

Ordinance 2010-15

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AMENDING SECTION 3-1, “UNLAWFUL ACTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING BODILY HUMAN WASTE

WHEREAS, the Ordinance Review Committee has recommended that an ordinance be put in effect that would make public urination illegal in the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

Section 1. Section 3-1 of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

Section 3-1

UNLAWFUL ACTS

Subsections:

3-1.1 Definitions.

3-1.2 Actions Prohibited.

3-1.3 Obeying Order of a Police Officer.

3-1.4. Public Urination

3-1.1 Definitions.

As used in this section:

“Parent” or “guardian” shall include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

“Public place” shall mean a place to which the public has access, including any public building and grounds,

street, highway, road, alley, boardwalk or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parent or guardian. (1991 Code § 141-1)

3-1.2 Actions Prohibited.

No person shall remain in a public place in such a 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 disturbance 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 a public place. This subsection 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. (1991 Code § 141-2)

3-1.3 Obeying Order of a Police Officer.

Any person violating the provisions of subsection 3-1.2 shall be ordered to move on by a Police Officer, failing which he shall be guilty of a violation. (1991 Code § 141-3)

3-1.4. Public Urination

a. No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, including on private property within public viewing, or to which any member of the public is invited or has access (including line of sight access), except in a lavatory toilet or similar facility.

b. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5.

Section 2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: August 16, 2010

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Robert F. Patten
Mayor