

ORDINANCE NO. 2396

**AN ORDINANCE AMENDING CHAPTER III, SECTION 3-10
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
ENTITLED “SLEEPING OR HABITATION”**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey as follows:

SECTION 1:

SLEEPING OR HABITATION.

3-10.1 Definitions.

As used in this section:

Sleeping or Habitation shall mean remaining in essentially one (1) location, and includes the concepts of spending time sleeping or habitation.

Public place shall mean any place to which the public has access, including but not limited to any street, sidewalk, curb, alley, highway, bridge, park, school, place of worship, public building, public grounds, parking lot, transportation facility, open or vacant private property not owned by or under the control of a person charged with violating this section, in the case of a minor, not owned by or under the control of his parent or guardian, or the doorways or entrance way to any building which fronts on any of the aforesaid places, the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, or a bench, chair, or seating area in or on any of the aforesaid places.

3-10.2 Prohibited Acts/ Certain types of Sleeping or Habitation prohibited.

No person shall use a public place for sleeping or habitation in such manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbances or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in any public place as defined in subsection 3-10.1. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

e. Nor shall any person use any motor vehicle or trailer for sleeping or habitation purposes in any public place.

3-10.3 Order of Police Officer; Refusal to Obey.

Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the sleeping or habitation of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection 3-10.2 he shall, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

3-10.4 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: December 5, 2013

Adopted:

Mayor

Attest: _____
Borough Clerk