

CHAPTER 8

DISORDERLY PERSONS

Analysis

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ARTICLE 1. PROHIBITIONS

Sec. 8.1-1. BEGGING.

No person shall, within the limits of the Township, go about from door to door or place himself or herself in any street or streets or other public place or places to beg or gather arms, except upon obtaining a written permit from the Township Clerk.

Sec. 8.1-2. DANGEROUS WEAPONS; CONCEALED.

No person shall, within the limits of the Township, and without lawful authority, have concealed upon his or her person any offensive or dangerous weapon.

Sec. 8.1-3. DANGEROUS WEAPONS; POSSESSION.

No person shall, within the limits of the Township, have upon his or her person any picklock, key, crow, jack, bit or other implement with an intent to break and enter into any building, or have upon his or her person any pistol, hanger, cutlass, bludgeon or other offensive or dangerous weapon with intent to assault any person.

Sec. 8.1-4. DESERTION.

No person shall, within the limits of the Township, leave or threaten to leave his or her family to be maintained by the said Township or to become chargeable thereto, and no person that is a pauper shall without lawful authority return to the said Township after having been legally removed therefrom.

Sec. 8.1-5. DESTROYING PUBLIC SCHOOL PROPERTY; INTERFERING WITH SCHOOLS AND STUDENTS.

No person shall, within the limits of the Township, enter into the building or go upon the lands of any public school, and break, injure or deface such building or any part thereof, or the fences or out-houses belonging to or connected with such building or lands, and no person shall disturb the exercises of any public school or molest or give annoyance to the children attending the school, or annoy any teacher therein.

Sec. 8.1-6. DISCHARGE OF WEAPONS

- A. The provisions of NJSA 2C:39-1 et seq. are hereby recognized as governing the ownership, use and control of weapons as defined therein.
- B. No person shall discharge a "weapon" as defined in the aforesaid statute within the confines of the Township of Pennsville.
- C. Specifically excepted from the prohibitions set forth above are the following:

1. Discharge of weapons on police or military firing ranges.
2. Discharge of weapons on game preserves.
3. Discharge of weapons on commercially operated ranges/shooting facilities.
4. Discharge of weapons on properties of incorporated hunting/shooting clubs, organization.
5. Discharge of weapons by hunters who are complying with all of the hunting regulations of the State of New Jersey.
6. Discharge of weapons by police officers or other law enforcement officials in the performance of their duties.
7. Discharge of weapons during ceremonial affairs/re-enactments that involve the use of blanks as opposed to live ammunition.

D. With the exception of lawful hunting and the discharge of weapons by police officers in the performance of their duties, all of the aforementioned exceptions must be authorized in writing by the Township's Chief of Police. The Chief of Police shall have discretion with regard to the form of the application and permit thereafter, which shall be used without charge. Game preserves, commercially operated ranges/shooting facilities and incorporated/shooting clubs/organizations that perform the frequent re-enactments will require a permit, which shall be renewed only upon sale or change of ownership. Any applications for ceremonial affairs shall expire at the conclusion of the event.

Sec. 8.1-7. DISORDERLY HOUSE.

No person shall, within the limits of the Township, keep or maintain a disorderly house or a house of ill-fame, or allow or permit any house, shop, store or other building or structure owned or occupied by him or her to be used as a disorderly house or house of ill-fame.

Sec. 8.1-8. *Blank*

Sec. 8.1-9. FALSE ALARMS.

No person shall, within the limits of the Township, willfully and maliciously ring or cause to be rung any bell or alarm of any fire company and thereby give or cause to be given a false alarm of fire.

Sec. 8.1-10. FIGHTING.

No person shall engage in, or attempt or offer to engage in, or aid, abet or participate in any fight, assault, quarrel, brawl, battery, altercation, disturbance, riot or unruly boisterous, noisy, unlawful or disorderly assemblage, nor shall any person in any way breach or disturb the peace.

Sec. 8.1-11. FIRE HYDRANTS.

No person shall open, injure, destroy, deface, mutilate, break or tamper with any fire hydrant in any public street or public place, within the limits of the Township, except members of the Township Fire Department actually engaged in the performance of their duties.

Sec. 8.1-12. GAMBLING.

No person shall, within the limits of the Township, deal, play or engage in faro, roulette, or other games of chance, either as banker, player, dealer or otherwise for the purpose of gaming or gambling for money or other valuable things.

Sec. 8.1-13. INDECENT LANGUAGE AND LOITERING.

No person shall, without legitimate business or purpose, within the limits of the Township, loiter, congregate or idly remain in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places, public buildings, places of amusement and entertainment, places of business carried on for profit to which the public is invited, vacant lots or other public places where people have occasion to be, either on foot or in any vehicle.

No person shall, in any such place mentioned above, utter loud and offensive or profane or indecent language nor shall any person, in any such place or private place address or make audible or offensive remarks to or concerning any passing person or obstruct, molest, or interfere with any person lawfully therein.

