

OFFENSES - MISCELLANEOUS

CHAPTER 14.

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Sec. 14-1. Bows and arrows – Discharge within town.

No person shall discharge or release any arrow from a bow having a sharp point capable of piercing the human skin within the town, except as permitted under section 14-3. (G.O. No. 853, § 1.)

Sec. 14-2. Same – Transporting within town.

No person shall transport or carry any bow and arrow capable of piercing the human skin within the town, except as permitted under section 14-3. (G.O. No. 853, § 2.)

¹ For state law authorizing town to preserve the public peace and order generally, see N.J.S.A., § 40:48-1. As to comic books and obscene publications, see ch. 10 of this Code. As to false fire alarms, see § 11-3.

Sec. 14-3. Same – Practice of archery at fixed targets; transporting of unstrung bows.

The provisions of sections 14-1 and 14-2 shall not prohibit the practice of archery at a fixed target in a location so situated that no person on neighboring properties or public streets can be injured; provided, that such archery practice is supervised by and performed under the control of an adult. Neither shall the provisions of sections 14-1 and 14-2 prohibit the transportation or carrying of a bow and arrow within the town where the bow is unstrung. (G.O. No. 853, § 3.)

Sec. 14-4. Same – Confiscation from minor children.

Where minor children are found firing, discharging or transporting bows and arrows in violation of sections 14-1 to 14-3, any police officer of the town is expressly authorized and directed to confiscate such weapons and deliver them to the chief of police, who is hereby authorized to destroy the same. (G.O. No. 853, § 4.)

Sec. 14-5. Disorderly, etc., premises.

No person shall keep or cause to permit to be kept a house, shop, room, or place of any description in which any kind of disorder or noise is made or permitted to the alarm, annoyance or disturbance of the neighborhood, or in which persons assemble, which place is injurious to public health, public quiet or public morale, or in which is kept any table or device of any kind upon or by which any game of chance or hazard shall be played. (1932 Revision, title 10, ch. 1, § 5.)

Sec. 14-6. Disturbing the peace.

No person shall disturb the quiet of the town, of any lawful assembly of persons or of any neighborhood, family or person within the town by using any profane, indecent or obscene language, by any indecent conduct whatsoever, by quarreling, assaulting or fighting or otherwise disturbing the public peace. (1932 Revision, title 10, ch. 1, § 2.)

Sec. 14-7. Fireworks and firearms² – Sale, possession and discharge.

(a) No person shall sell, offer for sale, set off or discharge within the town any toy cannon, pistol (except those using paper caps and starting devices for athletic events), or other firearm, instrument, contrivance or device producing an explosion (except construction tools using controlled explosive charges), either by ignition or concussion through the use of gunpowder or other explosive substance; nor shall any person place any torpedo producing an explosion on any track within the town; nor shall any person discharge a shotgun, rifle, revolver, or pistol within the town.

(b) No person shall have in his possession, for sale or any other purpose within the town any firecrackers, torpedo rockets, roman candles, rockets, cherry bombs, salutes, M-

² As to possession of firearms in parks, see § 16-3 of this Code.

80's, bottle rockets, ashcans or other similar fireworks, firecrackers or explosives or inflammable materials.

(c) The provisions and restrictions referred to in this section shall include any contraption or article which is generally termed a rocket, or any similar device, which is propelled or is charged into the air by means of the reaction of escaping gases produced by burning fuel or any chemical or nuclear reaction and the possession, sale, use, or discharge of any such rocket contraption or machine within the town is hereby prohibited.

(d) Notwithstanding the foregoing, the town council may grant one permit for the holding of public fireworks display, upon the written application for a recognized civic organization, for the purpose of celebrating the national bicentennial, upon such conditions as the town council shall deem advisable.

(1932 Revision, title 10, ch. 2, § 1; G.O. No. 573; G.O. No. 836, § 1; G.O. No. 1143, § 1; G.O. No. 1449, § I.)

Sec. 14-8. Gambling.³

No person shall deal, play or engage in faro, roulette, dice or card games or other device, or have in his possession any ticket or slip or other writing or printing or any interest or share or showing or indicating an interest, share, bet or pledge in any pool, lottery, racing contest or other game of chance or shall gamble in any form. No person shall aid, abet, assist, or participate in any such pool, lottery, race, or other contest or game of chance.

This section shall not be construed to apply to the holding and operation of games of chance commonly known as bingo or lotto under a license duly issued under the provisions of the "Bingo Licensing Law,"⁴ and the holding and operation of games of chance commonly known as a raffle or raffles under a license duly issued under the provisions of the "Raffles Licensing Law."⁵ (G.O. No. 859, §§ 1, 2; G.O. No. 883, § 1.)

Sec. 14-8.1. Conduct of raffles on Sunday.

The holding, operating and conducting of games of chance commonly known as a raffle or raffles under a license duly issued by the Town of Westfield pursuant to the provisions of the "Raffles Licensing Law" shall be permitted on the first day of the week known as Sunday; provided, such Sunday operation is requested by the applicant on the license. The license issued by the Town of Westfield shall state that operation on Sunday is permitted. (G.O. No. 1361, § 1.)

