

DATE _____

NUMBER 55-2022

**TITLE: AN ORDINANCE AMENDING CHAPTER 150, PEACE AND GOOD ORDER”, ARTICLE 1, “DISORDERLY CONDUCT GENERALLY”, SECTION 150-1 “UNOCCUPIED BUILDINGS TO BE LOCKED; ENFORCEMENT AND 150-9 “INDECENT EXPOSURE; OBSCENE LITERATURE OR PLAYS”.
(Sponsored by Councilmember-At-Large Adrienne Wooten and the Orange Municipal Council)**

WHEREAS, the Municipal Code of the City of Orange Township (the “City”) is a vast and comprehensive document containing more than ninety chapters that have been authored and amended by the Municipal Council over many decades; and

WHEREAS, as a result of the progressive compilation of the City code, over time, there exists language within the code, that although valid and legal, may still be outdated, offensive and no longer appropriate; and

WHEREAS, the Municipal Council should be proactive in proposing revisions to the Municipal Code that will modernize the language the City code contains and eliminate terms that could possibly reflect bias and/or intolerance.

NOW, TEREFORE, BE IT ORDAINED by the Municipal Council of the City of Orange Township that Chapter 150, Peace and Good Order, Article 1, “Disorderly Conduct Generally”, Section 150-1 Unoccupied Buildings to be Locked: Enforcement and 109.9 “Indecent Exposure; Obscene Literature or Play”.

§ 150-1 Unoccupied buildings to be locked; enforcement.

A. All unoccupied houses, factories and other buildings shall be kept securely locked and the doors and windows thereof kept closed and fastened at all times so as to prevent the entrance thereto of tramps and idlers and persons having no right to enter the same.

B. Whenever the Director of the Police Department is of the opinion that any unoccupied house, factory or other building is insufficiently locked or the doors or windows thereof are not kept properly closed or fastened so as not to prevent the entrance thereto ~~of tramps and idlers~~ of unauthorized persons and persons having no right to enter the same, it shall be his duty to serve a notice upon the owner of the house, factory or other building of the improper condition of such house, factory or other building requiring such owner to remedy the condition mentioned in such notice within five (5) days from the service of such notice or, in default thereof, be subject to the penalty prescribed in this Article. Such notice may be served as a summons in courts of law is served, or, if the owner resides out of the county, such notice may be served by posting a copy thereof on the unoccupied house, factory or other building. If the improper condition mentioned is not remedied within the time required by such notice, the owner of the house, factory or other building shall be guilty of a violation of this Article.

§ 150-2 Checks or drafts drawing on insufficient funds prohibited.

A. 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 two hundred dollars (\$200.) upon any bank or other depository, knowing at the time of so doing that 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


A.M. SMITH
CITY ATTORNEY

ORDINANCE NO. 55-2022

REGULAR MEETING – October 4, 2022

INTRODUCTION-FIRST READING

MOTION TO ADOPT: Ross

SECOND: Wooten

YEAS: Coley, Hilbert, Montague, III, Ross, Summers-Johnson, Wooten & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: None

SECOND READING/PUBLIC HEARING – November 1, 2022

reference thereto.

- B. The making, drawing, uttering or delivering of a check, draft or order as stated in this section shall be prima facie evidence of an intent to defraud, and the certificate of dishonor of the 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.

§ 150-3 Distribution of commercial advertisements or circulars.

No person shall distribute, deposit or leave on any of the streets, highways or public places within the city any commercial advertisements or circulars.

§ 150-4 Disorderly houses and houses of ill fame.

No person shall keep or maintain a disorderly house or a house of ill fame within the city.

§ 150-5 Unauthorized use of certain drugs.

No person shall use or be under the influence of any amphetamine, barbiturate, hypnotic or somnifacient drugs, tranquilizers or any prescription legend drug which is not a narcotic drug within the meaning of N.J.S.A. 24:18-2 for a purpose other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

§ 150-6 Intoxicated persons in public places.

Any person who shall be found on any street, highway or alley or in any vehicle, public conveyance, public or quasi-public place or in or upon any private property not his own without the permission of the owner or other person having the authority to grant such permission, in the city, being under the influence of intoxicating liquor or in a state of intoxication, upon conviction thereof, shall be punished as provided in § 150-16.

§ 150-7 Possession and use of firearms prohibited; exceptions.

- A. Except as provided in this section, it shall be unlawful for any person to carry or to use, fire, shoot or discharge any revolver, pistol, rifle, shotgun or other firearm or slingshot, spring gun or air gun or other instrument or weapon in which the propelling force is spring or air, or any instrument or weapon in which any loaded or blank cartridges are used or may be used, within the city, unless upon a range or place for target shooting approved by the Director of the Police Department.
- B. The Director of the Police Department may issue written permits allowing the use of a range for the shooting at targets with any revolver, pistol, rifle, slingshot or any spring gun or air gun or weapon in which the propelling force is spring or air, which permit may be revoked by him for cause at any time.
- C. This section shall not be taken, held or construed to prohibit the carrying of any gun, shotgun or any other firearm permitted by the laws of this state to be carried by duly licensed hunters or members of the city or state police, or to prohibit target practice by the members of the Police Department or by members of the National Guard of the State.

