

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 11-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XXIII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY APPLYING THE
REGULATIONS FOR PARKS AND PLAYFIELDS TO ALL
TOWNSHIP OWNED OPEN SPACE

Approved on First Reading: September 12, 2011

Approved, passed and adopted on final reading: September 26, 2011

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 11-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A
HANDICAPPED PARKING ZONE ON HECK AVENUE AND
REMOVING HANDICAPPED PARKING ZONES ON ATLANTIC
AND SEAVIEW AVENUES

Approved on First Reading: September 12, 2011

Approved, passed and adopted on final reading: September 26, 2011

NOTICE
ORDINANCE NO. 11-43
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of September, 2011, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Thursday, the 6th day of October, 2011, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 11-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-23 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE FEE FOR PUBLIC DEFENDER

BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth, New Jersey, as follows:

SECTION 1. Volume I, Chapter II, Section 2-23 "Public Defender" of the Code of the Township of Neptune be and is hereby amended as follows:

2-23.5 "Fee for Representation" is amended to read:

a. The Township of Neptune pays for the services rendered to an indigent defendant by the Township Public Defender.

b. The Public Defender fee shall be set forth as \$200.00 per case made payable to the Township of Neptune.

c. The Municipal Court Judge may waive any such required application fee in whole or in part, if the court determines in its discretion, that the application fee represents an unreasonable burden on the person seeking such representation.

SECTION 2. This ordinance shall become effective immediately upon its adoption and publication according to law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 11-44
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of September, 2011, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Thursday, the 6th day of October, 2011, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 11-44

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY DESIGNATING NO PARKING DURING CERTAIN HOURS ON A PORTION OF WAKEFIELD ROAD

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.8 – Parking Prohibited During Certain Hours on Certain Streets, is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Wakefield Road	West	8:00 am – 5:00 pm Monday - Friday	Between Newgate Lane and Mayfair Lane.

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 11-45
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 26th day of September, 2011, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Thursday, the 6th day of October, 2011, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 11-45

AN ORDINANCE TO AMEND VOLUME I, CHAPTER III, SECTION 3-5 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING “THE CURFEW ORDINANCE OF THE TOWNSHIP OF NEPTUNE

THEREFORE, BE ORDAINED, by the Township Committee of the Township of Neptune as follows:

SECTION 1.

Volume I, Chapter III, Section 3-5, of the Code of the Township of Neptune entitled “Curfew for Minors,” is hereby amended in its entirety as follows:

3-5 CURFEW FOR MINORS.

3-5.1 Title. This section shall be known and may be cited as the “Curfew Ordinance of the Township of Neptune.”

3-5.2 Definitions. As used in this section:

Township shall mean the Township of Neptune, Monmouth County, State of New Jersey, a municipal corporation of the State of New Jersey with its principal office located at 25 Neptune Blvd., Neptune, New Jersey.

Minor shall mean a person under the age of eighteen (18), or an equivalent phrasing often herein employed, any person seventeen (17) or less years of age.

Parent shall mean any person having legal custody of a minor:

- a. As a natural or adoptive parent,
- b. As a legal guardian,

- c. As a person who stands in loco parentis,
- d. As a person to whom legal custody has been given by court order.

Street shall mean a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular traffic or in the case of sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way, including but not limited to, the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise. The term street also includes the boardwalk, shopping areas, parking lots, public buildings, and similar areas that are open to the use of the public.

Time of night shall mean and is based upon the prevailing standard of time, whether Eastern/Standard Time or Eastern/Daylight Savings Time, generally observed at that hour by the public in the Township, or then observed in the police station.

Year of age shall mean and continue from one (1) birthday, such as the seventeenth, but not including the day of the next, such as the eighteenth birthday; making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase “under eighteen years of age.” Similarly, for example, thirteen (13) or less years of age means under fourteen (14) years of age.

3-5.3 Curfew for Minors.

a. It shall be unlawful for any persons seventeen (17) or less years of age to be or remain in or upon the public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places within the confines of the Township at night, during the period ending at 6:00 a.m. and beginning:

- 1. At 9:30 p.m. for minors thirteen (13) or less years of age.
- 2. At 11:00 p.m. for minors fourteen (14) or more years of age.

b. In addition, it shall be unlawful for any parent or guardian to allow or permit any minor to be in or upon any public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places within the confines of the Township at any time during the hours in which said minor’s school is in session, unless such minor has been officially excused (excluding suspension and expulsion) from attendance at such school by school authorities.

c. Similarly, it shall be unlawful for any owner, operator or employee of an establishment to knowingly allow or permit any minor to remain in or upon such establishment at any time during the hours in which such minor’s school is in session, unless such child has been officially excused (excluding suspension and expulsion) from attendance at such school by school authorities.

