

CHAPTER 9. DISORDERLY CONDUCT

INDEX

ARTICLE 1. DISORDERLY CONDUCT

Section

- 9-1. Alcoholic Beverages.
- 9-2. Billboards.
- 9-3. Concealed Weapons.
- 9-4. Bad Checks - Intent to Defraud.
- 9-5. Disturbing the Peace.
- 9-6. Drunkenness.
- 9-7. Gambling.
- 9-8. Indecent Exposure.
- 9-9. Indecent Language.
- 9-10. Interference with Officials or Official Bodies.
- 9-11. Junk and Refuse.
- 9-13. Obstruction of Streets.
- 9-14. Use of Minibikes, Snowmobiles and Other Unlicensed Vehicles.
- 9-15. Consumption of Alcoholic Beverages Prohibited in Public Areas.
- 9-16. Possession of Alcoholic Beverages in Opened Containers Prohibited.
- 9-17. Signs, Mutilation or Removal of Trespass Signs.
- 9-18. Throwing Objects, Placing Objects on Highway or Tracks, Depositing Household Trash in Street  
Trash Receptacles Prohibited.
- 9-19. False Alarms.
- 9-20. General.
- 9-21. Violations.

ARTICLE 2. CONDUCT IN PUBLIC PARKS AND RECREATION AREAS

- 9-25. Prohibited Conduct.
- 9-26. Motor Vehicle Parking.
- 9-27. Enforcement.

9-28. Penalties.

### ARTICLE 3. SALE OF OBSCENE MATERIAL

9-29. Sale of Obscene Material Prohibited.

9-30A. Display of Obscene Material.

### ARTICLE 4. SKATEBOARDS AND OTHER DEVICES

9-30. Definitions.

9-31. Use Prohibited in Public Places.

9-32. Penalties and Violations.

### ARTICLE 5. CURFEWS

9-45. Curfew.

9-46. Curfew for Juveniles.

9-47. Obligation of Parent or Guardian.

9-48. Penalties and Violations.

### ARTICLE 6. RESTRICTIONS ON CIGARETTE VENDING MACHINES

9-50. Restrictions on Tobacco Vending Machines and Tobacco Vending Machine Sales.

9-51. Removal of Tobacco Vending Machines.

9-52. Penalties.

### ARTICLE 7. FEEDING OF BEARS PROHIBITED

9-60. Feeding of Bears Prohibited.

9-61. Fines.

## ARTICLE 1. DISORDERLY CONDUCT

### 9-1. Alcoholic Beverages.

#### A. Consumption by Minors.

No minor shall knowingly possess or consume any alcoholic beverage in any place or places of assembly or in any motor vehicle in or about the Town. Any person violating this section is a disorderly person and shall be punished by a fine of not more than Fifty (\$50.00) Dollars, or be imprisoned in the county jail for not more than thirty (30) days, or both. Nothing in this section shall apply to possession of alcoholic beverages by any person while actually engaged in the performance of employment pursuant to any employment permit issued by the Director of Alcoholic Beverage Control, or for a bona fide hotel or restaurant in accordance with the provisions of Section 33:1-26 of the Revised Statutes. (10-24-62 s34)

#### B. Presence of Children Under Age of 16 Where Sold.

No person owning, keeping or having the management or control of any public dance hall where alcoholic beverages are sold, or any tavern, whether licensed as such or not, or any agent or servant of such person, shall admit thereto or permit or suffer to be or remain therein any child under the age of 16 years unaccompanied by a parent, guardian or adult friend. (10-24-61 s27)

### 9-2. Billboards.

No person shall hereafter erect or maintain a billboard or other structure for advertising purposes within the Town of Hackettstown.