Sec. 8.1-14. INTERFERING WITH FIRE ALARM SYSTEM.

No person shall, within the limits of the Township, intentionally, willfully, or maliciously destroy or injure any of the wires, posts, machines, bells, sirens, boxes, locks or other apparatus of any fire or police alarm system; nor shall any person intentionally, willfully or maliciously interfere with the same or any part thereof with intent to create a false alarm or obstruct the efficient operation of the same or any part thereof, or hinder or impede any of the operations intended to be accomplished thereby, nor shall any person intentionally, willfully or maliciously cause a false alarm of fire to be given in any manner.

Sec. 8.1-15. INTERFERING WITH FIREMEN OR EQUIPMENT.

No person shall, within the limits of the Township, during an alarm of fire hinder, prevent or deter by any device whatsoever, any fireman or other person from rendering lawful assistance in abating or quelling such fire, or hinder or interfere with any fireman from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds; nor shall any person hinder or obstruct the passage of any fire engine, hook or ladder truck, hose cart or any fire apparatus in going to or from the place from which an alarm or fire proceeds, or where any building or other property may be burning.

Sec. 8.1-16. INTERFERING WITH OFFICER.

No person shall, within the limits of the Township, hinder or obstruct any Township Officer in the performance of his duties, nor shall any person willfully refuse or neglect to assist any Township Officer, when lawfully called upon by him/her so to do, in the execution of any process or in the suppression of any breach of the peace or disorderly conduct or in case of an escape, or when such officer is resisted in the discharge of his duty; nor shall any person knowingly resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill, order or process, or when making any arrest, either with or without a warrant.

Sec. 8.1-17. UNLAWFUL DUMPING ON HIGHWAY, OTHER PUBLIC LANDS OR PRIVATE PROPERTY.

Any person, firm or corporation who:

- A. Throws, drops, deposits, dumps or otherwise places any paper, bottle, trash, garbage, refuse, abandoned vehicle or household appliance or part thereof or debris of any nature upon a highway or other public land, open field or other private property within the limits of this Township without first obtaining the permission of the owner or person in charge in possession of such property; or
- B. Otherwise maliciously destroys, defaces, damages or injures such public or private property; is a disorderly person.
- C. In the event any such material in paragraph A above is found to contain the name, address or other reliable identification connecting the material to a person, firm or corporation, such finding shall create a prima facie presumption that such material was placed at its location by such person, firm or corporation.

Sec. 8.1-18. NUDITY; INDECENT EXPOSURE.

No person shall, within the limits of the Township, appear on any street, road, avenue, park or other public place in a state of nudity, or make an indecent exposure of his or her person, or commit or do any lewd or indecent act or behave in a lewd or indecent manner.

Sec. 8.1-19. RESTRICTING USE OF BUILDINGS.

No person shall, within the limits of the Township, permit any house, shop, store or other building or structure owned or occupied by him or her to be frequented or restored to by noisy, riotous or disorderly persons or by prostitutes, gamblers or vagrants.

Sec. 8.1-20. STREET LIGHTS.

No person shall in any way injure, destroy, break, mutilate, deface or tamper with any street light, pole or fixture, or any part thereof in any street, highway, park or other public place within the limits of the Township.

Sec. 8.1-21. THEFT.

No person shall hide or be found in or near any dwelling house, warehouse, stable, barn, garage, school house, or any place of public resort or assemblage for business, worship, amusement or other lawful purposes, with an intent to steal any goods or chattels.

Sec. 8.1-22. REQUIREMENT OF LITTER RECEPTACLES.

The proprietors of the following places and sponsors of the following events shall provide and service adequate litter receptacles sufficient to reasonably prevent littering in or upon such premises:

- A. Buildings held for use by the public (including schools and government buildings)
- B. Parks
- C. Drive-in restaurants
- D. Self-service refreshment areas
- E. Construction sites

- F. Gasoline service station islands
- G. Shopping centers
- H. Parking lots, camp grounds, trailer parks
- I. Marinas, boat moorage and fueling stations
- J. Boat launching areas
- K. Public and private piers operated for public use
- L. Special events to which the public is invited (including sporting events, parades, carnivals, circuses and festivals)

Adequate litter receptacles sufficient to reasonably prevent littering shall be construed to mean that persons therein or thereon shall have open and visible means to dispose of litter generated from the use of the premises or while using: the premises in sufficient number and size of receptacles to the number of persons using such premises and the extent of litter anticipated from the product or service offered from use of the premises.

Sec. 8.1-23. STORAGE OF BULKY ITEMS; RESIDENTIAL AREA.

Owners or occupants of buildings in areas zoned residential shall not store thereon bulky household items such as appliances, furniture or mattresses except in a fully enclosed storage structure. This does not apply to those items which have been placed at an approved location for immediate pick-up by refuse collectors if such type of pick-up exists. In addition, the storage of tires shall be similarly restricted and regulated.

