

ORDINANCE 2018-07

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, SO AS TO AMEND CHAPTER 174, ENTITLED
“PEACE AND GOOD ORDER”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 174, entitled “Peace and Good Order,” so as to delete the existing Chapter 174 in its entirety and replace it with a new Chapter 174, entitled “Peace and Good Order,” and which shall read as follows:

§174-1 Unlawful Acts.

No person shall appear or travel on any street, avenue, highway, road, beach, beachfront or waterway located in the Borough of Bay Head or appear in any public place, store or any business open to the public in said Borough in a state of nudity. A person shall be found in a state of nudity when clothing or absence of clothing completely exposes to public view a person’s genitals, pubic hair, buttocks, anus or female breasts.

§174-2 Public urination and defecation prohibited.

It shall be unlawful for any person or persons to urinate or defecate on any public place, or on outdoor private property in this Borough, except facilities specifically designated for that purpose.

- A. "Public place," means any place to which the public has access and includes any street, beach, highway, road, alley, park, public parking lot or sidewalk.
- B. “Outdoor private property,” means the visible yard area of any residence, store, shop, restaurant, tavern or other place of business, as well as parking lots or other vacant private property.

§174-3 Obstruction of justice.

No person shall interrupt, interfere with, hinder, disturb or obstruct the proceedings, functions or deliberations of the governing body, Board of Health or any other official body. No person shall interfere with any municipal officer or official engaged in the performance of his duty or to knowingly resist or oppose any person authorized by law to make an arrest or to serve any writ, bill, order or process when such person is acting in the performance of his duty.

§174-4 False Alarms.

It shall be unlawful for any person to willfully and maliciously give or make or cause to be made a false fire, first aid, air raid or police alarm.

§174-5 Parking on residential lawns.

Parking of vehicles on residential lawns shall be prohibited.

§174-6 Use of public places for sleeping or habitation

No person shall sleep in any public place overnight, nor shall any person use any motor vehicle or trailer for sleeping or habitation purposes in any public place.

§174-7. Violations and penalties.

- A. Unless otherwise specified herein, for a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days or a period of community service not exceeding 90 days, or any combination thereof. Except as otherwise provided, each and every

day in which a violation of any provision of this chapter exists shall constitute a separate violation.

- B. All fines and penalties under this chapter may be paid directly to the Municipal Court Administrator, unless otherwise indicated by the officer issuing the summons.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading:

March 5, 2018

Introduced on Second Reading:

April 2, 2018

Approved on Second Reading:

April 2, 2018

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor