Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

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Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE

Sections:

9.04.010 Definitions.
9.04.020 Unlawful acts.
9.04.030 Violations--Penalties.
9.04.040 Regulation of firearms.

9.04.010 Definitions.

As used in this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

"Disorderly assemblage" means any two or more persons gathered together and acting in a boisterous, noisy, riotous, offensive, disorderly or threatening manner toward each other or others or committing any acts which in any way breach or disturb the peace or tend to breach or disturb the peace.

"Parent" or "guardian" means and includes 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" means any place to which the public has access, including but not limited to any street, highway, road, alley or sidewalk. This definition shall also include the front or neighborhood of any store, shop, restaurant, tavern or other place of business, public grounds, public areas, parks, 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 the minor's parent or guardian. (Ord. 98-49 § 1 (part): prior code § 3-7.1)

9.04.020 Unlawful acts.

A. Conduct. All acts constituting lewd, immoral or indecent conduct, unlawful destruction of property, wilful injuries to or unlawful interference with persons, hazards to the public health and breaches or disturbances of the peace are severally prohibited.

B. Placing Obscene Words or Figures on Buildings--Graffiti. No person shall write or cause to be written any lewd, indecent or obscene word or mark whatsoever or draw or cause to be drawn any lewd, indecent or obscene figure upon any house, building, wall, fence or other place in the township. No person shall deface or damage any building or other structure owned by any person or public entity by placing thereon any graffiti, epigraph, or inscription without the consent of the owner of the building or structure.

C. Disturbing Lawful Assemblies. No person shall at any time or place wilfully disquiet, interrupt or disturb any assembly of people met for a lawful purpose, either by making a noise or by rude, disorderly or indecent behavior or profane language, either within the place of meeting or out of it, so near as to disturb the order and solemnity of the meeting.

D. Obstructing or Threatening Persons. No person shall wilfully obstruct, molest, hinder, annoy, frighten, threaten, insult or interfere with any other person lawfully upon any public thoroughfare, in any public place, or in any automobile, bus, or other public or private conveyance which is lawfully upon any public thoroughfare.

E. Public Drinking--Open Containers. It is unlawful for any person to consume alcoholic beverages in any public place, or to carry open bottles or containers of any alcoholic beverage for consumption in any public place. This shall not apply to persons consuming alcoholic beverage or carrying open bottles or containers of any alcoholic beverage for consumption in a public place where

such use or consumption is conducted in compliance with a license permitting such use or consumption. (Ord. 98-49 § 1 (part): prior code § 3-7.2)

9.04.030 Violations--Penalties.

Any person violating any of the provisions of Section 9.04.020 shall, upon conviction, be punished by a fine as stated in Section 1.08.010, all in the discretion of the court. (Ord. 06-03 § 1)(Ord. 98-49 § 1 (part): prior code § 3-7.3)

9.04.040 Regulation of firearms.

No person shall shoot any device at, or into or upon any street, sidewalk, curb, alley, highway, park or other public place, quasi-public place or place to which the public is invited, or into any car, vehicle or private property not his or her own. (Prior code § 3-5)

Chapter 9.08

OBSCENE MATERIAL

Sections:

9.08.010 Purpose.
9.08.020 Definitions.
9.08.030 Display by retailers restricted.
9.08.040 Violation--Penalty.

9.08.010 Purpose.

It is the purpose of this chapter to regulate the public display by retailers of obscene materials, particularly where such materials are likely to be viewed by minors, and thereby control and minimize any adverse effects. (Ord. 91-4 § 1)

9.08.020 Definitions.

As used in this chapter:

"Knowingly" means:

1. Having knowledge of the character and content of the material described herein; or
2. Having failed to exercise reasonable inspection which would disclose its character and content.

"Obscene material for persons under eighteen (18) years of age" means any description, narrative account, display or depiction of a specified anatomical area, or specified sexual activity contained in, consisting of, a picture or other representation, or publication which by means of posing, composition, format or animated sensual details, emits sensuality with the sufficient impact to concentrate prurient interest on the area or activity.

"Retailer" means any person who operates a store, newsstand, booth, concession or similar business with access for persons under eighteen (18) years of age, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings and photographs, whether such sales are either the primary focus of such business or are an ancillary aspect to such retail business.

