may be held by the Township Council within thirty (30) business days of the filing. The Township Council shall render its determination within twenty (20) business days following the conclusion of the hearing. The Governing Body's determination as rendered shall be final and conclusive under this ordinance.

b. In addition, failure to comply with the Township's regulations may subject any operator to suspension from the Rotational Duty Service List upon request to the Chief of Police from the Township's Construction Code Official/Zoning Officer and/or Property Maintenance Officer. Any towing operator suspended from the Rotational Duty Service List for any violation of the Township's Zoning, Land Use and Development and/or Property Maintenance Codes shall have the right to due process and appeal as set forth in paragraph a. above.

(Ord. #92-2 § 10)

4-6.12 Violations and Penalties.

a. Any person, firm or corporation who willfully violates any of the provisions of this section Towing, Road Service and Storage of Vehicles of the Code of the Township of Rockaway, shall, upon conviction, be liable to the penalty stated in Chapter I. Section 1-5. Each and every violation of this section, or each and every day that any violation shall be permitted to continue shall be construed as a separate and distinct violation hereof. The Police Department is specifically designated as the enforcement officers to serve and execute process for violation of this section.

b. Any operator engaged in the removal of motor vehicles, or any employee, officer, or agent thereof, who engages in a pattern or practice of knowingly violating the fee limits set forth in N.J.S.A. 40:48-2.50 may be liable to the municipality for a civil penalty of not less than twenty-five \$(25.00) dollars or more than fifty (\$50.00) dollars for each motor vehicle stored with the operator, as set forth in N.J.S.A. 40:48-2.51.

(Ord. #92-2 § 11; Ord. No. 04-31 § 4)

4-16.13 Release of Impounded Vehicles.

No impounded vehicle shall be released without proper authorization from the Rockaway Township Police Department. Vehicle releases may be obtained between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday except legal holidays.

(Ord. #99-21 § 8)

4-16.14 Compliant Procedure.

a. Any individual who wishes to report a complaint arising from the towing and storage of a motor vehicle required by the Township without the consent of the owner shall file a formal written complaint on a form provided by the Township Police Department.

b. The following information shall be provided on the Towing and Storage Complaint Form:

1. Name, address and telephone number of the complainant.
2. Date of complaint.
3. Date of incident, summary of the incident or alleged violation.
4. Towing or storage facility involved and/or location of the incident.
5. Make, model, year and license plate number of the vehicle involved.
6. Police Officer present at the same.
7. Final disposition of complaint.

c. All complaints must be filed within thirty (30) days of the subject incident. All complaints shall be reviewed by the Chief of Police, or his designee, who shall conduct an investigation of the incident or violations alleged in the complaint in accordance with the Internal Affairs Guidelines established by the New Jersey Attorney General. The issues raised in the complaint shall either be resolved by the police department or referred to the appropriate court for remediation of the complaint within sixty (60) days of the filing of the

complaint. Status reports shall be prepared every sixty (60) days until the complaint has been resolved. Copies of the Towing and Storage Complaint Form and all reports whether concerning the status or resolution of the complaint, shall be forwarded to the complainant, the towing company involved, and the police officer present, as well as being kept on file at the Police Department upon resolution.

(Ord. #04-31 § 5)

4-6.15 Auction Policies and Procedures.

a. *Frequency of Auctions.* The Township shall make every effort to hold auctions of vehicles pursuant to N.J.S.A. 39:10A-1 et seq. approximately every three (3) months.

b. *Minimum Bid.* The minimum bid for any vehicle to be sold at auction shall not be less than the total towing and storage charges due on the vehicle up to and including the date of the auction. At least fourteen (14) days prior to the regular Township Council meeting at which the Council will authorize the auction, the towing operator shall submit to the Police Department, in writing, the total towing and storage charges incurred and to be incurred up to and including the date of the auction. No additional towing and storage charges shall accrue on the vehicle after the date of the auction unless the vehicle is not picked up by the successful bidder within the time period set forth in paragraph d, 2 below. Said information shall immediately be forwarded to the Township Clerk.

c. *Qualified Bidders.* Any and all person of legal age shall be permitted to place a bid on a vehicle at an auction.

d. *Sale of Vehicle at Auction.*

1. The successful bidder for any vehicle sold at auction must submit full payment to the Township Clerk at the Municipal Building on the day of the auction. Payment may be made by cash or certified or bank check or any combination thereof and is nonrefundable. In the event the successful bidder does not submit full payment to the Township Clerk before the end of the day on the date of the auction, on the next succeeding business day, the Township shall have the right in its sole and complete discretion, to accept the bid of the second highest bidder. In the event the second highest bidder is no longer interested in purchasing the vehicle for the price set forth at the auction, the Township will dispose of the vehicle as set forth in paragraph f. below.

