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Chapter 42

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 11-14-62. Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 13.

Curfew — See Ch. 30.

Hawkers and peddlers — See Ch. 38.

Nuisances, public health — See Ch. 64.

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

§ 42-1. Enumeration of prohibited acts.

A. No person shall, within the limits of the Borough of Helmetta:

(1) Upon apprehension, be unable to give a good account of himself or be engaged in an illegal occupation, or

be in the Borough of Helmetta for an unlawful purpose. In any prosecution under this section, the fact that the person apprehended cannot give a good account of himself or is engaged in an illegal occupation is prima facie evidence that he is present in this borough for an unlawful purpose.

- (2) Have in his possession any picklock, key, crow, pick, bit or other implement, with intent to break and enter into any building, or have upon him any offensive or dangerous weapon, with intent to assault any person.
- (3) Use or pretend to use or have any skill in physiognomy, palmistry or like crafty science, or pretend to tell destinies or fortunes.
- (4) By word, act or other means, willfully and maliciously give or cause to be given a false fire alarm or false police alarm.
- (5) Have in his possession or custody any lottery slips, books or records pertaining to a lottery, or have in his possession or have in an automobile in his custody any ticket or tickets, slip or slips, paper, document or memoranda in any way pertaining to the business of a number game.
- (6) Willfully or maliciously take down, remove or injure any notice, advertisement or other placard legally and publicly set up by an officer or person in accordance with law, before the time to which such notice, advertisement or placard relates.
- (7) Commit an assault or an assault and battery.
- (8) Fight with another person or persons, or commit or attempt to commit assaults and batteries upon each other, either in public or in a private place, or be present, aiding, assisting or abetting the same.

- (9) Commit any of the following audible offenses:
- (a) Utter loud and offensive or profane or indecent language in any public street or other public place; or in any place, public or private:
 - [1] Address or make audible and offensive remarks to or concerning any passing person or other persons; or
 - [2] Obstruct, molest or interfere with any person lawfully therein.
 - (b) Telephone another and address to such person any lewd, lascivious, indecent or disgusting remarks; or repeatedly telephone another for the purpose of annoying or molesting such person. Any offense committed under this Subsection A(9)(b) may be deemed to have taken place at either the place at which the telephone call was made or the place at which the telephone call was received.
- (10) Be under the influence of intoxicating liquor, loiter or create a disturbance in any public street or public or quasi-public place or any public conveyance, or 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.
- (11) Dump on open fields or other private or public property, without first obtaining the permission of the owner or person in charge of such property, any abandoned automobile, automobile parts, junk or other trash or refuse.
- (12) Maliciously destroy, deface, damage or injure property, either personal or real.
- (13) Cast, shoot or throw anything at, against or into any vehicle, railroad car or other facility of transportation.

- (14) Discard or abandon in any public or private place accessible to children, whether or not such children are trespassers, any refrigerator,¹ icebox, chest or other similar container having a capacity of 1½ cubic feet or more, with an attached lid or door which may be opened and fastened shut by means of an attached latch or, being the owner, lessee or manager of such place, knowingly permit such abandoned or discarded refrigerator, icebox, chest or similar container to remain there in such condition.
- (15) Trespass on private property and surreptitiously or sneakingly invade the privacy of another by peering into the windows or other openings of dwelling places located thereon, for no lawful purpose.
- (16) (Reserved)²
- (17) Permit, make or continue, or cause to be permitted, made or continued, any unnecessary noise which shall disturb the comfort, rest and peace of any person or persons being in his, her or their place of abode or at any public or private meeting.
- (18) Indulge in or use or utter any loud and offensive or violent or indecent or profane language in the presence or hearing of another, which would tend to create a disturbance, or which would disturb the public peace and good order, or which would be detrimental to the security or health or morals or general welfare of the neighborhood.

¹ Editor's Note: Former § 42-1A(16), regarding radios and other sound-producing devices, was repealed 12-1-1993 by Ord. No. 18-1993. See now Ch. 41A, Noise.

² Editor's Note: See Ch. 45, Refrigerators, abandoned.