Sec. 8.1-24. IMPROPER DISPOSAL OF WASTE ORDINANCE

- A. Purpose – An Ordinance to prohibit the spilling, dumping, or disposal of materials other than Stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Pennsville, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Definitions – For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Pennsville or other public body, and is designed and used for collecting and conveying Stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport Stormwater from streets and other sources.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of the State subject to municipal jurisdiction.
3. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

C. Prohibited Conduct – The spilling, dumping or disposal of materials other than Stormwater to the municipal separate storm sewer system operated by the Township of Pennsville is prohibited. The spilling, dumping, or disposal of materials other than Stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

D. Exceptions to Prohibitions:

1. Water line flushing and discharges from potable water sources.
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
3. Air conditioning condensate (excluding contact and non-contact cooling water)
4. Irrigation water (including landscape and lawn watering runoff)
5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
6. Residential car washing water, and residential swimming pool discharges
7. Sidewalk, driveway and street wash water
8. Flows from firefighting activities
9. Flows from rinsing of the following equipment with clean water:
 - a. Beach maintenance equipment immediately following their use for their intended purposes; and
 - b. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. shoveling and sweeping)

Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

- E. Enforcement – This ordinance shall be enforced by the Township of Pennsville Police Department.
- F. Penalties – Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine of not less than five hundred (\$500) dollars – no greater than five thousand (\$5,000) dollars.
- G. Severability – Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any such portion of this Ordinance found to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Sec. 8.1-25. CONSTRUCTION SITES; ACCUMULATION OF DEBRIS.

Any person who is undertaking construction upon any property shall not accumulate debris therefrom upon such property in such a manner that it is likely to be removed onto adjacent property by natural forces.

Sec. 8.1-26. OVERFLOWING DISPOSAL BINS; PROHIBITION.

Any person having a waste disposal bin upon his property shall not maintain same in a manner to be open or overflowing so as to spill and litter the property.

Sec. 8.1-27. MAINTENANCE OF SIDEWALK AND CURB; OBSTRUCTION OR NUISANCE.

Any owner, tenant or occupant in charge of any building shall keep and cause to be kept the sidewalk and curb abutting said building free from obstruction and nuisances of every kind including litter and other offensive material.

Sec. 8.1-28 *Blank*

Sec. 8.1-29. REGULATION OF USE OF SKATEBOARDS AND SIMILAR DEVICES; PROHIBITION OF PLACE.

No person shall operate or cause to be operated in any of the following scheduled places within the Township any skateboard, rollerblades, rollerskates or similar devices made for human-powered locomotion, excluding pedicycle type vehicles:

SCHEDULE

1. Public Streets: North Broadway, Route 49;
South Broadway, Route 49;
Hook Road;
North Broadway, Route 130, Deepwater
2. Public sidewalks: North Broadway, Route 49;
South Broadway, Route 49;
3. Semi-Public Area: Pennsville Shopping Center (Acme)
(Parking, sidewalk & Interior roads) Broadway Market Place (Walmart)
Cranberry Plaza, (Old Ames)
All retail stores/restaurants & Banks
4. Public Parks, Buildings & Grounds Facilities All locations of the Township, State and Federal Government, Post Office (with the exception if the are located within River-view Beach Park and designated as the Township's "skate Board park").

Sec. 8.1-30. REGULATIONS FOR A CURFEW; PARENTAL RESPONSIBILITY.

A. Definitions - As used in this article:

1. **"Juvenile"** means an individual who is under the age of 18 years.
2. **"Parent"** means either or both of the natural or adoptive parents who have custody of a juvenile.
3. **"Guardian"** means a person other than a parent to whom custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

4. **"Public place"** means any place to which the public has access, including but no limited to a public street, road, thorofare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

B. Curfew - Prohibition:

It shall be unlawful for any juvenile to be in a public place on Sunday through Thursday and between the hours of 11:00 p.m. and 6:00 a.m. and on Friday and Saturday between the hours of 12:01 a.m. and 6:00 a.m. unless:

1. Said juvenile is accompanied by a parent or guardian,
2. Said juvenile is engaged in or traveling to or from a business or occupation,
3. Said juvenile is involved in a medical emergency,
4. Said juvenile is attending an extra-curricular school activity,
5. Said juvenile is attending a cultural, educational or social event sponsored by a religious or community based organization.

C. Permitting or Allowing a Juvenile to Violate the Curfew As Set Forth in Paragraph 8.1-30 Above:

It shall be unlawful for the parent or guardian of a juvenile to permit that, Juvenile to be in a public place in the Township of Pennsville as restricted in Paragraph B above.

D. Detainment:

Every member of the police force of the Township of Pennsville while on duty is hereby authorized to detain any juvenile willfully violating the provisions of this Article until such time as the juvenile can be released into the care and custody of his parent or guardian.

E. Record of Violation:

It shall be the duty of the apprehending officer to make a complete record of the circumstances under which the juvenile was apprehended, which record shall include but not be limited to the name and address of the juvenile, the names and addresses of the juvenile's parents or guardians, and the circumstances surrounding the apprehension of the juvenile, which record shall be filed in the office of the Township of Pennsville Police Department.