2. All successful bidders are required to pick up the vehicle from its then location within five (5) business days of the auction. In the event the vehicle is not picked up by the successful bidder within five (5) business days, then the Township may convey the Application for Title

to the towing operator transferring the vehicle to the towing operator so that the towing operator may dispose of the vehicle. When picking up the vehicle, the successfully bidder must bring the receipt issued by the Township Clerk indicating payment in full was submitted to the Township.

3. After submitting payment in full and picking up the vehicle, the successful bidder shall then immediately obtain the Application for Title to the vehicle from the Township Clerk.

e. *Distribution of Proceeds from Sale.* In the event the vehicle is sold at the auction, the towing operator shall receive from the proceeds of the sale all outstanding towing and storage charges due up to and including the date of the sale in the amount as submitted to the Township Clerk as set forth in paragraph b. above. In no event shall the proceeds submitted to the towing operator exceed the total towing and storage charges submitted in writing by the towing operator to the Township Clerk prior to the auction. The Township shall retain all proceeds received in excess of the total outstanding towing and storage charges, if any. As all successful bidders are required to submit full payment to the Township Clerk, payment of the outstanding towing and storage charges to the towing operator will be made through the Township.

f. *Vehicles Not Sold at Public Auction.* In the event a vehicle is not sold at auction, the Township shall have the option of either submitting payment to the towing operator for the outstanding towing and storage charges as set forth by the operator in accordance with paragraph b., above, but not to exceed a total of four hundred (\$400.00) dollars, and retaining the vehicle for Township use, or in lieu of payment of the outstanding towing and storage charges, convey the Title to the towing operator transferring the vehicle to the towing operator so that the towing operator may dispose of the vehicle. The towing operator shall reimburse the Township for the cost of the Township acquiring Title upon receipt of the same.

g. *Township Acquisition of Vehicles.* Township may acquire vehicles to be sold at auction for use by the municipality through one of the following methods only.

1. As specifically set forth in paragraph f. above, in the event a vehicle is not sold at auction, the Township may submit payment to the towing operator for the outstanding towing and storage charges, not to exceed a total of four hundred (\$400.00) dollars, and retain the vehicle for Township use; or

2. Upon approval by the Township Business Administrator and the Township Chief of Police, a Township representative may bid on a vehicle at the auction. In the event the Township representative is the

successful bidder, the proceeds from the sale of the vehicle shall be distributed as specifically set forth in paragraph e. above; or

3. Upon approval by the Township Business Administrator and the Township Chief of Police and prior to the commencement of the auction, the Township may remove a vehicle from the list of vehicles to be auctioned only after any and all notices have been provided in accordance with N.J.S.A. 39:10A-1 et seq. Once the vehicle is removed from the list of vehicles to be auctioned, the Township must promptly submit payment to the towing operator for the outstanding towing and storage charges, not to exceed a total of four hundred (\$400.00) dollars.

Ord. #8-10 § 1; Ord. #10-15 § 4)

4-7 AUDIBLE ALARM SYSTEMS; TIME LIMITED*

Note: See also Section 11-7, Fire Department Regulations Concerning False Fire Alarms.

4-7.1 Determination.

The Township Council has determined that it should address the issue of audible alarm systems of indeterminate duration, and the Township Council finds that audible alarm systems should contain a feature to terminate the alarm within a reasonable time, so as to minimize the annoyance and inconvenience to the public.

The security aspects of an alarm system are not compromised or reduced by such a feature, and a termination requirement is a reasonable accommodation between the need for security and the public's right to be free from intrusive and unwanted noise.

(Ord. #89-25, Preamble)

4-7.2 Definitions.

As used in this section:

Audible alarm system shall mean any electrical or mechanical equipment or devices designed to signal the presence of an emergency or other situation of urgency requiring immediate attention by law enforcement or rescue personnel, and which utilizes a system which generates sound to the exterior of the premises as a means of alerting persons in the vicinity to the emergency.

False alarm shall mean the activation of an audible alarm system by any activity which is not due to illegal entry, fire, or similar circumstances which the alarm system is designed to protect against.

(Ord. #89-25 § 1)

4-7.3 Automatic Termination of Alarm Required.

It shall be unlawful in the Township for the owner or occupant of any premises, whether residential or nonresidential, to install, maintain, operate, or utilize any audible alarm system for the premises owned or occupied by such person, unless the alarm system is such that it is designed to automatically terminate the audible alarm within fifteen (15) minutes after commencement. (Ord. #89-25 § 2; Ord. #94-27 § 1)

4-7.4 Applicability.

Subsection 4-7.3 shall apply to all owners of buildings located in the Township. Subsection 4-7.3 shall apply to all persons who occupy buildings in the Township, whether such persons be lessees, sub-lessees, or any other legal status. (Ord. 89-25 § 3)

4-7.5 Number of Alarm Limited.

It shall be unlawful in the Township for the owner or occupant of any premises to allow, suffer, or permit any audible alarm system to activate its sound system more than once within any twenty-four (24) hour period, unless the second or any subsequent alarm was generated by activity designed to be detected by the alarm system, and not be a false alarm. (Ord. 89-25 § 4)

4-7.6 Violations.

Violations of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. Each day of violation of this section shall be considered a separate and distinct offense. (Ord. 89-25 § 5)

4-8 PUBLIC LIBRARY REGULATIONS.

4-8.1 Title. This section shall hereafter be known and referred to as the “Public Library Regulations of the Township of Rockaway.” (Ord. 95-4 § 1)

4-8.2 Definitions. As used in this section:

Library materials shall mean any books, photographs, written materials, phonograph records, video cassettes, compact discs, audio cassettes, books-on-tape, periodicals, pamphlets and other materials provided by the library for the use and convenience of its patrons.

Public Library shall mean any library owned, established or operated by the Township of Rockaway pursuant to the New Jersey Statutes. (Ord. 95-4 § 2)

4-8.3 Posting of Rules, Regulations and Procedures.

The Board of Trustees of the Rockaway Township Free Public Library shall adopt and post, in a conspicuous place in the library, reasonable rules, regulations and procedures governing the borrowing of library materials which may be available for borrowing to the public and concerning such other matters as deemed necessary and appropriate by the Board of Trustees.

(Ord. 95-4 § 3)

4-8.4 Use of Library Facilities.

No person shall remove library materials from any public library within the Township of Rockaway without complying with the library's procedures with respect to borrowing library materials.

(Ord. 95-4 § 4)

4-8.5 Return of Library Materials.

No person shall detain or fail to return any book or article borrowed from the public library of Rockaway Township or any branch thereof contrary to the rules and regulations of the library after thirty (30) days has elapsed from the date of posting, by certified mail, return receipt requested, of a notice demanding return thereof, addressed to such person at the last address furnished to the library or branch.

No person shall refuse or fail to return any materials borrowed from the public library within the Township of Rockaway within the time periods provided.

(Ord. 95-4 § 6)

4-8.6 Misuse of Materials.

No person shall willfully or maliciously cut, tear, deface, disfigure or destroy any book, material or other article or any part thereof which is owned by or is in the custody of the public library.

(Ord. 95-4 § 6)

4-8.7 Failure to Return Materials.

Person failing to return library materials within the time provided shall be notified by the library by certified mail, return receipt requested, that the materials must be returned within thirty (30) days of the date of receipt of notice. Failure to comply with this notice and return the materials or in the alternative to pay the replacement value of the materials as established by the library, should they have been lost or destroyed, shall result in the filing of a complaint in the Municipal Court by the library and the imposition of penalties as set forth herein below.

(Ord. #95-4 § 7)

4-8.8 False Information.

No person shall register or furnish a false name or address to obtain a library card or use without the owner's permission any library card other than the one issued to said person for the purpose of borrowing library materials from the Rockaway Township Free Public Library.

(Ord. #95-4 § 8)

4-8.9 Enforcement.

The provisions of this chapter shall be enforced by the Director of the Rockaway Township Free Public Library or such other person as may from time to time be designated by the Board of Trustees of the Library.

(Ord. #95-4 § 9)

4-8.10 Penalties.

Any person or persons, including any corporation, found guilty of violating this section shall be fined a sum not exceeding one hundred (\$100.00) for each offense. Each item or material detained or damaged shall constitute a separate offense under this section.

