

**Ordinance #2021-11**

**AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING MISCELLANEOUS OFFENSES AND AMENDING CHAPTERS 22 AND 34 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND CHAPTER 13 OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, Princeton Council has reviewed and recommends updates to portions of Chapters 22 and 34 of the "Code of the Borough of Princeton, New Jersey, 1974" and Chapter 13 of the "Code of the Township of Princeton, New Jersey, 1968," for purposes of consolidating and harmonizing said chapters, and specifically to: (1) update the miscellaneous provisions and regulations governing various offenses; and (2) repeal provisions that are no longer in effect or otherwise covered by State law; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

1. Sections 22-1 through 22-15 of the "Code of the Borough of Princeton, New Jersey, 1974" ("Borough Code"), entitled "Miscellaneous Offenses," are hereby repealed.

2. Chapter 13 of the “Code of the Township of Princeton, New Jersey, 1968,” entitled “Miscellaneous Offenses,” is hereby repealed.

3. Revisions to Chapter 22 of the Borough Code as set forth in Exhibit A attached hereto and made a part hereof are hereby adopted to set forth the regulations and requirements regarding “Miscellaneous Offenses” applicable throughout the municipality and to replace the aforementioned sections of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

4. Subsection 34-7(d) of Chapter 34 of the Borough Code, entitled “Water and Sewers,” shall be amended as follows (additions are underlined; deletions are [bracketed]):

(d) Private storm drain inlet retrofitting requirements.

(1) Purpose.

This subsection 34-7(d) of the Code requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the municipality so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(2) Definitions.

For the purpose of this subsection 34-7(d) specifically, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a

different meaning. When not consistent 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.

a. Storm drain inlet shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

b. Waters of the state shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

(3) Prohibited conduct.

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot asphalt), reconstructing, or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

a. Already meets the design standard in subsection 34-7(d)(4) below to control passage of solid and floatable materials; or

b. Is retrofitted or replaced to meet the standard in subsection 34-7(d)(4) below prior to the completion of the project.

(4) Design standard.

Storm drain inlets identified in subsection 34-7(d)(3) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" shall mean sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see subsection (c) hereinbelow.

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

2. A grate with individual clear spaces no more than seven square inches and no greater than one half inch across the smallest dimension.

b. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates and grates of spacer bars in slotted drains.

- c. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.
- d. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven inches or be no greater than two inches across the smallest dimension.
- e. This standard does not apply:
  - 1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - 2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one (1) of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar space of one-half inches.

3. Where flows are conveyed through a trash rack that has parallel bars with one inch spacing between the bars; or

4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(5) Enforcement.

Subsection 34-7(d) shall be enforced by the municipal engineer.

(6) Penalties.

Any person(s) who is found to be in violation of the provisions of subsection 34-7(d) shall be subject to a fine for each storm drain inlet that is not retrofitted to meet the design standard pursuant to section 1-6 of this Code.

[(d) Existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property must be retrofitted to prevent the discharge of solids and floatables to the municipal separate storm sewer system operated by the municipality.

(1) No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes) resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot asphalt), reconstructing or altering any surface that is in direct contact with an

existing storm drain inlet on that property unless the storm drain inlet either:

- a. Already meets the design standard below to control passage of solid and floatable materials; or
- b. Is retrofitted or replaced to meet the standard in the municipal stormwater permit prior to the completion of the project.]

Section 5. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

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Delores A. Williams, Clerk

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Mark Freda, Mayor

Ordinance Introduced: April 12, 2021  
Ordinance Adopted: April 26, 2021

**NEWSPAPER PUBLICATIONS:**

First Insertion: April 16, 2021  
Final Publication: April 30, 2021

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It (1) consolidates the chapters governing “miscellaneous offenses,” (2) repeals sections that are not necessary due to state law and (3) incorporates the provisions governing storm drain inlet retrofitting requirements into Chapter 34 of the Borough Code, which governs sewers and water generally.

## **EXHIBIT A**

### **CHAPTER 22. MISCELLANEOUS OFFENSES.**

#### **Sec. 22-1. Public nuisance.**

No person shall, within the boundaries of the municipality, by any means or instrumentality, (1) interfere with or annoy the comfort or general well-being of the inhabitants of the municipality, (2) disturb the public peace and quiet by loud, boisterous or vulgar conduct, (3) create or participate in a diversion, disturbance or disorderly assemblage, in any public or quasi-public place, tending to breach the peace, (4) engage in acts of vice and immorality in any public or quasi-public place, (5) obstruct or interfere with any person lawfully being in a public or quasi-public place, (6) obstruct or interfere with the free and lawful use of any public or private property, or (7) have upon that person, without lawful authority to do so, any concealed or dangerous weapon.

#### **Sec. 22-2. Fire alarm system—Malicious damage or interference with; false alarm of fire or other emergency.**

Any person who shall intentionally, willfully or maliciously destroy or injure any wire, post, machine, bell, siren, box or other apparatus of any fire alarm system, or intentionally, willfully or maliciously interfere with the same or any part thereof, or hinder or impede any of the operations intended to be accomplished thereby, or intentionally cause or assist in causing a false alarm of fire or emergency to be given in any manner, shall be deemed and adjudged a disorderly person.