Sec. 14-9. Iceboxes – Removal of doors and locks prior to abandonment.

It shall be unlawful for any person to place or allow to remain outside of any building or dwelling or upon any land within the Town of Westfield where it may be accessible to

³ As to lotteries, gambling, etc., in places licensed to sell alcoholic beverages, see §§ 4-8 to 4-10 of this Code. As to use of automatic amusement devices for gambling, see § 5-22. As to gambling in parks, see § 16-4.

⁴ See N.J.S.A., §§ 5:8-24 to 5:8-49.11.

⁵ See N.J.S.A., §§ 5:8-50 to 5:8-77.

children, any abandoned or discarded icebox, refrigerator or any other similar container which has airtight doors and locking device, which, when closed, cannot be opened from the inside, without first removing such airtight doors and locking devices from the icebox, refrigerator or similar container. (G.O. No. 750, § 1.)

Sec. 14-10. Intoxication in public.⁶

No person shall be intoxicated in any street, alley or other public place in the town. (1932 Revision, title 10, ch. 1, § 6.)

Sec. 14-10.1. Failure to return overdue library material.

No person shall detain, fail to return or fail to pay to the library the replacement cost of any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or other article borrowed from the Westfield Memorial Library, the return of which is overdue under established rules and regulations of the library, after fifteen days have elapsed following the date of posting, by certified mail, return receipt requested, of a written notice addressed to such person at his last address furnished to the library, which notice clearly identifies the article borrowed, demands the return thereof and advises such person of the penalty for violation of this section. Violation of this section shall be punished by a fine which shall not exceed two hundred dollars for each article not returned, and the violator shall further be required to reimburse the library for the cost of the replacement of such article. Continued failure to return any such article, or to pay to the library the replacement cost thereof, for a period of thirty days after conviction of a violation of this section shall constitute a separate offense under this section. (G.O. No. 1219, § 1; G.O. No. 1101, § 1; G.O. No. 1291, § 1.)

Sec. 14-10.2. Failure to pay fines.

No person shall fail to pay the Westfield Memorial Library any fine levied by the library for any item which is on loan and which is overdue under established rules and regulations of the library, after fifteen days have elapsed following the date of posting, by certified mail, return receipt requested, of a written notice of such fine, addressed to such person at his last address furnished to the library, which notice clearly identifies the article borrowed and the fine for failure to return same, and advises such person of the penalty for violation of this section. Violation of this section shall be punishable by a fine which shall not exceed two hundred dollars for each article for which a fine is levied and remains unpaid, and the violator shall be further required to reimburse the library the amount of such fine or fines levied for non-return of materials. Continued failure to pay any such fine for a period of thirty days after conviction of a violation of this section shall constitute a separate offense under this section. Nothing herein contained shall relieve any person of the obligation to return borrowed items or pay the replacement cost thereof as provided in section 14-10.1. (G.O. No. 1291, § II.)

⁶ As to possession, sale, etc., of intoxicating liquor in parks, see § 16-9 of this Code.

Sec. 14-10.3. Damaging or destroying library materials.

No person shall intentionally cut, tear, deface, disfigure, damage or destroy any book, periodical, pamphlet, artistic reproduction, phonograph recording, audiovisual material or other article, or any part thereof, which is borrowed from, owned by or in the custody of the library. Violation of this section shall be punishable by a fine which shall not exceed two hundred dollars for each item cut, torn, defaced, disfigured, damaged or destroyed, and the violation shall be further required to reimburse the library the cost of replacement of such article, continued failure to pay the library the replacement costs thereof for a period of thirty days after conviction of a violation of this section shall constitute a separate offense under this section. (G.O. No. 1291, § III.)

Sec. 14-10.4. Using a false or fraudulent name or address.

No person, shall intentionally register or furnish a false name or address or use any card other than the one issued to such person for the purpose of borrowing any book, periodical, pamphlet, artistic reproduction, phonograph recording, audiovisual material or other article from the library. Violation of this section shall be punished by a fine which shall not exceed two hundred dollars. (G.O. No. 1291, § IV.)

Sec. 14-10.5. Removing library material improperly.

No person shall borrow, remove, or otherwise take any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material, other library material, or other article, or any part thereof, which is owned by or in the custody of the library, from the possession, custody and control of the library, without having first checked such item out in accordance with the rules, regulations and procedures established by the library, using a valid library card issued for that purpose.

If a person causes the automatic detection system installed in the library at its exit door or doors to sound an alarm as a result of that person attempting to borrow, remove or otherwise take any of the aforesaid items from the possession, custody and control of the library, without having first checked such item out in accordance with the rules, regulations and procedures established by the library, using a valid library card issued for that purpose, a prima facie presumption of a violation of this section is thereby established.