Nothing in this section shall be construed to prohibit any person from erecting or maintaining a billboard or other structure for the outdoor display of advertising matter on premises where the business advertised is carried on. (11-23-59 s1 and s3)

### 9-3. Concealed Weapons.

No person shall conduct himself in or about the Town having concealed upon him any picklock, key, crow, jack, bit or other implement with an intent to break or enter into any building, or shall have upon him any pistol, hanger, cutlass, bludgeon or other offensive or dangerous weapon, nor shall any person be apprehended having upon him, whether concealed or not, any of the foregoing articles or things with the intent of committing any unlawful act, nor shall any person be found in or near any dwelling, house, warehouse, stable, barn, coachhouse, garage, smoke house or any place of

public resort or assemblage for business, worship or amusement, or other unlawful 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 certain statutes of this state to carry proper weapons of defense. Possession of any of the foregoing articles on public thoroughfares shall be prima facie evidence of such intent. (10-24-61 s25)

9-4. Bad Checks - Intent to Defraud.

1. It shall be unlawful for any person, either for himself or as agent or representative of another person, or as an officer or agent of any corporation, or as a member of a partnership, with intent to defraud, to make, draw, utter or deliver any check, draft or order for the payment of money in a sum not in excess of One Hundred (\$100.00) Dollars upon any bank or other depository knowing at the time of so doing the maker, or drawer, has no funds or insufficient funds in, or credit with, such bank or other depository for the payment in full of such instrument upon its presentation although no express representation is made in reference thereto.

2. The making, drawing, uttering or delivering of a check, draft or order as stated in the foregoing paragraph shall be prima facie evidence of intent to defraud, and the certificate of protest of nonpayment of same shall be presumptive evidence that there were no funds or insufficient funds in or credit with such bank or other depository, and that the person making, drawing, uttering or delivering the instrument knew that there were no funds or insufficient funds in or credit with such bank or other depository. (6-24-63)

9-5. Disturbing the Peace.

No person shall make, continue or cause to be made or continued any unnecessary or unusual sound which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or of the health, safety, life or limb of some person or persons. (10-24-61 s5)

No person shall be noisy or shall display disorderly conduct, disturb or interfere with the quiet or good order of any place of assembly, public or private, including schools, churches, libraries and reading rooms. (10-24-61 s6)

9-6. Drunkenness.

No person shall be drunk or intoxicated in, on, near or about any public or private place within the Town to the annoyance of or danger to any other person or against the peace of the Town.

No person or persons, whether owner, tenant, occupant or guest shall suffer or take part in any drunken, riotous or other disorderly conduct that shall disturb the peace and quiet of any family or neighbor, or any of the inhabitants of the Town. (10-24-61 s1 and s2)

No person being under the influence of intoxicating liquor shall loiter or create a disturbance in any public street or public or quasi-public place or in any public conveyance, nor shall go in or upon any private property not his own without the permission of the owner or other person having authority to grant such permission. (10-24-61 s3)

9-7. Gambling.

No person shall, in or about the Town, play for money or other valuable thing at cards, dice or other game with one or more dice or with any other instrument, engine or device in the nature of dice, having one or more figures or numbers, or at billiards, pool, tennis, bowls or shuffleboard, or A. B. C. or E. O. tables or other tables, or at faro bank or other bank of a like nature by whatever name known or with any slot machine or device in the nature of a slot machine or with any other instrument, engine, apparatus or device having one or more figures or numbers thereon. (10-24-61 s35)

9-8. 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 person, or commit or cause to be committed or participate in the commission of any lewd or indecent act or behavior. (10-24-61 s12)

9-9. Indecent Language.

No person shall utter loud and offensive or profane or indecent language in any public street or other public place, public conveyance or place to which the public is invited.

No person in any place, public or private, shall address or make audible any offensive remarks to or concerning any passing person; or obstruct, molest or interfere with any person lawfully therein.

No person who telephones another shall address to such person any lewd, lascivious, indecent or disgusting remarks.

No person shall repeatedly telephone another for the purpose of annoying or molesting such person. (10-24-61 s4)

9-10. Interference with Officials or Official Bodies.

No person shall interfere with, hinder, disturb or obstruct the proceedings, functions or deliberations of the Common Council, the Board of Health, or any other officials of the town; nor shall any person molest, obstruct, hinder or interfere with any officer of the town or any 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.

(10-24-61 s7)

9-11. Junk and Refuse.