F. Notice of First Offense:

Upon receipt of the report required in the preceding Section, it shall be the duty of the Chief of Police to serve a formal notice upon the parent or guardian of the juvenile that there has been violation of this Article. The notice prescribed shall be captioned "Notice of First Violation Curfew Ordinance" and shall contain all pertinent facts surrounding the incident which led to the juvenile's apprehension. Such notice may be served personally by any member of the Township Pennsville Police Department or mailed by registered letter.

G. Violation/Penalties:

For a second or subsequent violation of this Ordinance, a violator, in the discretion of the court, shall be required to perform community service and may be subject to a fine of up to \$1,000. If both a juvenile and a juvenile's parent or guardian violates this Ordinance, not only shall they be subject to the fine as set forth above, they shall also be required to perform community service together.

8.1-31 Driving on Flooded Streets.

A. No person shall, within the limits of the Township, drive a motor vehicle through standing water on a flooded street causing the wave created thereby to encroach on private property.

B. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of this Ordinance as a whole or any part thereof.

C. All Ordinances or parts of Ordinance heretofore adopted and that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

D. This Ordinance shall be effective upon its final passage, adoption and publication in the manner prescribed by law.

8.1-32 Wildlife Feeding

A. Purpose - To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Pennsville so as to protect public health safety and welfare, and to prescribe penalties for failure to comply.

- B. Definitions - For the purpose of this ordinance, the following terms, phrases, words and their derivation shall have the meanings as stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
1. Feed – To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
 2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of the State of New Jersey subject to municipal jurisdiction.
 3. Wildlife – all animals that are neither human nor domesticated.
- C. Prohibited Conduct - No person shall feed, in any public park or on any other property owned or operated by the Township of Pennsville any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program)
- D. Enforcement – This ordinance shall be enforced by the Township of Pennsville Police Department. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.
- E. Violations and Penalties – Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than one hundred (\$100) dollars – no greater than five hundred (\$500) dollars.
- F. Severability - Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Sec. 8.1-33 PETS AND SMOKING

No Person shall permit a pet that they own or which is under their control from going upon Township owned or leased athletic fields/complexes, and, in addition, no person shall be permitted to smoke on said athletic fields/complexes. (Soccer complexes located on Wingate Drive, Babe Ruth and Midget Football complex located between Tufts Road and Industrial Park Road, and Little League complex located on Churchlanding Road)

Sec. 8.1-34 CIGARETTE VENDING MACHINES

- A. In view of the indiscriminate sales of cigarettes to minors by automatic vending machines, all cigarette vending machines are hereby prohibited in the Township of Pennsville, except in those areas of establishments licensed to sell alcoholic beverages where such beverages are dispensed across what is commonly known as a "bar".

 - B. Penalty – Any person owning, operating, renting or permitting the use of a cigarette vending machine on premises under his or her control shall be subject to a fine of \$250.00. Each day on which such a machine is owned, operated, rented or permitted on the premises shall result in an additional fine.
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ARTICLE 2. **REGULATING CONDUCT OF PERSONS IN PUBLIC PARKS,
PLAYGROUNDS AND RECREATION AREAS OF THE TOWNSHIP
AND THE USE OF SAID AREAS**

Sec. 8.2-1. **REGULATIONS.**

The regulations as set forth in this Article and Schedule A below shall regulate the conduct of persons as individuals or as groups of persons and govern their use of same while in or upon any of the parks, playgrounds or recreation areas of the Township.

Sec. 8.2-2. **USE**

The use of Township public parks, playgrounds and recreation areas shall be limited to individuals or groups of person engaged in non-profit activities; and said use shall be subject to the prior right of use by the Township Recreation Council or their designated representatives while engaged in the actual conduct of its established and approved recreation programs. Notwithstanding the provisions of this paragraph, individuals or groups of persons engaged in non-profit activities may engage the services of for profit entities for the purpose of fund raising activities.

Sec. 8.2-3. **APPLICATION FOR USE BY GROUPS OF PERSONS.**

The use of said lands and areas by non-profit groups of persons twenty-five (25) or more in number shall first require the making of a written application to the Township Committee to secure the right of use of said premises.

Said application shall be made at least three (3) weeks in advance of the intended date of usage upon the prescribed application form provided for such purpose by the Township.

The application which shall be prepared by the Recreation Department Director shall require the applicant to submit the following:

- A. Name and address of applicant.
- B. Nature of the group applicant.
- C. Purpose of use intended.
- D. Time and extent of facility requested.
- E. Estimated number of persons intended to participate in the use.
- F. Whether intended use violates any of the regulations set forth in Schedule "A" of this Article.

- G. Name of individual who will be responsible for the groups use.
- H. Plan of applicant for security, cleaning and maintenance of premises and insurance to protect the Township from liability.
- I. The number of hours that the applicant will utilize the park facilities, not including event preparation or downtime. (Example: Circus may spend hours assembling event which remain in the park facility overnight – however, only be open for business between fixed hours. It is those fixed hours which shall be used to determine the charges per the fee schedule set forth below.