- (19) Appear on any street, road, avenue, park or other public place in a state of nudity, or make any indecent exposure of his or her person or commit or do any lewd or indecent act or behave in a lewd or indecent manner.
- (20) Sell or offer to sell any indecent picture, book or thing, or exhibit or perform any indecent, immoral or lewd play or other representation.
- (21) Solicit, invite or in any manner suggest by word of mouth or any writing or other communication or by any device whatsoever any lewd, lascivious or other immoral act.
- (22) Fire or discharge within the limits of the Borough of Helmetta any cannon, gun, rifle, pistol, revolver, firearm, firecrackers or fireworks of any description, provided, however, that this subsection shall not apply:
- (a) To any military exercises;
 - (b) To officers of this state, county or borough charged with the enforcement of the law, while said officers are on duty and in the performance of their duty;
 - (c) To the use of a pistol or revolver or other firearms in the defense of life or property.
- (23) Go about from door to door or place himself or herself on any sidewalk, street or store or other public place or places to beg or gather alms.
- (24) Enter any building or any public or private lands and break, injure or deface such building or any part thereof or the fences, outhouses or other property belonging to or connected with such building.

- (25) Interfere with or hinder any member of any fire company, police department, first aid squad or civil defense member while engaged in the performance of his duties or on practice duty; nor shall any person disobey any order of any fireman while on active duty at any fire within the limits of the borough, nor of any member of the first aid squad while on active duty, nor any civil defense member while on active duty; nor shall any person ride over or otherwise damage any fire hose or otherwise interfere with, damage or destroy any property or equipment of any fire company, first aid squad or civil defense organization within the limits of the borough.
- (26) Enter upon or trespass upon the land or property of any other person, or upon the lands and premises of the Borough of Helmetta or any public or quasi-public body, without lawful permission so to do.
- (27) Abandon any automobile or other vehicle upon any street, avenue, lane or road in the Borough of Helmetta. It shall be prima facie proof of abandonment if the said automobile or other vehicle shall so remain for a period in excess of seven (7) days.
- (28) Trespass upon any public place designated for the disposal of trash or garbage, nor set any fire in, upon or near said premises at any time or for any purpose whatsoever.
- (29) Keep or harbor any dog which shall disturb the neighborhood² by excessive barking, whining or howling.
- (30) Remove, change, alter, obstruct, destroy, tap, shut off or interfere in any way whatsoever with any water

² Editor's Note: See Ch. 31, Dogs.

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or sewer line or any utility or any mechanical device connected thereto on any property, either public or private.

§ 42-2. Other prohibited conduct.

All other riotous conduct, indecent conduct, breach of the peace and vagrancy not hereinabove specifically mentioned are hereby prohibited.

§ 42-3. Definitions.

The term "person" as used in this chapter shall, wherever appropriate in connection with the context, include "corporation," "partnership," "association" and "individual," and shall include the plural. The masculine pronoun shall include the feminine and neuter.

§ 42-4. Disposition of fines.

All fines imposed and collected under and by virtue of this chapter shall be paid into the treasury of the borough.

§ 42-5. Violations and penalties.³

Any person who shall violate any of the terms or provisions of this chapter, or who shall commit or do any act or thing in this chapter prohibited, shall, upon conviction thereof before the Municipal Judge, be imprisoned in the county workhouse for a term not exceeding ninety (90) days, or shall forfeit and pay a fine not exceeding five hundred dollars (\$500.), or both. In default of any fine imposed hereunder, any person convicted

³ Editor's Note: Amended upon adoption of Code.

of a violation of any of the provisions of this chapter may, in the discretion of the Municipal Judge, be imprisoned in the county workhouse for a term not exceeding ninety (90) days.

§ 42-6. Enforcement.

All members of the Police Department⁴ and all special police officers shall have authority to arrest any person who violates any of the provisions of this chapter within his presence or sight, without first obtaining a warrant for said arrest, and to bring said violator forthwith before the Municipal Judge,⁵ or by whatever name now or hereinafter designated by the Legislature for said Municipal Judge. In all cases where said violations are not committed in the presence or sight of said police officers, the persons witnessing said violation shall first make a sworn complaint before the judicial officer aforesaid, who shall thereupon issue a warrant for the arrest and apprehension of the person charged with said offense. Police officers may sign complaints on information and belief, provided they set forth the source of their information and the basis of their belief, when for any reason the person witnessing the violation refuses to or does not sign a complaint.

⁴ Editor's Note: See Ch. 13, Police Department.
⁵ Editor's Note: See Ch. 6, Court, Municipal.