(Ord. #95-4 § 10)

4-9 PEACE AND GOOD ORDER.

4-9.1 Prohibited Acts.

a. *Breach of Peace Prohibited; Noise Restrictions.* No person shall make, aid, assist in any riot, breach of peace or disturbance, be guilty of any disorderly conduct. Repairs, construction work or maintenance, including use of lawn mowers or other type of equipment which involves annoyance to person or persons, are prohibited on any day of the week between the hours of 10:00 p.m. and 7:00 a.m. Emergency repairs to Township infrastructure are exempt from the provisions of this paragraph.

b. *Behavior of Persons in Vehicles.* No person in a vehicle shall make offensive remarks or gestures to any person or persons on the public streets, these remarks being uncalled for and unwanted and contrary to proper decorum. No person or persons in a vehicle shall accost male or female persons on foot or in another vehicle in a seductive or enticing manner, or in any manner contrary to good taste and decorum, either by words or gestures or mannerisms.

c. *Nuisances in Streets and Other Public Places.* No person or persons shall urinate or defecate or commit any kindred nuisance in any public street,

public or quasi-public place, such street, public or quasi-public place or other public place not provided for such purpose.

d. *Interference with Retail or Wholesale Business Practices.* No person shall purposely interfere with, hinder, disturb or obstruct any retail or wholesale business operation, function or activity, nor shall any person purposely interfere with, hinder, disturb or obstruct any retail or wholesale business owner, employee, agent or personnel acting in the furtherance of the interests of that business, with the intent to prevent, undermine or otherwise obstruct the lawful retail or wholesale practices of that business. This section does not apply to conduct considered lawful competitive economic practices.

e. *Definition.* As used in this section:

Other public place shall mean and include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other places of business, and shall include also any parking lots or other vacant private parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

(Code 1971 §§ 63-1, 63-4, 63-23, 63-24; Ord. #07-26 § 1; Ord. No. 10-8 § 1; Ord. #10-16; Ord. #11-04)

4-9.2 Public Disturbances and Nuisances Prohibited.

a. *Definitions.* As used in this subsection, the following words and terms shall have the following meanings:

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

Obstructs shall mean to render impassable without unreasonable inconvenience or hazard.

b. *Prohibited Acts.* No person, whether on foot or in a motor vehicle shall, in a public place:

1. Engage in fighting or threatening, or in violent or tumultuous behavior or create a hazardous or physically dangerous condition by an act which serves no legitimate purpose of the actor, if done with the purpose to cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof;

2. Address unreasonable loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the

utterance, to any person present, if done with the purpose to offend the sensibilities of hearer or in reckless disregard of the probability of doing so;

3. (a) Wander, remain, or prowl in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance or controlled substance analog; and

(b) Engage in conduct that, under the circumstances, manifests a purpose to obtain or distribute a controlled dangerous substance or controlled substance analog. Conduct that may, where warranted under the circumstances, be deemed adequate to manifest a purpose to obtain or distribute a controlled dangerous substance or controlled substance analog, includes, but it not limited to conduct such as repeatedly beckoning to or stopping pedestrians or motorists in a public place, repeatedly passing objects to or receiving objects from pedestrians or motorists in a public place, repeatedly circling in a public place in a motor vehicle and on one (1) or more occasions passing any object to or receiving any object from a person in a public place;
4. Make, cause to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm, if done with the purpose to harass another. Such a communication may be deemed to have been made either at the place where it originated or at the place where it was received;
5. Subject another to striking, kicking, shoving, or other offensive touching, or threaten to do so, if done with the purpose to harass another;
6. Engage in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person, if done with the purpose to harass another;
7. Purposely or recklessly obstruct any highway or other public passage whether alone or with others if such person has no legal privilege to do so, except that a person speaking or otherwise communicating with a gathering of persons or a person who is a member of such gathering is not in violation of this section. A person in a gathering shall not refuse to obey a reasonable official request or order to move to prevent obstruction of a highway or other public passage or to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard. An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the

obstruction can be readily remedied by police control of the size or location of the gathering;

8. With the purpose to prevent or disrupt a lawful meeting, procession or gathering, do an act tending to obstruct or interfere with it physically;

9. Knowingly or recklessly create or maintain a condition which endangers the safety or health of a considerable number of persons by conduct either unlawful in itself or unreasonable under all the circumstances, or knowingly conduct or maintain any premises, place or resort where persons gather for purposes of engaging in unlawful conduct;

