

## **PUBLIC LANDS, BUILDINGS AND PROPERTY**

### **CHAPTER 32.**

#### **PUBLIC LANDS, BUILDINGS AND PROPERTY.**

- § 32-1. Public property and buildings included.
- § 32-2. Applicability of chapter.
- § 32-3. Prohibited use of public lands and buildings.
- § 32-4. Prohibited activities, conduct or behavior.
- § 32-5. Sanitary and storm sewers.
- § 32-6. Penalties for violation.

#### **Sec. 32-1. Public property and buildings included.**

Public property and buildings referred to in this chapter shall include all property owned by the town and by the board of education of the town, except for the public streets, roads, or highways. This description shall encompass, but not be limited to, public parking lots; public school grounds, buildings and structures; public parts; the Westfield Conservation Center; the Westfield Public Works Center; the Municipal Building and surrounding premises; Fire House No. 1; Fire House No. 2; the Westfield Railroad Station, North Side and South Side, Memorial Pool; and all other improved or unimproved property leased or owned by the town or the board of education of the town. (G.O. No. 1254, § 1.)

#### **Sec. 32.2. Applicability of chapter.**

(a) Where other restrictions concerning the use of publicly-owned property and the conduct of persons or vehicles thereon have been or shall be established by any ordinance or the Code of the town or by the rules of any agency of the town or by the board of education whether same are heretofore or hereafter adopted which are at variance with or inconsistent with the provisions of this chapter, the more restrictive of the provisions for the use of public property and the conduct of persons thereon shall be deemed to be applicable and the more restrictive provision shall be deemed to be incorporated into and made a part of this chapter insofar as they apply to the particular public lands and property and conduct thereon.

(b) This chapter shall not apply to any public property, lands and buildings as described in section 32-1 unless the hours of use or the hours when the public is prohibited are clearly posted on the premises with appropriate signs; provided that all the prohibitions relating to activities, conduct or behavior as set forth in section 32.4 shall apply whether or not the public property, lands and buildings are posted as aforesaid or whether or not such prohibitions, or any of them are posted on the premises.

(c) This chapter shall not apply to board of education property until jurisdiction for enforcing same on board of education property is delegated by appropriate action of the board of education of the town.

(G.O. No. 1254, § 1; G.O. No. 1256, § 1.)

**Sec. 32-3. Prohibited use of public lands and buildings.**

It shall be unlawful for any person to be or remain upon any public lands or premises described in section 32-1 between the hours of 10:00 P.M. and 5:00 A.M. prevailing time except that this provision shall not apply to the following:

(a) Public officials, servants, agents or employees in the performance of their duties.

(b) Law enforcement officers in the performance of their duties.

(c) Persons participating in or attending recreation or other functions permitted by the governing body, the board of education, or any agency of the town.

(d) Persons using or attending functions at public buildings during hours that may, from time to time, be established or approved by the governing body of the town.

(e) The use of public school buildings, structures and grounds otherwise permitted by the board of education pursuant to N.J.S.A. 18A:20-34.

(f) Passage of vehicles upon public roads located in Mindowaskin Park.

(G.O. No. 1254, § 1; G.O. No. 1256, § 2.)

**Sec. 32-4. Prohibited activities, conduct or behavior.**

Upon all public lands and improvements as described herein, it shall be unlawful for any person to:

(a) Conduct himself in a disorderly or indecent manner or commit any indecent act or use any loud and profane, indecent, or offensive language, nor shall any person unreasonably interfere with or disturb any other persons in their use of the premises.

(b) Have possession of or consume any alcoholic beverage except by special license where applicable.

(c) Drive any vehicle on any area except paved roads or parking areas or such other areas as may be specifically designated or approved as temporary parking areas by the governing body, board of education, or any agency of the town.

(d) Park a motor vehicle in other than a designated parking area established by the governing body, board of education, or any agency of the town, and such use shall be in accordance with posted directions or the instructions of any attendants who may be present.

(e) Leave a motor vehicle standing or parked on such premises as described in section 32-1 for a continuous period in excess of twelve hours. The governing body, board of education, or any agency of the town may direct that any unauthorized motor vehicle parked in excess of the period limited by this section be towed away and stored at a suitable location at the expense of the owner. This provision shall not apply to motor vehicles leased, owned or operated by public officials, servants, agents or employees of the town or the board of education in the performance of their duties; motor vehicles that have been impounded by the police department of the town; or motor vehicles that have

become disabled and notice thereof has been promptly communicated to said police department. This provision shall also not apply to parking lots where use thereof is controlled by an attendant; or by the issuance of permits by the town, the board of education or any agency of the town, or by parking meters.

(f) Operate a motor vehicle at a speed in excess of fifteen miles per hour.

(g) Remove, deface, or damage any trees, grass, shrubs, soil, plants, recreational or other public equipment, signs, or any public improvements, buildings or structures or the contents thereof, or other property.

(h) Dump rubbish, trash, garbage and other debris except in containers provided therefor.

(i) Post, exhibit, or otherwise display any signs, posters, or other material without the express permission of the governing body, board of education, or any agency of the town.

(j) Except as to the hours of use as set forth in section 32-2(b) of this chapter, it shall not be necessary that any prohibitions contained in this section or in any other applicable ordinance or in the Town Code or in any rules and regulations adopted by any agency of the town or by the board of education of the town be posted on the lands, buildings and property in order that those prohibitions are effective and violations thereof punishable. (G.O. No. 1254, § 1; G.O. No. 1256, § 3-4.)

(k) Solicit alms or contributions for any purpose, whether public or private, or sell or hawk any merchandise, except that bona fide nonprofit civic or charitable organization may be permitted to conduct fund raising activities, under special written permission of the town administrator. (G.O. No. 1254, § 1; G.O. No. 1256, § 3-4; G.O. No. 1343, § 1.)

#### **Sec. 32-5. Sanitary and storm sewers.**

It shall be unlawful at all times for any person except public officials, servants, agents or employees or law enforcement officers in the performance of their duties, to be upon or in or remain upon or in any sanitary sewer installation; storm sewer pipe, drain or structure or any open drainage stream where the town owns an easement. It shall not be required that such premises be posted for this prohibition to be effective. (G.O. No. 1254, § 1.)

#### **Sec. 32-6. Penalties for violation.**

Any person violating any provision of this chapter shall, upon conviction, be subject to a fine of not more than two hundred dollars or imprisonment for a period not exceeding thirty days, or both. Each and every day in which a violation continues shall constitute a separate violation. (G.O. No. 12534, § 1.)