3-5.4 Exceptions. In the following exceptional cases, a minor on a Township street during the periods of time prohibited under subsection 3-5.3, shall not, however, be in violation of the

curfew regulations when any of the following shall occur:

- a. When accompanied by a parent of such minor.
- b. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area.
- c. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by having in his/her possession a written communication, signed by such minor and countersigned, if practicable, by a parent of such minor with their home address and telephone number, specifying when, where and in what manner the minor will be on the streets at night, an exercise of a First Amendment right specified in such communication.
- d. When the minor is returning home from a night school, fraternity, church, social or school meeting, or is en route to or returning from a doctor or dentist office, where treatment has been rendered or is to be rendered by such doctor or dentist, provided such minor can evidence the rendering of treatment or the need for treatment by a physician's statement.
- e. When the minor is no more than fifty (50) feet from the minor's place of residence.
- f. When the minor carries a certified card of employment or worker's permit, pursuant to State Law.
- g. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This clearly exempts bona fide interstate movement through the Township and interstate travel beginning or ending in the Township.

3-5.5 Parental Responsibility. It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain in or upon any Township public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places within the confines of the Township under circumstances not constituting an exception, or otherwise beyond the scope of, the curfew. The term "knowingly" includes knowledge which a parent would reasonably be expected to have concerning the whereabouts of a minor in the parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It is no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such minor.

3-5.6 Enforcement Procedure. If a police officer reasonably believes that a juvenile is in or upon the public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places within the confines of the Township in violation of the curfew regulations, the officer shall notify the juvenile that he or she is in violation of the regulations and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile

and, in the absence of convincing evidence such as a birth certificate or driver's license, a police officer on the street shall use his or her best judgment in determining age. If the officer determines that a person is in violation of this section he/she shall take the juvenile to the police station, where a parent or guardian shall immediately be notified to come for the juvenile, and whereupon they shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts and to centralize responsibility in the person designated there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available experienced personnel and access to information and records.

- a. Police procedures shall constantly be refined in the light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances, for example, a juvenile of tender age near home whose identity and address may readily be ascertained or are known.
- b. A police officer discharging an enforcement obligation under this section shall file a written report with the Chief of Police or his/her designee or shall participate to the extent of the information for which he/she is responsible in the preparation of a report on the curfew violation. It is not the intention of this section to require extensive reports that will prevent police officers from performing their primary police duties. The reports shall be as simple as is reasonably possible and may be completed by police departmental personnel other than sworn police officers.
- c. When a parent or guardian, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except that in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to an adult relative, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.
- d. In the case of a first violation by a juvenile, the Chief of Police or his/her designee shall send, by certified mail, to the parents or guardian of the minor, written notice of the violation with a warning that any subsequent violations will result in full enforcement of the curfew regulations, including enforcement of parental responsibility and of applicable penalties.

3-5.7 Presumption of Knowledge. There shall be a presumption that whenever a minor has been convicted of a violation of this section, the parents, guardians, or other adult persons having care of the minor knew or should have known of the minor's violation of this section if the minor had been convicted on a prior occasion within six (6) months of the date of the present violation.

3-5.8 Violations and Penalties.

- a. If, after receipt of a warning notice pursuant to subsection 3-6.6 of a first violation by a juvenile, a second curfew violation is adjudicated against the same minor, the parents or guardian of the minor shall be subject to prosecution under subsection 3-6.5. For the first parental offense a parent shall be subject to a mandatory fine of not less than eighty (\$80.00) dollars and for each subsequent offense by a parent

there shall be a mandatory Municipal Court appearance with any penalties to be assessed by the Judge of the Municipal Court, in accordance with Subsection 1-5. The Judge of the Municipal Court, upon finding a parent guilty, may sentence the parent to pay this fine and the costs of prosecution.

- b. If a minor has been found to be in violation of this section on a second occasion within a six (6) month period, that minor shall receive a summons and complaint from the Police Officer who apprehended the minor for the violation of this section. The Judge of the Municipal Court, upon finding the minor guilty, may sentence the minor to perform community service for a period not to exceed ninety (90) days.
- c. In addition, any juvenile who shall violate any of the provisions of the curfew regulations more than three (3) times shall be reported by the Chief of Police or his/her designee to the juvenile authorities as a juvenile in need of supervision and the Chief of Police or his/her designee may proceed to file such charges with the Superior Court of New Jersey, Family Part, Monmouth County, as he/she may deem appropriate.

3-5.9 Notice. Notice of the existence of this section and of the curfew regulations established by it shall be posted in, on or about such public or quasi-public places as may be determined by the Chief of Police or his/her designee, in order that the public may be constantly informed of the existence of this section and its regulations.

SECTION 2.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

SECTION 3.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Richard J. Cuttrell,
Municipal Clerk