"Specified anatomical area" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if covered.

"Specified sexual activity" means:

1. Human genitals in a state of sexual stimulation or arousal; or
2. Any act of masturbation, sexual intercourse or deviate sexual intercourse; or
3. Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

(Ord. 91-4 § 2)

9.08.030 Display by retailers restricted.

No retailer who operates a store, newsstand, booth, concession or similar business, with unimpeded access or an unimpeded view of obscene materials, by persons under eighteen (18) years of age, or is in the business of making sales of periodicals or other publications at retail, shall display or permit to be displayed at its business premises, any obscene material at a height of less than five feet or without a blinder or other covering placed over the material displayed so as to completely cover any specified anatomical area. The public display of the obscene material shall constitute presumptive evidence that the

retailer knowingly made or permitted the display. (Ord. 91-4 § 3)

9.08.040 Violation--Penalty.

Any person who violates this chapter shall be subject to penalties as stated in Section 1.08.090. Each day that such obscene materials shall be on display shall be deemed to be a continuing and separate violation. (Ord. 06-03 § 1)(Ord. 91-4 § 4)

Chapter 9.12

CURFEW

Sections:

9.12.010 Establishment of juvenile curfew.
9.12.020 Curfew prohibited activity--Exempted activities.
9.12.030 Parental responsibility.
9.12.040 Violations--Penalties.

9.12.010 Establishment of juvenile curfew.

There is established, a juvenile curfew prohibiting and controlling the activities of juveniles within the township in accordance with the provisions as hereinafter set forth, and during the following periods of time:

A. Halloween Curfew. On Halloween night, October 31st of each year and for the period of time commencing on October 26th of each year and ending on November 2nd of said year

B. Emergency Curfew. Whenever the township committee, upon recommendation of the chief of police, shall determine after due investigation and deliberation that the incidents of potential harm to juveniles, or juvenile delinquency within the township has or is about to reach such a level of frequency or severity as to present a clear and present danger to the public peace, safety, health, morals and welfare, then and in that event, the township committee, may by resolution, declare that a temporary emergency exists in the township. Upon the declaration of such temporary emergency, the township committee shall by resolution:

1. Proclaim a temporary curfew in the township for a period of not more than ninety (90) days and for such hours as hereinafter set forth or such additional hours and under such conditions as prescribed by the township committee, invoking all of the other restrictions, provisions and penalties of this chapter.

2. The temporary curfew shall be continued and extended by the township committee for such additional periods, hours and conditions as prescribed by the township committee for not more than ninety (90) days each, if and only upon further investigation and deliberation of the police and township committee before each such additional authorized period and upon recommendation of the chief of police, the township committee finds that a temporary emergency as referred hereinabove continues to exist in the township.

3. At any time during the period that a temporary curfew has been proclaimed, continued or renewed under this chapter, the township may review the situation with regard to the declared temporary emergency in the township, and may declare that a temporary emergency no longer exists in the township, and upon such determination, shall immediately rescind and revoke the curfew.

4. Notice of the existence of the declaration of a temporary emergency and the imposition of a temporary curfew and the regulations established hereunder shall be immediately disseminated to the public by the township clerk utilizing such means as are available to the township clerk including but not limited to, posting of such resolution in the township municipal building and police department headquarters, telephoning or telefaxing such resolution to the official newspaper of the township and such other appropriate daily newspapers generally circulating in the township, providing notice when schools are in session, to the superintendent and/or principals of the schools located within the township, and any such other means to disseminate the information to the public. (Ord. 96-37 § 1; Ord. 93-25 § 1)

9.12.020 Curfew prohibited activity--Exempted activities.

During a curfew period, no juveniles under the age of eighteen (18) years shall be on any of the

public streets, roads, thoroughfares, highways, sidewalks, bridges, plazas, alleys, parks, recreation or shopping areas or other public buildings, structures, areas or places of or within the township between the hours of nine p.m. and six a.m.: (1) unless such juvenile is accompanied by his or her parent, guardian or other person having legal care or custody of such juveniles; or (2) unless the juvenile is engaged in or traveling to or from a business or occupation which the laws of New Jersey authorize a juvenile to perform, or (3) the juvenile is involved in a medical emergency, or a school, civil, church or legitimate social, cultural or educational function supervised by adults. (Ord. 96-37 § 2: Ord. 93-25 § 2)