Sec. 8.2-4 APPROVAL OF APPLICATION

The Township Committee shall consider the content of the application and issue its resolution for approval unless it appears that any of the following conclusions should be drawn:

- A. Violates any of the regulations of Schedule “A”.
- B. Violates other law or regulation to constitute unlawful use or conduct.
- C. Fails to provide adequate security, cleaning and maintenance of premises or protection of Township for liability.
- D. Would create overcrowding of premises or unreasonable congestion of traffic.
- E. Would interfere with public protection or welfare of other persons or property.
- F. Would create excessive noise or other interference with the scheduled recreation program, other users of the premises or other persons of surrounding premises.
- G. Use is requested for a recognized public holiday.

Sec. 8.2-5. TERMINATION OF USE; FAILURE TO COMPLY WITH CONDITIONS.

In the event a use is approved and it shall appear that such use is being conducted contrary to the application made or approval granted, such use shall immediately become void and be terminated by the applicant upon notice being given by the Township's authorized representative. Failure to terminate upon such notice shall constitute a violation of this Ordinance; or if such notice requires removal of the persons causing or performing such unauthorized conduct of use, and there is failure to remove from the premises, such failure shall also be a violation hereof.

In the event a use is approved containing conditions of performance by the applicant, and there is a failure to comply with such condition, such failure shall be a violation hereof.

Sec. 8.2-6. PROPER AUTHORITY.

The term "**proper authority**" in these regulations shall mean the Township Committee or its empowered designee by delegation of authority, which delegation may be by resolution of the Township Committee.

The Township Committee may also, from time to time, adopt resolutions providing for special provisions of temporary nature relating to the use of any specifically mentioned area of such lands and providing for therein special conditions of usage and regulation during such usage; notwithstanding that such special temporary provisions may be inconsistent with any of the regulations set forth in Schedule A. The resolution so adopted shall set forth specifically the area included, the special conditions of usage and the duration of the temporary period permitted.

Sec. 8.2-7. PENALTY.

Any person who shall violate, aid, abet or be accessory to any violation hereof shall, upon conviction thereof before the Municipal Court, be subject to the general penalty prescribed in Section 1.1-6.

Sec. 8.2-8 FEE SCHEDULE

Fees, escrows and associated costs to be borne by applicant shall be determined from time to time by the Township Committee by duly adopted resolution, and set forth on a schedule lettered as B, which schedule shall become, upon adoption of the resolution a part of this Ordinance. The Schedule is on file and available in the Recreation Office.

S-C-H-E-D-U-L-E A

No person or group of persons, while in or upon any public park, playground or recreation area of the Township, shall:

- A. Be in or upon any public park, playground or recreation area for any purpose during the hours of closing for said areas as established by Resolution of the Township Committee, except authorized persons while in the performance of official duties.
- B. Damage, deface, injure, destroy, displace or remove any buildings, tables, benches, fireplaces, pavings, signs, notices, monuments, trees, shrubs, plants, stakes, boundary markers, utilities, or other structures or equipment, facilities or appurtenances whatsoever, unless in the maintenance of said property by authorized personnel.
- C. Construct or erect any tent, building or other structure of whatever kind, whether permanent or temporary, or run or string line wires or other line upon or across such lands, unless upon special written permission issued by the Township Committee.
- D. Hunt, pursue, shoot, harm, trap or kill any animal or wildlife found upon such lands.
- E. Throw, discharge or otherwise place in the waters of any pond or other body of water in or adjacent to any such lands or any tributary storm sewer or drain flowing into such waters, any substances, matter or thing, which may pollute or otherwise interfere with such waters.
- F. Bring in or dump upon, deposit or leave upon any bottles, broken glass, trash, garbage or other refuse, except in connection with the proper use of the property and placed in the proper receptacles where provided for such matters; and where receptacles are not provided, such matters shall be carried away by the person responsible for its presence and properly disposed of elsewhere.
- G. Drive or park any vehicle on any area except the roadways or parking area provided, or such areas as may be specifically designated as temporary areas by proper authority; and in accordance with the instructions of any authorized attendant who may be present.
- H. Leave a vehicle or bicycle standing or parked thereon in any area during hours when the property is otherwise closed.
- I. Operate a vehicle or bicycle in a careless manner.
- J. Swim, bathe or wade in any waters in or adjacent to any such lands, except in such places as are provided therefor, and in compliance with regulations.