A law enforcement officer, or a special officer, or an employee of the library, who has probable cause for believing that a person has borrowed, removed, or otherwise taken any record, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material, or other library material or other article, or any part thereof, which is owned by or in the custody of the library, without having first checked such item out in accordance with the rules, regulations and procedures established by the library, using a valid library card issued for that purpose, and that he can recover such item or material by taking the person into custody, may, for the purpose of attempting to effect such recovery, take the person into custody and detain him in a reasonable manner for not more than a reasonable time. Such taking into custody by a law enforcement officer, a special officer, or any employee of the library, shall not render such law enforcement officer, special officer, or

employee of the library, criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense prohibited by this section. An employee of the library who causes such arrest of a person for the commission of the offense prohibited by this section, as provided for herein, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the employee has probable cause for believing that the person arrested committed the offense prohibited by this section. Probable cause shall be established if a person attempts to exit from the library and causes the automatic detection system alarm to sound.

Violation of this section shall be punishable by a fine which shall not exceed two hundred dollars for each book, periodical, pamphlet, artistic reproduction, phonograph recording, record, audio-visual material, other library material, or other article or any part thereof, which is owned by or in the custody of the library, considered separately, which the violator has attempted to borrow, remove, or otherwise take, without having first checked such item out in accordance with the rules, regulations and procedures established by the library, using a valid library card issued for that purpose. (G.O. No. 1291, § V.)

Sec. 14-11. Noise – Prohibited generally in buildings or premises.⁷

It shall be unlawful for any person to maintain and operate in any building or on any premises in the town any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon any public street or place and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of passengers upon any street or public place or of persons in neighboring premises. (1932 Revision, title 10, ch. 3, § 1.)

Sec. 14-12. Same – Use of sound trucks, loudspeakers, etc.

(a) It shall be unlawful for any person, either as principal, agent, employee or otherwise, to use, play or operate on or upon the public streets or thoroughfares in the town any device known as a sound truck, loud-speaker, sound amplifier, radio or phonograph with a speaker or sound amplifier or any other instrument known as a calliope or any instrument of any kind which emits loud and raucous noises and is attached to, upon or connected with, any vehicle operated or standing upon the streets or public places or attached to any building within the town.

(b) It shall be unlawful for any person, either as principal, agent, servant, or employee, who uses, in operating or carrying on a business pursuant to license granted under section 9-2 of this Code, a self-propelled or motor vehicle which employs a repeating musical or sound advertising device, to play such device while the vehicle is standing still.

⁷ As to loud noises in miniature golf courses, see § 5-39 of this Code.

(c) The provisions of this section shall not apply to emergency vehicles of the police department, fire department, rescue squad or police safety car and civil defense organization during any emergency or drill designed for the public safety, or to activities conducted by, or under the sponsorship of, the board of education or to recognized recreational organizations.

(d) The town council reserves the option to grant a permit for the use of such device on special occasions for parades or other affairs.

(G.O. No. 1201, § 1; G.O. No. 811, §§ 1 to 3.)

Sec. 14-12A. Prohibition on the use of mechanical equipment which makes loud and disturbing noises.

It shall be unlawful for any person to operate any machinery or mechanical device which creates loud and disturbing noises between the hours of 8:00 P.M. and 8:00 A.M. Sunday through Friday, and between the hours of 8:00 P.M. on Friday and 9:00 A.M. on Saturday and between the hours of 8:00 P.M. on Saturday and 9:00 A.M. on Sunday, outside of a building or structure or inside a building or structure with open doors or windows. It shall be presumptive that the operation of the following specific types of mechanical equipment create loud and disturbing noise:

- (a) Gasoline or electric powered lawn mowers.
- (b) Gasoline or electric powered chain saws.
- (c) Gasoline powered weed cutters.
- (d) Gasoline or electric powered leaf blowers.
- (e) Gasoline or electric powered chippers or shredders.
- (f) Any type of equipment used in construction which is powered by electricity, air, gasoline or diesel fuel.
- (g) Portable gasoline powered electrical generators.
- (h) Electric powered circular or reciprocating saws.
- (i) Air compressors or tools driven by compressed air.

Such prohibition shall not apply to emergency situations where the use of such equipment is necessary to restore vital public services such as, but not limited to, utility, transportation and communication services. Such prohibition shall also not apply to the Town of Westfield or its employees in connection with the performance of municipal functions. (G.O. No. 1550, § I; G.O. No. 1842, § I.)

Sec. 14-13. Sales near schools.

No person shall sell, solicit the sale of or offer for sale any sandwiches, hot dogs, ice cream, candy, beverages, or other edibles or drinks of similar nature from a basket, pushcart, motor vehicle, bicycle or other conveyance or vehicle or on foot within seven hundred feet (by most direct sidewalk route) of any entrance to a public or parochial school. This restriction shall not apply after 4:00 P.M. on any day, and shall not apply on those days when school is closed. (G.O. No. 809, § 1.)

Sec. 14-14. Throwing of stones, etc., at vehicles, buildings, etc.⁸

No person shall throw stones, sticks or any hard, dangerous or offensive substance in or into any street or public place or at any vehicle, building or fence within the town. (1932 Revision, title 10, ch. 1, § 3.)

⁸ As to damaging, defacing, etc., buildings, fences, trees, etc., in public parks, see § 16-2 of this Code. As to throwing missiles, etc., in parks, see § 16-3. As to throwing stones, etc., and going on ice in parks, see § 16-7.