No person shall throw, drop, dump on or tow to, or otherwise place on open fields or other private property, without first obtaining the permission of the owner or person in possession of such property, any abandoned automobile, automobile parts, junk, paper, bottles, trash, garbage, refuse or debris of any nature. No person shall throw, drop or otherwise place any paper, bottles, trash, garbage, refuse or debris of any nature upon a highway or other public lands. (10-24-61 s22 and s23)

9-13. Obstruction of Streets.

No person shall unnecessarily obstruct any street, avenue, road, highway, alley or public place with any kind of vehicle or vehicles or with box or boxes, lumber, wood or any other thing; but the provisions of this Section shall not prevent persons who are building from occupying, until notified by any Town Official to cease such occupancy, one-half of the street in front of the place where they are building, unless another person is building on the opposite side of the street, in which case neither shall occupy more than one-quarter of the street. No person who is building shall continue such occupancy of any street after notice from any Town Official or police officer to discontinue the same. (10-24-61 s20)

9-14. Use of Minibikes, Snowmobiles and Other Unlicensed Vehicles.

A. Operation on Public Property Prohibited.

It shall be unlawful for any person to operate any type of unlicensed motor-driven vehicle or conveyance including, but not necessarily limited to, two-wheeled motor vehicles known as

minibicycles, trail bicycles, motor scooters and four-wheeled motor vehicles commonly known as go-carts, two-tracked sleds commonly known as snowmobiles, upon any public property in the Town of Hackettstown, New Jersey.

B. Definitions.

For the purpose of this Section, the terms used herein are defined as follows:

“Public Property”: All streets, sidewalks, easements or any other area dedicated or commonly used for vehicular or pedestrian traffic, and all parks, recreation areas, ball parks, bike trails, storage facilities, garage areas, Board of Education property and any and all other publicly-owned land and premises, whether State, County or Municipal.

C. Noise or Other Disturbances.

It shall be unlawful to operate on public or private property any unlicensed motor-driven vehicle, as defined in Paragraph A, in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

D. It shall be unlawful to operate on public or private property any unlicensed motor-driven vehicle, as defined in Paragraph A, in a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any person.

E. Responsibility of Parent or Guardian.

It shall be unlawful for the parent, guardian, or any person having the care, custody and control of any child under the age of seventeen (17) to permit such child to operate a motor-driven vehicle in violation of the terms of this Section.

9-15. Consumption of Alcoholic Beverages Prohibited in Public Places.

No person shall drink or consume any alcoholic beverages in or upon:

(a) A public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreation area, shopping center parking lot, shopping center mall or plaza.

(b) A public conveyance.

(c) A private motor vehicle while the same is in motion or parked in any public street, lane, public parking lot or public or quasi-public place.

(d) Any private property not his or her own, without the express permission of the owner or other person with authority to grant such permission.

9-16. Possession of Alcoholic Beverages in Opened Containers Prohibited.

No person shall carry about in his hand or on his person, or while in any parked or moving vehicle any glass, tumbler or open bottle or can containing alcoholic beverages or beverages of which alcoholic beverages are a part, whether said glass, bottle or can is clearly exposed or contained in a bag or cover, in any of the places designated in Paragraphs (a), (b), (c), or (d) of Section 9-15 set forth above.

Notwithstanding the provisions of Sections 9-15 or 9-16, nothing herein shall be constituted to prohibit the consumption or possession of alcoholic beverages within the licensed premises of a Plenary Retail Consumption Liquor License.

9-17. Signs, Mutilation or Removal of Trespass Signs.

No person shall willfully or maliciously remove, deface or alter any notice posted pursuant to law and forbidding trespassing, with intent to destroy such notice. Any person violating this Section shall be punished by a fine of not more than Fifty (\$50.00) Dollars or by imprisonment for not more than thirty (30) days, or both. (10-24-61 s31)

9-18. Throwing Objects, Placing Objects on Highway or Tracks, Depositing Household Trash in Street Trash Receptacles Prohibited.

No person shall cast, shoot or throw anything at or against or into any vehicle, railroad car, airplane or other facility of transportation, or shall place any stick, stone or other substance upon any railroad track with intent to injure any car passing thereon, or the passenger therein.