- K. Dress or undress on any beach or in any vehicle or other place, except in such places as may be provided for that purpose.
- L. Bring into or operate any boat or other water craft upon any waters, except at places designated for boating by proper authority and in accordance with applicable regulations.
- M. Launch, dock or operate any boat from any area during the hours when such lands are closed.
- N. Fish in any waters or from any area restricted therefrom by proper authority.
- O. No person shall carry or possess firearms of any description, bow and arrows, or other forms of weapons or trapping device inimical to wildlife or dangerous to human safety. Shooting into such land areas from beyond their bounds is prohibited.
- P. Picnic or lunch in a place other than those designated for that purpose, or unduly delay or prevent the use of such permitted areas by others.
- Q. Create a fire except in connection with food preparation in approved fireplaces or receptacles designed or provided for such purpose; nor leave a picnic area before the fire is completely extinguished and all trash removed or placed in disposal receptacles provided. If no receptacle is available, then such trash shall be carried away by the user to be properly disposed of elsewhere.
- R. Set up a tent, shelter or other temporary device or vehicle for overnight camping, nor leave any structure or vehicle that could be used for such purpose thereon during closing hours.
- S. Play any game involving the throwing or flying of objects, except in areas provided for such forms of recreation.
- T. Bring or ride upon a horse, except in areas where permitted by proper authority, nor allow to graze or go unattended.
- U. Be in a park or recreation area while intoxicated from alcoholic beverages; or, in the case of the area of Riverview Beach Park, possess or consume any alcoholic beverages; or, in the case of the areas designated as Park along the Delaware River as appears on the Maps of Penn Beach, possess any alcoholic beverages in an open container.
- V. Enter upon any area posted as "closed to the public" nor use any area in violation of other posted notice.
- W. Gamble or participate in any similar illegal activity.

- X. Enter upon the ice of any pond or water area, except such areas as are designated as skating areas and further provided that a safety signal is displayed for the use of such areas.
- Y. Engage in threatening, abusive, insulting or indecent language, fighting, or gage in any disorderly conduct tending to breach the public peace.
- Z. Expose or offer for sale any article or merchandise; place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise. Exception is hereby made in connection with special events authorized by proper authority.
- AA, Post or otherwise place any sign, placard or advertisement whatever, unless authorized by proper authority.
- BB. Use said lands in any manner so as to deny, obstruct or interfere with the prior right of use by the Township Recreation Council while engaged in the actual conduct of its established and approved recreational programs.
- CC. Notwithstanding the provision of Chapter 5 of this Code, bring a dog upon such lands unless the dog is and remains on leash during the time such person and dog remain there; and further, during such time such person or group of persons shall not allow, permit or suffer said dog to soil defile, defecate on or deposit excrement or feces upon any such place; provided any such person or persons shall not be considered in violation of this paragraph if he, she or they shall immediately thereafter remove all of such excrement, feces or soiling or defiling material, and dispose of same in a sealed non-leaking container at a location designated for such disposal; and, if no place is so designated, then at a private location belonging to or provided by the disposing person or persons.

ARTICLE 3. NUISANCE PROHIBITED

Sec. 8.3-1. NUISANCE PROHIBITED .

It shall be unlawful for a person or entity to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Specifically exempted hereunder is noise presumed not to be a nuisance pursuant to the Right to Farm Act, NJSA 4:1C-1, etc. This ordinance mirrors the municipal nuisance ordinance which was reviewed and found to be enforceable by the New Jersey Superior Court, Appellate Division, in *State v Clarksburn Inn, 275 Super 624 (AppDiv. 2005)*.

Sec. 8.3-2. DEFINITION OF NUISANCE IN THE FORM OF NOISE.

Without intending to limit the generality of Sec. 8.3-1, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:

- A. **“Radios, Televisions, Phonographs”**: The playing, use or operation of any radio receiving set, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- B. **“Yelling, Shouting”**: Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- C. **“Animals, Birds”**: The keeping of animals or birds which by causing frequent or long-continued noise disturbs the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a dog pound or kennel licenses in accordance with Chapter 5 of the Township Ordinances.
- D. **“Horns”**: The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the approach of the vehicle, or a warning of impending danger to persons driving other vehicles or to person on the street. No person shall sound a horn or warning device on an automobile, motorcycle,

bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time.

Sec. 8.3-3. PENALTY.

Any person or entity violating any provision of this section shall, upon conviction thereof, be subject to the penalties set forth in Section 1.1-6.

ARTICLE 4. **REGULATING SECURITY IN THE TOWNSHIP'S MUNICIPAL BUILDING**

Sec. 8.4-1. **METAL DETECTOR**

The Pennsville Police Department shall be responsible for the installation and maintenance of a metal detector at the entrance of the Pennsville Municipal Building.

Sec. 8.4-2 **SIGNS**

The Pennsville Police Department shall be responsible for the placement of appropriate signs regulating the use of the device as set forth above.

Sec. 8.4-3 **POLICY AND PROCEDURE**

The policies and procedures as prepared by the Pennsville Police Department are hereby adopted by the Township Committee, a copy of which policies and procedures are available for review in the Police Department and the Office of the Township Clerk.