10. Purposely desecrate, deface, damage or pollute any public monument, insignia, symbol or structure or place of worship or burial; or

11. Purposely and knowingly recklessly put or attempt to put another in fear of bodily violence, causing a serious and immediate likelihood of causing fear of unlawful bodily violence by placing on private property of another a symbol, an object, a characterization, an appellation or graffiti that exposes another to threats of violence.

c. *Penalties.* Any person violating any provisions of this subsection shall, upon conviction, be punished by one (1) or more of the following in the discretion of the Court: (1) a fine not exceeding one thousand (\$1,000.00) dollars; (2) by imprisonment for a term not to exceed thirty (30) days; and/or (3) by a period of community service not to exceed thirty (30) days.

(Code 1971 §§ 63-2, 63-3; Ord. #98-22 § 1)

4-9.3 Destruction of Public and Private Property and Schools.

a. *Destruction of Property.* No person shall, within the limits of the Township, maliciously destroy, damage or injure the personal property or real property of any person, firm or corporation, or any public property, whether the same be personal or real; nor shall any person place or cause to be placed any material or obstruction, or interfere in any manner whatsoever with public or private property, specifically, but not by way of limitation, of sewers, drainage and water facilities, whether they be located on the public roads or private property, nor shall any person suffer any interference, damage or injury to any public or private property which shall affect the normal use thereof.

b. *Entering or Damaging Schools.* No person shall, within the limits of the Township, enter any building or go upon the lands of any public school and break, injure or deface such building or any part thereof, or to the fences, port-a-johns or other property belonging to or connected with such

building or lands; and no person shall disturb the exercise of any public school or molest or give annoyance to the children attending such school, or annoy any teacher therein.

c. *Damaging Public Buildings.* No person shall destroy or abet in destroying any public building or public work; no person shall injure, tarnish, or deface or besmirch any public building, work, tree, light or traffic post, fence, street light post, telephone, telegraph or electric power pole, fire hydrant, aboveground facilities, monument, statue, flagpole, or contents and fixtures of any public play area, park or stadium.

(Code 1971 §§ 63-6, 63-21, 63-22)

4-9.4 Signs and Notices in Street.

No person shall:

a. Mutilate or remove any notice or damage, destroy or remove any warning sign or signal or remove any barricade placed or posted on any street in connection with or relating to the closing of any street;

b. Drive any vehicle over or upon the close portion of any street; or

c. Violate any rule or regulation for the use of any street.

4-9.5 Offensive or Dangerous Weapons.

a. No person shall conduct himself in or about the Township having concealed upon him any implements with an intent to break or enter into any building; nor shall any person have upon him, whether concealed or not, any implements or things with the intent of committing any unlawful act; nor shall any person be present in or near any dwelling, house, warehouse, stable, barn, garage or any place of public resort or assemblage for business, worship or amusement or other lawful purpose, with intent to steal any goods or chattels; provided, however, that this section shall not apply to law officers and other persons duly authorized under State Statutes to carry weapons.

b. No person shall, within the limits of the Township and without lawful authority, carry any revolver, pistol or other firearm or other instrument of the kind known as a blackjack, sling shot, billy, sand-club, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, concealed in or about his clothes or person, or in any automobile, carriage, motorcycle or other vehicle.

c. No person shall, within the limits of the Township and without lawful authority, discharge any revolver, pistol, rifle, shotgun or other firearm, except at authorized firearm ranges or other locations approved by the Chief of Police, and except for the purpose of hunting, provided that any person

discharging any revolver, pistol, rifle, shotgun or other firearm for the purpose of hunting shall have first complied with all applicable Federal, State and local regulations.