No person shall place or throw or suffer or permit the depositing of any stone, stick, glass, snow or ice or any hard, dangerous or offensive substance upon any street, avenue, road, highway or other public thoroughfare; nor shall any person throw any such object or substance at, upon or against any person, vehicle of transportation, building or other structure. (10-24-61 s18 and s19)

No person shall place, deposit or permit the depositing of household garbage or household trash in any street trash receptacle belonging to the Town of Hackettstown. (9-9-68)

9-19. False Alarms.

No person shall, by word, act or other means, willfully and maliciously give or cause to be given a false fire alarm, a false police alarm, or false alarm for medical treatment or first aid. (10-24-61 s28)

9-20. General.

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. (10-24-61 s33)

9-21. Violations.

Except as otherwise provided herein, any person violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not to exceed ninety (90) days, or both. (10-24-61 s40)

## ARTICLE 2. CONDUCT IN PUBLIC PARKS AND RECREATION AREAS

### 9-25. Prohibited Conduct.

No person in a public park and recreation area shall:

(1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railing, pavings or paving materials, water lines or public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree, or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

(6) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, parking fences or upon any other property not designated or customarily used for such purposes.

(7) Tie or hitch an animal to any tree or plant.

(8) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal or the eggs or nest thereof. Exception to the foregoing is made in that snakes, known to be deadly poisonous or deadly reptiles, may be killed on sight.

(9) Throw, discharge or otherwise place or cause to be placed in the waters of any swimming pool, fountain, pond, lake, stream or other body of water in or adjacent to any parks or any

tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said water.

(10) Deposit or discard any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash except in the proper receptacle where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. No household garbage shall be deposited in any receptacle.

(11) Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may, on occasion, be specifically designated as temporary areas by the Recreation Commission.

(12) Park a vehicle in other than an established or designated parking area. Such established or designated area shall be in accordance with police directions and with the instruction of any attendant who may be present.

(13) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas.

(14) Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(15) Ride a bicycle without reasonable regard to the safety of others.

(16) Leave a bicycle lying on the ground or pavement or set against trees or in any place or position where other persons may trip over or be injured by them.

(17) Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth, or may be hereinafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate there at when such activities are prohibited by the Recreation Commission upon a finding that such use of the

(18) Frequent any waters or places designated for the water would be dangerous or otherwise inadvisable purposes of swimming or bathing or congregate thereat, except between such hours of the day as shall be designated by the Recreation Commission for such purposes for each individual site.

(19) Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, unless there shall be an unobstructed view into said tent, shelter or structure from at least two (2) sides; nor shall any guy wire, rope or extension brace or support be connected or fastened from such structure to any other structure, stake, rock or other object outside thereof.

(20) Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(21) Carry or possess firearms of any description, air-rifles, spring guns, bow and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into the park areas from beyond park boundaries is forbidden.

(22) Picnic or lunch or consume food or beverages in a place other than those designated for that purpose. Attendants shall have the authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(23) Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp trailer, camp wagon or the like, except in those areas designated by the Recreation Commission for those purposes.

(24) Take part in or abet the playing of any games involving throwing or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited, except on the fields and courts or areas provided therefor. Rollerskating shall be confined to those areas specifically designated therefor.

(25) Possess, consume or be under the influence of alcoholic beverages in a public park.

(26) Have in his possession, or cause to explode, discharge or burn, any firecrackers or other fireworks, explosives or other such inflammable devices substances or compounds. At the discretion of the Recreation Commission, permits may be given for conducting properly supervised fireworks in designated park areas.

(27) Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Recreation Commission by signs bearing the words, "Domestic Animals Prohibited in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length.

(28) Occupy any seat or bench, or enter into or loiter or remain in any pavilion or any other park structure or section thereof, which may be reserved and designated by the Recreation Commission for the use of the opposite sex. Exception is made for the children under six (6) years of age.

(29) Appear at any place in other than proper clothing.

(30) Solicit alms or contributions for any purpose, whether public or private.

(31) Build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Recreation Commission. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or other inflammable materials within any park or on any highway, roads, or streets abutting or contiguous thereto.

