

**THE CITY OF
EAST ORANGE, NEW JERSEY
ORDINANCE NO. 13 OF 2021**

**AN ORDINANCE TO AMEND CHAPTER 193 OF THE CITY CODE KNOWN AS THE
“EAST ORANGE ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS”**

[Adopted 10-29-1974 by Ord. No. 60-1974]

WHEREAS, the City of East Orange desires to amend and supplement Chapter 193 of the City Code to amend the definition of loitering, provide for the prohibition of all dogs and other domestic animals from City parks and the closure of City parks and other City property from one hour before dusk until one hour after dawn;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1.

§ 193-1 Short title.

This chapter shall be known and may be cited as the "East Orange Ordinance Regulating Conduct in Public Parks."

SECTION 2. (Amended Section)

§ 193-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

BICYCLE

A vehicle with two wheels propelled solely by human power and having pedals, handle bars and a saddle-like seat. The term shall include a bicycle for two or more persons, having seats and corresponding sets of pedals arranged in tandem.

[Added 10-10-2006 by Ord. No. 28-2006]

CITY

The City of East Orange.

CONFINED WILDLIFE

Sequestered animals that are not domesticated.

[Added 9-18-2006 by Ord. No. 21-2006]

DIRECTOR

A person immediately in charge of any park area and its activities and to whom all park attendants of such area are responsible.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of nourishing, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

[Added 9-18-2006 by Ord. No. 21-2006]

HELMET

A properly fitted and fastened head covering of sturdy material which meets the standards set forth under N.J.S.A. 39:4-10.1 et seq.

[Added 10-10-2006 by Ord. No. 28-2006]

PARK

A park, reservation, playground, beach, recreation center or any other area in the City which is owned or used by the City, open to and used by the public and devoted to active or passive recreation.

[Amended 10-10-2006 by Ord. No. 28-2006]

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

ROLLER SKATES

A pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels, and used to glide or propel the user over the ground.

[Added 10-10-2006 by Ord. No. 28-2006]

SCOOTER

A vehicle (either mechanically propelled or propelled by human power) with a long footboard having a set of wheels attached, regardless of the number or placement of those wheels, and controlled by an upright steering handle attached to the front wheel or wheels.

[Added 10-10-2006 by Ord. No. 28-2006]

SKATEBOARD

A short narrow board having a set of wheels mounted underneath.

[Added 10-10-2006 by Ord. No. 28-2006]

TRICYCLE

A vehicle with three wheels, propelled solely by human power and having pedals, handle bars and a saddle-like seat.

[Added 10-10-2006 by Ord. No. 28-2006]

UNCONFINED WILDLIFE

Free-ranging animals that are not domesticated.

[Added 9-18-2006 by Ord. No. 21-2006]

VEHICLE

Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks.

WILDLIFE

All animals that are not domesticated.

[Added 9-18-2006 by Ord. No. 21-2006]

§ 193-3 Park property.

No person shall, in regard to park buildings and other property:

A.

Disfigurement and removal. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges; tables, benches, railings; paving or paving materials; waterlines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

B.

Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

§ 193-4 Sanitation.

No person in a park shall:

A.

Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, or in any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

B.

Refuse and trash. Have brought in or dump, deposit or leave any bottles, broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in the proper receptacles where such are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

C.

No person shall feed, in any public park or on any other property owned or operated by the City, any wildlife, excluding confined wildlife.

[Added 9-18-2006 by Ord. No. 21-2006]

§ 193-5 Traffic.

No person in a park shall:

A.

Operation of vehicles. Drive any vehicle on any area of any park, except that this prohibition shall not apply to any park employee or other person having special written permission from the Director to do so.

B.

Bicycles and tricycles. Ride a bicycle or tricycle on any area of any park nor leave a bicycle or tricycle lying on the ground or paving or set against any trees or in any place or position where other persons may trip over or be injured by it.

§ 193-5.1 Operation of certain vehicles by persons under 17 years of age.

[Added 10-10-2006 by Ord. No. 28-2006]

No person under 17 years of age in a park shall:

A.

Bicycles and tricycles. Operate or ride upon a bicycle or tricycle on any area of any park unless that person is wearing a properly fitted and fastened helmet. This requirement shall

apply to a person who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.

B.

Roller skates, scooters and skateboards. Operate any roller skates, scooters or skateboards on any area of any park unless that person is wearing a properly fitted and fastened helmet.

§ 193-6 Behavior.

No person in a park shall:

A.

Intoxicating beverages prohibition.

(1) Knowingly possess or consume any alcoholic beverage in any public park in the City.

B.

Fireworks and explosives. Bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosives of flammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

C.

Gambling. Gamble or participate in or abet any game of chance.

D.

~~Loitering and boisterousness.~~

~~(1) Sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.~~

~~Curfew, Loitering and Trespass.~~

~~(1) Inhabit, use or remain in or upon any park from one hour before dusk until one hour after dawn.~~

~~(2) Engage in activities proscribed by the New Jersey Code of Criminal Justice. As fully authorized under law, the City of East Orange Police Department shall enforce within the City of East Orange all provisions in the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1, et seq., that preserve public peace and good order, including but not limited to, the offenses of defiant trespass, N.J.S.A. 2C:18-3b; loitering for the purpose of illegally using, possessing or selling controlled substances, N.J.S.A. 2C:33-2.1; and loitering for the purpose of engaging in prostitution, N.J.S.A. 2C:34-1.1, as each such offense is defined, described. Prohibited and penalized under the New Jersey Code of Criminal Justice.~~

E.

~~Dogs in Public Parks. Allow dogs or other domestic animals, leashed or unleashed, in any public park or playground except for the bringing of said dog, while under the control of a leash, directly to or from an area designated by the City as a dog run, without diversion.~~

§ 193-7 Violations and penalties.

[Added 11-10-1980 by Ord. No. 15-1980; amended 10-10-2006 by Ord. No. 28-2006]

A.

Violators of any of the provisions of this chapter [except § 193-5.1 and §193.6(D)] shall, upon conviction thereof, be punishable by a fine of not more than \$2,000, imprisonment for not more than 90 days, and/or 90 days of community service.

B.

Violators of any of the provisions of § 193-5.1 shall be warned of the violation by the enforcing official. The parent or legal guardian of the violator shall be cited and may, upon conviction thereof, be punishable by a fine of \$25 for a first offense and a maximum of \$100 for a subsequent offense. The penalties provided under the provisions of this subsection for failing to wear an approved helmet may be waived if the parent or legal guardian of violator presents suitable proof that an approved helmet or appropriate personal protection equipment has been purchased since the violation occurred.

C. Violators of any of the provisions of §193.6 (D)(1) shall, upon conviction thereof, be subject to a fine up to \$500. Persons convicted of violating §193.6(D) more than once in a six-month period shall be subject to a fine of up to \$1,000.

D. Violators of any of the provisions of §196-(D)(2) shall be subject to those penalties outlined in the corresponding sections of N.J.S.A. 2C:1-1, et seq.

Section 3. Severability of Ordinance Provisions

Each section of this ordinance is an independent section and holding of any section or part thereof to unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 4.

That all Ordinances and parts of Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

Section 5.

This Ordinance shall take effect after final passage and upon the expiration of twenty (20) days following publication unless otherwise provided by Resolution of this City Council.