9.12.030 Parental responsibility.

No parent, guardian or other person having the legal care or custody of a juvenile under the age of eighteen (18) years shall allow or permit an unaccompanied juvenile during the aforesaid curfew periods to be in or upon any public streets or other public places in the township between the hours of nine p.m. and six a.m. except for those activities exempt as hereinabove set forth. (Ord. 93-25 § 3)

9.12.040 Violations--Penalties.

Any juvenile under the age of eighteen (18) years of age violating or failing to comply with any of the provisions of this chapter, shall, upon conviction thereof, be subject to the provisions of Chapter 1.08.010. (Ord. 06-03 § 4)

Any parent, guardian or legal custodian of any juvenile under the age of eighteen (18) years of age, allowing an unaccompanied juvenile to be on any public street or in any public place during the curfew period and the hours as aforesaid shall be required to perform community service together with the juvenile, as determined by the court. (Ord. 93-25 § 4)

Chapter 9.14

GRAFFITI PROHIBITED & REMOVAL REQUIRED

Sections:

9.14.010 Purpose
9.14.020 Definitions
9.14.030 Graffiti Prohibited
9.14.040 Sale of spray paint and other graffiti tools
9.14.050 Deterrence and intervention
9.14.060 Removal required
9.14.070 Violations and penalties
9.14.080 Reporting
9.14.090 Neighboring municipalities urged to adopt similar legislation

9.14.010 Purpose

To promote the public peace, morals and welfare of the residents of the Township by prohibiting and barring any individual or entity from defacing, destroying or otherwise damaging private or public property without the owner's consent by application of graffiti, and requiring the prompt removal of graffiti by the owner of property on which an unlawful application of graffiti has occurred. (Ord. 07-28)

9.14.020 Definitions

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

"graffiti" – the unlawful application of any drawing, inscription, figure or mark upon any structure, wall, rock, bridge, building, fence, gate, roadway, tree or other real or personal property, either privately or publicly owned.

"graffiti tools" – any device including a spray paint container or indelible marker that can be used to apply any non-water soluble solution to any surface described in the definition of "graffiti" hereof.

"hobby-sized paint container" – any spray paint container of six ounces or less.

"indelible marker" – Any felt tip marker, china marker or similar device that is not water-soluble and which has a flat or angled writing surface of 1/2 inch or greater.

"minor" – Any person under the age of 18 years.

"spray paint container" – Any receptacle, whether or not aerosol, holding paint that can be used to apply paint to any surface described in the definition of "graffiti" hereof. (Ord. 07-28)

9.14.030 Graffiti Prohibited

A. Prohibited conduct. It shall be unlawful for any person to deface, destroy or otherwise damage private or public property without the owner's consent, by or through the application of what is commonly known as "graffiti."

B. Possession of graffiti tools prohibited. It shall be unlawful for any person to have in his or her possession any spray paint container, indelible marker or other graffiti tool while on public or private property, without the consent of the respective owner of such property, in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of property in the vicinity. Among the circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify him or herself or manifestly endeavors to conceal him or herself

or the graffiti tool. Prior to any citation being issued to a person for a violation of this chapter, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. (Ord. 07-28)

9.14.040 Sale of spray paint and other graffiti tools

A. Sale to minors.

(1) No person or entity shall sell or otherwise transfer any indelible marker or spray paint container other than a hobby-sized paint container to a minor, unless said minor is accompanied by parent or legal guardian at time of purchase or transfer.

(2) No minor shall, at the time of purchase of items specified in Subsection A, knowingly furnish fraudulent evidence of his or her majority, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or any document issued by a federal, state, county or municipal government.

B. Display and sale requirements.

(1) No person or entity shall sell or offer for sale, transfer or offer to transfer any spray paint container, including hobby-sized paint containers, unless such spray paint container is held for sale or transfer in an enclosed device which is constructed to prevent removal of the merchandise except by authorized attendants or is stored, out of sight, in such a way as to prevent free access to the merchandise by the public. The merchant may, at its discretion, utilize a line-of-sight display. To qualify as a line-of-sight display, the products must be easily and readily observed by the retail personnel at all times. To accomplish line-of-sight requirements, a retailer may utilize placement of personnel work stations, mirrors or cameras or other such devices or arrangements acceptable to the Township enforcement officials to ensure surveillance of the product.