ARTICLE 5

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ARTICLE 6 **FALSE ALARMS**

Sec. 8.6-1 **DEFINITIONS**

As used in this article, the following terms shall have the meanings indicated:

- A. Act of God: An electrical storm, lightening or other power fluctuation or power surge beyond the control of the alarm system owner.
- B. Automatic Alarm Device: Any alarm system which communicates or transmits alarms or pre-recorded messages of fire, smoke, flood or other peril as a result of the activation of the alarm system.
- C. False Alarm: Means the activation of any fire alarm system which results in a response by the Fire Department and which is caused by the negligence or intentional misuse of the fire alarm system by the owner, its employees, agents, or any other activation of a fire alarm system not cause by heat, smoke or fire, exclusive of a nuisance fire alarm.
- D. Nuisance Fire Alarm: Means the activation of any fire alarm system which results in a response by the Fire Department, caused by mechanical failure, malfunction, improper installation, smoke or steam from cooking, lack of proper maintenance or any other response for which the Fire Department personnel are unable to determine the apparent cause of the alarm activation.
- E. Person: Any person, firm, partnership or corporation.
- F. Property Owner: Any individual, entity, corporation, tenant or other person having a legal interest in a property having an alarm system.

Sec. 8.6-2 **FALSE AND NUISANCE ALARMS UNLAWFUL**

It shall be unlawful for a property owner to have more than three (3) false alarms at any one location during any one calendar year. (This Ordinance is not intended to apply to the owners of multiple family dwelling units but rather the tenants who reside therein unless aid units are unoccupied.)

Sec. 8.6-3 **VIOLATIONS AND PENALTIES**

- A. For fire alarms the Township of Pennsville Fire Code Official or an individual whom he/she shall so designate (Fire Chief or other appropriate individual) will issue a false fire alarm warning form for all false and nuisance alarms to the person on location representing the business. There shall be a fine as indicated below to be paid by the owner of the business located upon the premises where the alarm is situated beginning with the fourth (4th) and each subsequent false alarm thereafter in any calendar year.

- B. A record of same shall be kept on file for all fire alarms in the Office of the Fire Code Official and also on file with the Pennsville and Deepwater Fire Departments.
- C. The Pennsville Fire Code Official, or an individual who he/she shall so designate (Fire Chief or other appropriate individual), shall issue a warning to a property owner for the first through third violation of this ordinance, then thereafter the Fire Code Official shall sign a complaint, naming the property owner as a defendant, which complaint shall be heard by the Pennsville Municipal Court.
- D. In the event of an automatic alarm activation determined to be caused by an “act of God” by the Pennsville Fire Code Official or an individual whom he/she shall so designate (Fire Chief or other appropriate individual) shall not be considered a violation of this Ordinance.

E. Violation and penalties for fire alarms:

(1)	First through three	No fine
(2)	On the fourth alarm a penalty of	\$250.00
(3)	On the fifth alarm a penalty of	\$300.00
(4)	On the sixth alarm a penalty of	\$400.00
(5)	On the seventh alarm a penalty of	\$500.00
(6)	Any alarm thereafter a penalty of	\$500.00

Sec. 8.6-4 EXCEPTIONS

The provisions of this Article shall not apply to the general alerting alarms that may be used by fire companies, ambulance squads or other municipal agencies to summon response of their members. The provisions of this Article shall not apply to alarm systems that are affixed to motor vehicles.

ARTICLE 7

UNDERAGE CONSUMPTION

Sec. 8.7-1

UNDERAGE CONSUMPTION PROHIBITED

It shall be unlawful for any person under the legal age who, without legal authority knowingly possesses or knowingly consumes an alcoholic beverage on private property.

- A. **Penalty:** Any person violating the provisions of this Ordinance shall, in accordance with the provisions of P.L. 2000, Chapter 33, be punished by a fine of \$250.00 for a first offense and \$350.00 for any subsequent offence.
- B. **Additional Penalties:** in addition to the fine authorized for this offense, the municipal court may suspend or postpone for six (6) months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the court pursuant to P.L. 2000, Chapter 33. If a person at the time of the imposition of sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of 17 years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the Motor Vehicle Commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in NJSA. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice shall not be a defense to a subsequent charge of violation of NJSA. 39:3-40.

If a person convicted under this ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit it to the Motor Vehicle Commission on the required report. The court shall not collect the license of a non-resident convicted under this ordinance. Upon receipt of a report for the court, the Motor Vehicle Commission shall notify the appropriate official in the licensing jurisdiction of the suspension or postponement.

- C. **Exceptions:** Nothing contained in this ordinance is intended, nor shall it be construed, as prohibiting an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.
- D. Definitions - As used in this Section:
1. "Guardian" means a person who has qualified as a guardian of the underage person pursuant to testamentary or court appointment.
 2. "Relative" means the underage person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.
- E. Nothing in this section is intended nor shall it be construed as prohibiting possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution, provided, however, that this section shall not be construed to preclude the imposition of a penalty under this ordinance, NJSA. 33:1-81, or any other section of law against a person who is convicted of unlawful alcohol beverage activity on or at premises licensed for the sale of alcoholic beverages.