§ 150-8 Gambling.

No person shall deal, play or engage in faro, roulette or other device or game of chance; buy or sell what is commonly known as a "pool" or any interest or share in any such pool; make or take what is commonly known as a "book" upon the running, pacing or trotting of any horse, mare, gelding or other animal, or any game, racing or contest, or have in his possession any ticket, slip or other writing or printing of an interest or share, or showing or indicating an interest, share, bet or pledge, in any pool, lottery, racing, contest or other game of chance; keep or attend a place to which persons may resort for engaging in any such acts or for betting upon the event of any horse race or other race or contest, or for gambling in any form; and no person shall aid, abet, assist or participate in any such pool, lottery, race or other contest or games of chance.

§ 150-9 Indecent exposure; obscene literature or plays.

No person shall, in any street or public place, appear in a state of nudity ~~or in a dress not belonging to his or her sex~~, or in any lewd or indecent dress or costume; nor shall any person make any indecent exposure of his or her person or be guilty of any lewd or indecent behavior of any kind or exhibit, sell or offer to sell any indecent or obscene book, picture or thing or exhibit or perform in any indecent, lewd or immoral play or representation of any kind.

§ 150-10 Recruiting of persons to replace employees on strike.

It shall be unlawful within the city for any person not directly involved in a labor strike or lockout to recruit any person for employment, or to secure or offer to secure for any person any employment, when the purpose of such recruiting, securing or offering to secure employment is to have such person take the place in employment of employees in an industry where a labor strike or a lockout exists.

§ 150-11 Lewd and indecent acts.

No person shall be guilty of open lewdness or any notorious act of public indecency, grossly scandalous and tending to debauch the morals and manners of the people, and no person shall in private be guilty of any act of lewdness or carnal indecency with another, grossly scandalous and tending to debauch the morals and manners of the people.

§ 150-12 (Reserved)

§ 150-13 Prostitution.

- A. No person shall receive any money or other valuable thing for or on account of procuring the prostitution or illegal sexual intercourse of any female person.
- B. No person shall solicit, entice or persuade any other person to engage in illegal sexual intercourse.
- C. No person shall take, enveigle, entice, persuade or encourage, either by threats or promises, or by any device or scheme, any female person to engage in prostitution or illegal sexual intercourse.

§ 150-14 Shade trees.

No person shall remove, destroy, cut, trim, break, puncture or deface any shade tree standing on any street or avenue in the city or any limb, branch, twig or part thereof, nor shall any person string, tie, fasten or attach to any shade tree standing on any street or avenue in the city or to any limb, branch, twig, or part thereof, any rope, wire, metal or other material substance, without first obtaining a permit from the Director of the Public Works Department or such person as he may designate for that purpose, nor shall any person directly or indirectly kill, destroy or cause any damage to any shade tree in any street, avenue or public thoroughfare in the city or to any limb, branch or twig thereof by electric current, escaping gas or fluids from conduits in the street or elsewhere.

§ 150-15 Vagrants and other similar persons.

Any person who shall be found on any street, highway, alley or in any vehicle, public conveyance, public or quasi-public place or in or upon any private property not his own without the consent of the owner thereof, in the city, being a vagrant, mendicant, beggar, common nightwalker or common prostitute, shall, upon conviction thereof, be punished as provided in § 150-16.

§ 150-16 Violations and penalties.

[Added 5-18-82 by Ord. No. 16-82]

Any person who violates any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both.

Article II

Interference with Police Personnel

§ 150-17 Resisting or interfering with policemen.

No person shall endeavor to resist or in any way interfere with or hinder or prevent any officer or patrolman or member of the police force of the city in the discharge of his duty as such officer, patrolman or member of the police force, or shall in any manner assist any person while in the custody of any of the officers or patrolmen or members of the police force of the city to escape or attempt to escape from such custody, or shall rescue or attempt to rescue any person so in custody.

§ 150-18 Violations and penalties.

[Added 5-18-82 by Ord. No. 16-82]

Any person who violates any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both.

Article III

Interference with Fire Apparatus and Firemen

§ 150-19 Interference with firemen.

No person shall willfully hinder or molest or attempt to do any violence to any officer or member of the Fire Department while in the performance of his duty at a fire or in going to or returning from a fire or in charge of a fire engine or other fire apparatus.

§ 150-20 Injury to fire station or apparatus.

No person shall enter any fire station with intent to injure the same or any fire apparatus, nor shall be at any time or place injure or mutilate any fire apparatus or equipment.

§ 150-21 Violations and penalties.

[Added 5-18-82 by Ord. No. 16-82]

Any person who violates any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both.

Article IV

Retail Display of Obscene Material

[Added 10-4-88 by Ord. No. 25-88]

§ 150-22 Definitions.

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

CITY

The City of Orange Township, a municipal corporation of the State of New Jersey.