(32) Enter any area posted as "Closed to the Public", nor shall any person use, or abet in the use of, any area in violation of posted notices. The mini-park on the corner of Main and Moore Street is closed to the public between the hours of 11:00 P.M. and 5:00 A.M., and no person shall occupy said park during those hours.

(33) Gamble or participate in or abet any game of chance, except in such areas and under such regulations as may be designated by the Recreation Commission.

(34) Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.

(35) Fail to produce and exhibit any permit from the Recreation Commission he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(36) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(37) Expose or offer for sale any article or thing; nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire acting by and under the authority and regulations of the Recreation Commission.

(38) Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription whatsoever; nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park.

(39) Ride, park, place or have in his possession any bicycle in the mini-park located at the corner of Main and Moore Street.

(40) Consume any food or beverages or have any open food or beverage containers in his possession in the mini-park located at the corner of Main and Moore Street.

9-26. Motor Vehicle Parking.

No owner or driver shall cause or permit his vehicle to stand outside of designated parking spaces, except for a reasonable time to take up or discharge passengers or equipment. No motor vehicle shall be parked in a public park from one-half hour after sunset until sunrise, except as otherwise permitted.

9-27. Enforcement.

The Recreation Commission and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Article. The Recreation Commission and any park attendant shall have the authority to eject from the park area any person or persons acting in violation of this Article. The Recreation Commission and any park attendant shall have the authority to seize and confiscate any property, thing or device brought into a park, or used in violation of this Article. This Article shall also be enforced by the Police Department of the Town.

9-28. Penalties.

Any person who shall violate any of the provisions of this Article, or any rule or regulation promulgated pursuant hereto, shall, upon conviction, be required to replace, repair or restore any damaged park property and shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

### ARTICLE 3. SALE OF OBSCENE MATERIAL

#### 9-29. Sale of Obscene Material Prohibited.

No person, firm or corporation shall sell, offer for sale or display obscene material.

For the purpose of this Article, "obscene material, means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film which by means of posing, composition, format or animated sensual details: (a) Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals, (b) Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and (c) is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

#### 9-30. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

#### 9-30A. Display of Obscene Material.

(1) "Retailer", as used in this ordinance, means any person, association, partnership, corporation, or other entity, its servants, agents and employees who operate, maintain or manage a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of any periodicals or other publications at retail containing pictures, drawings, photographs, videotape or film. "He" includes any natural person and, where relevant, a corporation or an unincorporated association, and its servants, agents or employees.

(2) "Obscene Material For Persons Under 18 Years of Age" means any obscene material as defined in N.J.S. 2C:34-3.

(3) "Knowingly" means:

(a) Having knowledge of the character and content of the material described herein;

or

(b) Having failed to exercise reasonable inspection which would disclose its character and content.

(4) A retailer is guilty of a petty disorderly persons offense if he knowingly displays or permits to be displayed at his business premises any obscene material, as defined in N.J.S. 2C:34-3 at a height of less than 5 feet or without a blinder or other covering placed or printed on the front of the material displayed.

(5) Public display of the obscene material, as defined herein, shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

(6) Any retailer who violates Section (4) commits a petty disorderly persons offense and shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00), and imprisonment for a term not exceeding thirty (30) days.

#### ARTICLE 4. SKATEBOARDS AND OTHER DEVICES

##### 9-40. Definitions.

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

Skateboard - A single platform which is mounted on wheels, having no mechanism or other device with which to steer or control the direction of movement thereof while being used, operated or ridden.

##### 9-41. Use Prohibited in Public Places.

No person shall use, operate or ride upon any skateboard on any of the following public streets or public sidewalk adjoining the following streets: Washington Street, Main Street, High Street, Willow Grove Street, Mountain Avenue, Grand Avenue, Bells Lane, Little Street, East Avenue, and Franklin Street. In addition, no person shall use, operate or ride upon any skateboard on any public parking lot, within the Main Street mini-park, Hackettstown Community Pool property, or other municipal property within the Town of Hackettstown.