ARTICLE 8

DRUG FREE ZONES

Sec. 8.8-1

Drug-Free School Zones; Adoption of Drug-Free School Zone Map

- A. In accordance with and pursuant to the authority of NJSA 2C:35-7, the Drug-Free School Zone map prepared on or about February 1988, by Skinner, Compton & Fralinger, the Township Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the Township of Pennsville which are used for school purposes and which are owned by or leased to any elementary or secondary school or School Board, and the areas on or within one thousand (1,000) feet of such school property.
- B. The Drug-Free School Zone Map approved and adopted pursuant to this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned or leased to any elementary or secondary school or School Board which is used for school purposes until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.
- C. The President of the School Board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Township Engineer and the Township Solicitor of any changes or contemplated changes in the location and boundaries of any property owned by or leased to an elementary or secondary school or School Board and which is used for school purposes.
- D. The Municipal Clerk is hereby directed to receive and to keep on file the original map approved and adopted pursuant to this section, and to provide at a reasonable costs a true copy thereof to any person, agency or court which may request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. A true copy of such map of this section shall be provided without cost to the County Clerk and to the office of the Salem County Prosecutor.

Sec. 8.8-2 Adoption of Amended Map Depicting the Boundaries of the Drug-Free School Zones and also Areas within 500 Feet from a Public Housing Facility, a Public Park or a Public Building

- A. In subsection 8.8-1 (Ordinance A-4-96), the Township Committee approved and adopted a map prepared on or about February of 1988 by Skinner, Compton and Fralinger, consulting engineers, planners and land surveyors, which map was prepared in accordance with and under the authority of 2C:35-7, and which map depicted areas within one thousand (1,000) feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or School Board.

- B. In NJSA 2C:35-7, the legislature of the State of New Jersey has created new drug-free zones which are defined as being “within five hundred (500) feet of the real property comprising a public housing facility, a public park, or a public building.”

- C. Consistent with the Statute as set forth in paragraph B. above, Skinner, Compton & Fralinger has prepared a map depicting not only the areas mentioned in paragraph A. above, but also “areas on or within five hundred (500) feet of a public housing facility, a public park, or a public building,” which map is entitled “500 Ft and 1,000 Ft ‘Safe Zones’ Pennsville Township” dated February 1988 and revised September 1, 1998.

- D. In accordance with and pursuant to the Statutes mentioned in paragraph A. and B. above, the map mentioned in paragraph C. above is hereby approved and adopted as an official finding and record of “the location and boundaries of the area on or within one thousand (1,000) feet of any property used for school purposes, which is owned by or leased to any elementary or secondary school or School Board,” and as an official finding and record of the “location and boundaries of the areas on or within five hundred (500) feet of a public housing facility which is owned by or leased to a housing authority according to the ‘local redevelopment and housing law’, NJSA 40A:12A-1, et seq., the area in or within five hundred (500) feet of a public park, or the area in or within five hundred (500) feet of a public building.”

- E. The map approved and adopted, as set forth in paragraph A., shall continue to constitute an official finding and record as to the location and boundaries of the areas mentioned in that paragraph, until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the locations and boundaries of the areas in question.

- F. The Municipal Clerk is hereby directed to receive and keep on file the original of the map approved and adopted pursuant to paragraph D., which map shall be maintained as an official record of the Township, and to provide, at a reasonable cost, a true copy thereof to any person, agency, or court which may request such copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this section shall be provided without cost to the County Clerk and to the office of the Salem County Prosecutor.
- G. The following additional facts are hereby determined, declared, recited and stated:
1. It is understood that the map approved and adopted pursuant to paragraph D. was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State Law, such map shall constitute prima facie evidence of the following:
 - (a) The location and boundaries of the area on or within one thousand (1,000) feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or School Board, as well as the location and boundaries of areas on or within five hundred (500) feet of a public housing facility which is owned by or leased to a housing authority according to the "local redevelopment and housing law," NJSA 40A:12A-1, et seq., the area in or within five hundred (500) feet of a public park, or the area in or within five hundred (500) feet of a public building.
 - (b) That such properties are and continue to be used for the purposes as set forth in the statutes set forth in paragraphs A. and B. above.
 2. All of the property depicted on the map approved and adopted herein was being used for the purposes as set forth in the statutes mentioned in paragraphs A. and B. above on their effective dates.
 3. Pursuant to the provisions of NJSA 2C:35-7 and NJSA 2C:35-7.1, a Prosecutor is not precluded from introducing and relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including the use of a map or diagram other than the one approved and adopted pursuant to paragraph D. of this section. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for the purposes and located within the boundaries as set forth in the statutes aforesaid, whether the absence of such depiction as a result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised and approved map shall not be deemed not to be an official finding and record that such property is not used for the purposes as may be set forth in the aforesaid statutes.

4. All of the requirements as set forth in NJSA 2C:35-7 and NJSA 2C:35-7.1, concerning the preparations, approval and adoption of a drug-free zone map have been complied with.
- H. The Superintendent of the Township Highway Department shall cause appropriately worded signs to be located in the areas shown on the map mentioned in paragraph C. above.