(2) Every person or entity selling spray paint or indelible markers shall place a sign in clear public view at or near the display of such product stating:

> **IT IS A CRIME TO SELL OR OTHERWISE CONVEY AEROSOL SPRAY PAINT OR WIDE-TIPPED MARKERS TO PERSON UNDER 18 YEARS OF AGE IN THE TOWNSHIP OF RARITAN AND IS PUNISHABLE BY A FINE OF UP TO $2,000, OR IMPRISONMENT NOT TO EXCEED 90 DAYS INCLUDING A SENTENCE OF COMMUNITY SERVICE**.

(Ord. 07-28)

9.14.050 Deterrence and intervention

A. Graffiti Trust Account. A Graffiti Trust Account maintained by the Township specifically for the remediation of graffiti on public property within the Township is hereby created. The Township Committee and Township Administration shall control the allocation of the funds in the graffiti trust account for the remediation of graffiti within the Township, which shall include cleaning, repairing, painting or otherwise restoring the damaged public property to the condition existing prior to any remediation. Any remediation of public property subjected to graffiti may be funded by the graffiti trust account at the discretion of the Township Administrator. Any private property that has been subjected to graffiti shall not be eligible for remediation through the Graffiti Trust Account.

B. Reward program. Any person who shall provide information which leads to the arrest, conviction and actual payment of a fine by a violator of this chapter is entitled to receive from the Township a reward of up to $100. The Township Administrator, or his designee, shall determine whether a particular reward shall be divided among persons based on the information provided and the number of persons providing

it; but in no event shall the total reward relating to a particular violation exceed $100. No person employed by the Township shall be eligible for such reward. **(Ord. 07-28)**

9.16.060 Removal Required

A. Property owner to remove graffiti. It shall be unlawful for any person, firm, public agency or utility owning, or acting as manager or agent for the property, whether privately or publicly owned, to permit the application of or fail to remove any graffiti from the property within 30 days of receipt of notice from the Township to remove such graffiti. If the person, firm, public agency or utility owning, or acting as manager or agent for the owner of such property fails to remove the graffiti timely, the Township shall cause the graffiti to be removed and charge the property owner for the expenses incurred. Failure of the property owner to pay the Township shall result in the charges being placed as a municipal lien upon the property as permitted by statute.

B. The Township zoning officer and his designated representatives are hereby authorized to enforce the provisions of this chapter, including the issuance of summonses and notices required under Subsection C hereof.

C. Notice to remove graffiti. Whenever the Township becomes aware of the existence of graffiti on any property, including structures or improvements within the Township, the zoning officer or his designated representative shall give, or cause to be given, notice to the property owner and/or owner's agent or manager to remove such graffiti therefrom. Such notice shall be in writing, delivered by certified and regular mail, and shall be made in substantially the following form:

NOTICE OF ORDER TO REMOVE GRAFFITI FROM PROPERTY

TO THE OWNER, AGENT OF THE OWNER, OR PERSON MANAGING THE PROPERTY HEREINAFTER DESCRIBED:

_____

[Property Address, Block and Lot]

YOUR ATTENTION IS HEREBY DIRECTED TO THE PROVISIONS OF ORDINANCE § 9.16 OF THE CODE OF THE TOWNSHIP OF RARITAN, A COPY OF WHICH ORDINANCE IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK, IN THE MUNICIPAL BUILDING. PURSUANT THERETO, YOU ARE HEREBY NOTIFIED THAT A CERTAIN UNSIGHTLY CONDITION EXISTS – NAMELY GRAFFITI – ON YOUR PROPERTY WHICH INJURES NEIGHBORING PROPERTY AND THE PUBLIC HEALTH, SAFETY AND WELFARE.

YOU ARE HEREBY FORMALLY NOTIFIED THAT YOU MUST IMMEDIATELY, BUT IN NO EVENT LATER THAN WITHIN THIRTY DAYS FROM THE DATE OF THIS NOTICE, REMOVE SUCH GRAFFITI FROM THE PROPERTY AND THEREAFTER KEEP THE PROPERTY FREE THEREFROM.