##### 9-42. Penalties and Violations.

Any police officer who shall observe any person using, operating or riding upon a skateboard in violation of this chapter shall take possession of the skateboard and the same shall be treated as follows:

A. First offense: The skateboard shall be returned to the parent or guardian of a minor and a summons shall be issued with a fine of \$25.00 and/or forfeit the skateboard to the Town of Hackettstown for sixty (60) days.

B. Second offense. The skateboard shall be returned to the parent or guardian of a minor and a summons shall be issued with a fine of \$50.00 and forfeit the skateboard to the Town of Hackettstown for sixty (60) days.

C. Third offense. The skateboard shall be permanently forfeited to the Town of Hackettstown and a fine of \$50.00.

ARTICLE 5. CURFEW

9-45. Article 5 - Curfew.

Definitions - for purposes of this Article, the following terms shall be defined to mean:

(a) Juvenile - a individual who is under the age of eighteen (18) years;

(b) Guardian - a person, other than a parent to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or who is responsible for the care and welfare of the juvenile;

(c) Public place - any place to which the public has access, including but no limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation, athletic or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structures or area.

9-46. Curfew for Juveniles. It shall be unlawful for juveniles to be in any public place between the hours of 10:00 p.m. on October 29th and 6:00 a.m. on October 30th and between 10:00 p.m. on October 30th and 6:00 a.m. on October 31st unless accompanied by a parent or guardian. This prohibition does not apply if said juvenile is:

(a) engaged in, or traveling to or from, a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform;

(b) engaged in an errand involving a medical emergency;

(c) attending religious services, extracurricular school activities, activities sponsored by a religious or community organization or other cultural, educational or social events or is in direct transit to or from such events.

9-47. Obligation of Parent or Guardian.

It shall be unlawful for any parent or guardian to permit, suffer or allow any juvenile in his or her care to be in any public place between the hours of 10:00 p.m. on October 29th and 6:00 a.m. on October 30th and between 10:00 p.m. on October 30th and 6:00 a.m. on October 31st.

9-48. Penalties and Violations.

Any person found guilty of having violated Section 9-45 or Section 9-47 of this Article shall perform community service and may be subject to a fine of no more than One Thousand (\$1,000.00) Dollars and if parents or guardians as well as a juvenile are found guilty of violating this Ordinance,

the parents or guardians shall perform community service together with the juvenile. The period of community service will not exceed ninety (90) days.

ARTICLE 6. RESTRICTIONS ON CIGARETTE VENDING MACHINES (1997)

9-50. Restrictions on Tobacco Vending Machines and Tobacco Vending Machines Sales.

It shall be unlawful for a tobacco retailer to offer for sale or to sell any tobacco product through a vending machine in this municipality, except tobacco vending machines shall be permitted to operate only if the operation of the machine to vend tobacco products is possible only by the activation of an electronic switch or other device which is controlled by the tobacco retailer or his designated adult employee and only after the tobacco retailer or his adult employee has made the reasonable determination that the person wishing to use the tobacco vending machine is eighteen (18) years of age or older. The electronic switch or device shall operate in such a fashion that the vending machine shall remain in the "off" position until activated for each individual sale.

9-51. Removal of Tobacco Vending Machines.

All tobacco vending machines made unlawful by the terms of this Ordinance shall be removed within thirty (30) days from the effective date of this Ordinance.

9-52. Penalties.

(a) Any person violating any of the provisions of this Article shall, upon conviction thereof, pay a penalty of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Complaint shall be made in the municipal courts of the Town of Hackettstown.

(b) The Board of Health may suspend the Retail Food Establishment License of any person convicted of violation of this ordinance, for a period of not more than three (3) days, pursuant to the authority of the Board of Health to license and regulate food establishments as provided by N.J.S.A. 26:3-31(c).

ARTICLE 7. FEEDING OF BEARS PROHIBITED. (2000)

9-60. Feeding and Baiting.

It shall be unlawful to feed or bait bears in the Town of Hackettstown in any manner.

9-61. Fines.

Any person violating this ordinance shall be fined not less than \$100.00 nor more than \$1,000.00, and/or be subject to imprisonment in the Warren County Jail or community service for not more than ninety (90) days.