(Code 1971 § 63-17; Ord. 7-3-73)

4-9.6 Interference with Township Officers, Employees, or Activities of the Fire Department Prohibited; False Alarms.

a. *Interference with Township Officers or Employees.* No person shall interfere with, hinder, disturb or obstruct the proceedings, functions or deliberations of the Council of the Township of Rockaway or any other official body in the Township, nor shall any person molest, obstruct, hinder or interfere with any Township Officer or Official engaged in the performance of his duty or knowingly resist or oppose any person authorized by law to make arrests or to serve any writ, bill, order or process when the person so authorized is acting in the performance of his duty.

b. *Interference With Fire Fighting; False Alarms.* No person shall intentionally, willfully or maliciously interfere with, destroy or injure any of the wires, posts, machines, bells, sirens, boxes, locks or other apparatus of any fire alarm system; nor shall any person intentionally, willfully or maliciously interfere with the same or any part thereof with intent to create a false alarm or obstruct the efficient operation of the same or any part thereof, or hinder or impede any of the operations intended to be accomplished thereby, nor shall any person intentionally, willfully or maliciously cause a false alarm of fire to be given in any manner, within the limits of the said Township; nor shall any person during an alarm of fire hinder, prevent or deter by any device whatsoever any Fireman or other person from rendering lawful assistance in abating or quelling such fire, or hinder or interfere with any Fireman from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds; nor shall any person hinder or obstruct the passage of any fire engine, hook or ladder truck, hose cart or any fire apparatus in going to or from the place from which an alarm of fire proceeds, or where any building or other property may be burning; nor shall any person intentionally or maliciously ring or cause to be rung any type of alarm involving ambulance service, thereby giving or cause to be given a false alarm for ambulance service nor shall any person intentionally, willfully or maliciously send any message of false alarm of fire or ambulance call by telephone or by any other method or means. No person shall drive a motor vehicle or other vehicle over fire hose or fire equipment except as authorized by the authority in charge.

(Code 1971 §§ 63-16; 63-18)

4-9.7 Gambling.

No person shall, within the limits of the Township, deal, play or engage in faro, roulette, lottery, number games or other games of chance, either as banker,

player or dealer, or otherwise, for the purpose of gaming or gambling for money or other valuable things. Raffles and bingos for which permits are obtained are excluded from the prohibition herein set forth.
(Code 1971 § 63-20)

4-9.8 Conduct Prohibited.

a. *Obscene Drawings.* No person shall write or cause to be written any lewd, indecent or obscene word or words, mark or marks whatsoever, or draw or cause to be drawn any lewd, indecent or obscene figure upon any house, building, wall, fence or other place in the Township.

b. *Telephone Calls.* No person who telephones another shall address to such person any lewd, lascivious or indecent remarks; nor shall any person repeatedly telephone another for the purpose of annoying or molesting such person.

c. *Indecent Exposure.* No person shall intentionally appear on any street, avenue, road, highway or other public place in a state of nudity, or make any indecent exposure of his or her person, or commit or cause to be committed, or participate in, the commission of any lewd or indecent act or behavior.

d. *Sale or Show of Publications and Performances.* No person shall sell or offer to sell any lewd or indecent picture, books, device or thing or exhibit or perform or cause to be exhibited or performed any lewd, immoral or indecent dance, show, play or other presentation.

e. *Prostitution.* No person shall by word, act, sign or other device invite, solicit or aid or abet in inviting or soliciting unlawful sexual intercourse or any other unlawful, lewd, indecent or lascivious act.

f. *Acts Severally Prohibited.* All acts constituting lewd, immoral or indecent conduct, unlawful destruction of property, willful injuries to or unlawful interference with persons, hazards to the public health and breaches or disturbances of the peace not expressly hereinbefore mentioned are severally prohibited.

(Code 1971 § 63-10--§ 63-15)

4-10 GAMES OF CHANCE ON SUNDAYS.

The Township hereby authorizes games of chance to be conducted on Sundays within the Township of Rockaway, County of Morris, subject to approval as specifically set forth below in Section 4-12. This specific authorization for games of chance on Sunday is being provided by the Township pursuant to N.J.A.C. 13:47-6.8. Ord. #93-20 § 1; Ord. #12-03 § 2)

4-11 GAMES OF CHANCE MUNICIPAL FEES.

Pursuant to N.J.A.C. 13:47-4.10(c), the Township hereby exempts all qualified organizations, as defined by N.J.A.C. 13:47-1.1, from payment of municipal fees in connection with licenses for legalized games of chance. This exemption does not affect the legalized games of chance application and licensing requirements nor does it affect the fees to be paid to the Legalized Games of Chance Commission.
(Ord. #05-45-§ 1)

4-12 AUTHORIZATION TO APPROVE RAFFLE OR BINGO LICENSES.

The Township Clerk is hereby authorized and delegated to approve the granting of raffle and bingo licenses to be held in the Township of Rockaway.
(Ord. #12-03 § 1)