IN THE EVENT YOU FAIL TO COMPLETE THE REMOVAL WITHIN THE TIME INDICATED HEREIN, THE UNDERSIGNED SHALL CAUSE THE

SAME TO BE REMOVED AND YOU WILL BE RESPONSIBLE FOR THE COST OF THE TOWNSHIP' S REMOVAL OF THE UNSIGHTLY CONDITION FROM THE PROPERTY, INCLUDING IMPOSITION OF THE COST AS A MUNICIPAL LIEN UPON THE PROPERTY.

SIGNED:_____ TITLE:_____

NAME:_____ DATE: _____

* * *

ONCE THE GRAFFITI HAS BEEN REMOVED, YOU MUST SIGN A COPY OF THIS NOTICE WHERE INDICATED BELOW AND RETURN TO THE MUNICIPAL CLERK OF THE TOWNSHIP, BY NO LATER THAN 30 DAYS AFTER THE DATE OF THIS NOTICE, INDICATING AND CERTIFYING BY YOUR SIGNATURE THAT THE GRAFFITI HAS BEEN REMOVED. ANY OBJECTION TO THIS NOTICE MUST BE MADE IN WRITING BY PERSONAL DELIVERY OR CERTIFIED MAIL WITHIN 30 DAYS OF THE DATE OF THIS NOTICE.

Certification by Property Owner

I hereby certify that the unsightly condition – namely graffiti – at the property indicated above has been removed. I certify that the foregoing statement made by me is true and accurate to the best of my knowledge. I am aware that if the foregoing statement made by me is willfully false, I am subject to punishment. I understand that my signature affixed hereto shall serve as my certification, which signature shall be the same as making a statement under oath, and the making of this certification is subject to the same penalties as provided by law for perjury.

Signed: _____

Name: _____

Date: _____

(Ord. 07-28; Ord. 07-41 § A, B & C)

9.14.070 Violations and penalties

A. Parental responsibility. Any act in violation of the provisions of this chapter committed by a minor under the age of 18 years shall be imputed to that minor's parent or legal guardian. A parent or guardian of a minor who violates any provision shall be liable for payment of any fines, the expense of restoration and for the performance of community service simultaneously with the convicted minor as provided in Subsection B hereof.

B. If a property owner does not undertake the removal of graffiti within 30 days of the date of written notice provided by the Township to the owner, or in the case of the Department of Transportation – within 120 days of the date of written notice, unless an action challenging the notice and order to remove is still pending before a court of competent jurisdiction, the Township shall undertake removal of the graffiti from the property, and the property owner shall be deemed in violation of this chapter and shall be subject to a mandatory fine of $50.00 to be paid by the property owner to the Graffiti Trust Account. Thereafter, the Township shall present the property owner, by regular and certified mail, with a detailed itemization of the costs incurred by the Township – which shall include the mandatory fine of $50.00 – and the Township shall direct the property owner to reimburse the costs listed. If the property owner does not pay the costs within 30 days of the date of notice of itemized costs, the Township shall assess the cost of removal as a municipal lien against the property, after certification thereto to the taxing authority. Any private property owner subject to this provision shall be entitled to full restitution for graffiti clean-up costs in the event the offender who caused the unsightly condition is apprehended and convicted, in accordance with Subsection C hereof.

C. Any person committing a violation of any provision of 9.16.030 and/or 9.16.040 shall be punished by:

A fine of not more than $2,000 or imprisonment not exceeding 90 days, or both. In lieu of imprisonment, the Judge may impose a sentence of community service not to exceed 90 days with the express requirement that the offender clean graffiti from public property within the Township and, if the minor's parent or legal guardian as well as the minor are found guilty of a violation of this chapter, the minor's parents or legal guardian shall perform community service together with the minor.

As a condition of sentencing, the Municipal Count shall have the authority to order that the convicted individual be responsible for cleaning, repairing, painting or otherwise restoring the damaged property to the condition existing prior to being damaged, provided that a determination is made that any restoration made the by convicted individual shall not subject the individual to unreasonable risk of serious physical injury or death or otherwise be in violation of law. In the event that convicted individual is unable for any reason to comply with the above, the Municipal Court shall have the authority to order that said convicted individual make full monetary restitution to restore the property to its original undamaged condition. The Municipal Court shall have full discretion to set the terms of restitution.