OBSCENE MATERIAL

Any description, narrative account, display or depiction of a specified anatomical area or specified sexual activity 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, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

RETAILER

Any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under eighteen (18) years of age, who is in the business of making sales of periodicals or other publications at retail, containing pictures, drawings or photographs.

§ 150-23 Display restricted.

It shall be unlawful for a retailer to display or permit to be displayed at his/her business premises, any obscene material at a height of less than five (5) feet or without a blinder or other covering placed or printed on the front of the material displayed. The public display of obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

§ 150-24 Violations and penalties.

Any person or persons convicted of violating any provision of this Article shall be subject to a fine not to exceed five hundred dollars (\$500.) or imprisonment for a term not to exceed thirty (30) days, or both.

Article V Cigarette and Alcohol Advertisements

[Adopted 12-1-1998 as Ord. No. 25-98]

§ 150-25 Prohibited cigarette and alcohol advertisements.

No person may place any sign, poster, placard, billboard, graphic display, free standing sign and/or device that advertises cigarettes or alcohol within five hundred (500) feet of a school, park, church or community center located in the City of Orange Township.

§ 150-26 Violations and penalties.

Any person who violates or refuses to comply with this Article shall be subject to a fine not to exceed one thousand dollars (\$1,000.) and every day of such violation shall be deemed a separate offense.

Article VI Toy Guns

[Adopted 2-2-16 by Ord. No. 5-2016]

§ 150-27 Sale of toy guns prohibited; exceptions.

[Adopted 2-2-16 by Ord. No. 5-2016]

A. Sale of toy pistols.

It shall be unlawful for any person to sell or dispose of to a minor any toy pistol that can be loaded with powder and ball or blank cartridge to be exploded by means of metal caps, but nothing herein contained shall apply to the sale or disposal of what are known as "firecracker pistols" or such pistols as are used for the explosion of paper caps.

B. It shall be unlawful for any person to sell, or offer to sell, possess or use or attempt to use or give away any toy or imitation firearm which substantially duplicates or can reasonably be perceived to be an actual firearm unless:

- (1) The entire exterior surface of such toy or imitation firearm is colored white, bright red, bright orange, bright yellow, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern; or**
- (2) Such toy or imitation firearm is constructed entirely of transparent or translucent materials which**

prevents unmistakable observation of the imitation or toy firearm's complete contents; and

- (3) The barrel of such toy or imitation firearm, other than the barrel of any such toy or imitation firearm that is a water gun, is closed with the same material of which the toy or imitation firearm is made for a distance of not less than one-half (1/2) inch from the said end of such barrel; and
- (4) Such toy or imitation firearm has legibly stamped thereon the name of the manufacturer of such trade name, mark or brand by which the manufacturer can be readily identified; and
- (5) Such toy or imitation firearm does not have attached thereto a laser pointer.

C. Subsection **B** of this section shall not apply to:

- (1) The possession or display of toy or imitation firearms by a manufacturer or dealer solely for purposes of sales that are accompanied by delivery to a point without the City;
- (2) Any toy or imitation firearm that will be used only for or in the production of television programs or theatrical or motion picture presentations; provided, however, that such use of any toy or imitation firearm complies with all applicable laws, rules or regulations concerning request and receipt of waivers authorizing such use;
- (3) Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys, molded on real firearms designed, manufactured and produced prior to 1898.

D. Air pistols and air rifles; selling or possessing:

- (1) It shall be unlawful for any person to sell, offer to sell, or have in such person's possession any air pistol, or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments, if accompanied by delivery to a point within the City, and possession for such purpose, shall not be unlawful if such person shall have secured an annual license from the City authorizing such sale and possession. The sale and delivery of such instruments within the City from one licensee to another licensee, and the use of such instruments in connection with an amusement licensed by the New Jersey Division of Consumer Affairs or at rifle or pistol ranges duly authorized by law, shall not be considered a violation of this section.
- (2) All persons dealing in such instruments referred to in this section shall keep a record showing the name and address of each person purchasing such instrument or instruments, together with place of delivery, and said record shall be open to inspection during regular business hours by representatives of the City's Police Department or any other law enforcement agency with concurrent jurisdiction.
- (3) Every person to whom a license shall be granted to sell, possess and deliver the instruments described in this section shall pay an annual fee of ten dollars (\$10.).

§ 150-28 Violations and penalties.

[Adopted 2-2-16 by Ord. No. 5-2016]

- A. Toy guns. Except as otherwise specifically provided in this section, any person who shall willfully violate any provisions of § 150-27A through B shall, upon conviction, be punished by a fine of not more than fifty dollars (\$50.) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment.
- B. Air pistols and air rifles. Any person who shall violate § 150-27D, and is found guilty of the same, shall be punishable by a fine of not more than five hundred dollars (\$500.) or imprisonment not exceeding ninety (90) days or both.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED this ordinance shall take effect upon adoption and approval in accordance with applicable law.

ADOPTED:

Joyce L. Lanier
City Clerk

Tency Eason
Council President

APPROVED:

Dwayne D. Warren, Mayor

Purpose: The Purpose of this ordinance is to remove outdated and possible offensive language from the Municipal Code.

Fiscal Impact: None