D. Any fines imposed by the Municipal Court or other agencies authorized to impose a fine for a violation of this chapter shall be deposited in the Graffiti Trust Account to be used for the removal of graffiti from public structures and for the Reward Program as provided in § 9.16.050. (Ord. 07-28)

9.14.080 Reporting

The Township Administrator shall report annually to the Township Committee on the status of the Graffiti Trust Account. At the very least, such report shall include the amount currently in the fund, and the amount allocated to graffiti remediation over the past year. (Ord. 07-28)

9.14.090 Neighboring municipalities urged to adopt similar legislation

The administrative and legislative branches of this government shall endeavor to have the municipalities in close territorial proximity with the Township of Raritan adopt legislation prohibiting the conduct as set forth by this chapter. (Ord. 07-28)

Chapter 9.16

SEX OFFENDER RESIDENCY RESTRICTIONS

Sections:

9.16.010 Purpose
9.16.020 Definitions
9.16.030 Residency Restrictions
9.16.040 Penalties

9.16.010 Purpose

To promote the health, safety and welfare of the children of the Township of Raritan by prohibiting individuals convicted of any crime against a minor as listed in N.J.S.A. 2C:7-2, and is required to register with the proper authorities as a convicted sex offender pursuant to N.J.S.A. 2C:7-1 et seq. from residing or living within 2,500 feet of areas where children regularly meet and congregate. (Ord. 06-1)

9.16.020 Definitions

As used in this chapter:

A. **"Convicted Sex Offender"** shall mean, for the purposes of this Chapter 9.16 only, any person over the age of eighteen (18) years, who has been convicted of any crime against a minor as listed in N.J.S.A. 2C:7-2, and who is required to register with the proper authorities as a convicted sex offender pursuant to N.J.S.A. 2C:7-1 *et seq.*, *Registration and Notification of Release of Certain Offenders*.

B. **"Child Care Center"** shall consist of any and all property owned or leased to a public or private institution which is used for the purposes of caring for and/or looking after children under the age of eighteen (18) years.

C. **"Park"** shall mean a tract of land owned by a branch of government and available to the general public for active or passive recreational purposes.

D. **"Playground"** shall consist of an improved area designed, equipped, and set aside for play of six or more children, including swimming pools, which is not intended for use as an athletic field or athletic court, whether located on public or privately owned property, excluding single-family residential lots.

E. **"School"** shall consist of any and all property owned by or leased to a public or private elementary, middle or secondary educational institution located within the Township of Raritan, which is used for school purposes, including athletic fields or courts accessory to the school.

F. **"Within 2,500 feet"** shall consist of a radius of 2,500 feet in any direction of the property line of any property identified herein. (Ord. 06-1)

9.16.030 Residency Restrictions

A. No convicted sex offender, as defined herein, shall be permitted to reside or live within 2,500 feet of any school, park, playground or day care center within the Township of Raritan.

B. A convicted sex offender who resides or lives within 2,500 feet of any school, park, playground or child care center within the Township of Raritan shall have sixty (60) days, from receipt of written notice of the prohibition set forth herein, to move to a location which is in compliance with this section. Failure to move to a location which is in compliance with this

section within sixty (60) days shall constitute a violation of this section.

C. On October 31st of each year, a day commonly known and referred to as "Halloween", a convicted sex offender must be inside his or her residence no later than 6 p.m. and may not answer his or her door when trick-or-treaters knock. On Halloween, during the entire 24 hours of October 31st, a convicted sex offender cannot attend parties in the Township where there are children present, and cannot take any children, including his or her own children, out for trick-or-treating in the Township.

D. This section shall not apply to persons who have established a residence prior to February 6, 2006. Any person who has established a rental residence that falls within the 2,500 feet provision prior to February 6, 2006, which lease expires after the adoption of this ordinance, will not be permitted to renew the lease without violating this ordinance. (Ord. 06-1)

Section 9.16.040 Penalties

Unless otherwise provided by law, statute or ordinance, any person violating any of the provisions of this Chapter 9.16, upon conviction thereof, and in the discretion of the Municipal Court Judgment, shall be punishable by a fine not exceeding Two Thousand ($2,000.00) Dollars; imprisonment for a term not exceeding ninety (90) days; a period of community service not exceeding ninety (90) days; or any combination thereof. (Ord. 06-1)