#### **Sec. 22-3. Firearms—Discharge prohibited and possession regulated.**

No person shall discharge any firearm within the boundaries of the municipality or across any part of the municipality; nor shall any person have in that person's possession a loaded gun while within four hundred fifty feet of any occupied building, except the owner or lessee of such building or a person specifically authorized in writing by such owner or lessee, or within four hundred fifty feet of a school playground. The provisions of this section shall be subject to section 22-3.1.

##### **Sec. 22-3.1. Same — Persons to whom section 22-3 is not applicable.**

Section 22-3 shall not apply to:

- (a) Law enforcement officers of any governmental agency while in the performance of their duties.
- (b) Members of any legally recognized military organization while in the performance of their duties.
- (c) Members of government or civilian rifle or pistol clubs duly organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from their several places of target practice and carrying weapons necessary for such practice (provided such firearms are unloaded), and in discharging firearms as part of such practice; provided, that a copy of the charter is filed with the chief of police and that the practice range, if within the municipality, is approved by the chief of police as complying with nationally recognized standards for such ranges.

- (d) Privately employed security personnel who are authorized by law to carry firearms, while in the performance of their duties.
- (e) Persons engaged in skeet or trap shooting on ranges approved by the chief of police as complying with recognized standards for such ranges.
- (f) Persons lawfully using firearms in the protection of person or property.
- (g) Persons engaged in the discharge of firearms loaded only with blanks at commemorative events or historic pageants; provided, however, that such persons shall have obtained prior thereto a special permit from council upon application prescribed by the municipal clerk.
- (h) Members of nonprofit civic or government-affiliated organizations while engaged in a rifle target shoot sponsored by such organization; provided, that the range for such target shoot shall first be approved by the chief of police as complying with recognized standards and that the location of such range, the type and calibre of the ammunition to be used at such target shoot and the date of such shoot shall first be approved by the chief of police as being reasonably commensurate with the safety of the public and the participants in the shoot; and provided, further that the sponsor of the target shoot shall first file with the chief of police a certificate of an insurance company authorized to do business in the state evidencing that the sponsor and the municipality are insured against liability for personal injury or death in the sum of at least five hundred thousand dollars and against liability for property damage, arising from the conducting of the target shoot, in the sum of at least twenty-five thousand dollars.
- (i) Persons lawfully participating in the New Jersey State Division of Fish and Wildlife permit muzzleloader six-day firearm and special permit shotgun season, either sex, provided that such persons meet the following criteria:
  - (1) Have a valid firearm hunting license and muzzleloader rifle permit or special shotgun deer permit as required by N.J.A.C. 7:25-5.28(f)(1) and N.J.A.C. 7:25-5.29(f)(1);
  - (2) Have received written permission from a landowner or landowner's agent to hunt said property and have said written permission in the person's possession at the time of hunting;
  - (3) Agree to hunt from a standing tree or structure as permitted by the New Jersey State Game Code, if requested by a landowner;
  - (4) Agree to hunt only within the deer management zone designated by the New Jersey State Division of Fish and Wildlife;
  - (5) Agree to park their motor vehicles in areas designated by the landowner.

**Sec. 22-4. Placement of graffiti on public and private property—Purpose.**

The mayor and council find and declare that the use of broad-tipped pens, paint spray cans, pencils, pens, crayons or other marking devices to write graffiti, verbal or otherwise, on the walls or other available spaces on public or private buildings, vehicles, areas or facilities, causes a serious defacement of such buildings, vehicles and areas, public and private; contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful graffiti on, with defacement of, public and private property; and constitutes a deleterious practice contrary to the public health and welfare. The council further finds and declares that such contempt for the property rights of private citizens, as well as public

facilities, contributes to the erosion of law and order and contributes to the deterioration of quality of life of the community and must be opposed and punished.

**Sec. 22-4.1. Graffiti—Definitions.**

- (a) *Graffiti* shall mean any letters, numbers, word or words, writing, inscription, symbol, drawing, carving, etching or other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages, mars or destroys the real or personal property of another. It shall not include easily removable chalk markings on the public sidewalk and street in connection with traditional children's games, such as bases for stickball, handball, hopscotch and the like, nor temporary, easily removable chalk markings in connection with any lawful business or public purpose or activity.
- (b) *Minor* shall mean juvenile under eighteen years of age as set forth in N.J.S.A. 2A:4A-22.
- (c) *Family Court* shall mean the Superior Court of New Jersey, Chancery Division, Family Part as set forth in N.J.S.A. 2A:4A-22.

**Sec. 22-4.2. Graffiti—Prohibited acts and conduct.**

- (a) No person shall without the prior consent of the owner, purposely or knowingly place, write, paint, draw, figure, inscribe or mark or cause any graffiti to be placed upon any public property or the real or personal property of another.
- (b) Any parent, guardian or custodian in charge of a minor who is convicted of violating this section who has neglected to properly supervise such minor shall be presumed to have aided and assisted, allowed and/or permitted said minor in violation of the provisions of this section.
- (c) Pursuant to N.J.S.A. 2A:53A-15, any parent, guardian or other person having custody of a minor who fails or neglects to exercise reasonable supervision and control of the conduct of such minor, shall be liable in a civil action for any willful, malicious or unlawful injury or destruction by such minor of the real or personal property of another.

**Sec. 22-4.3. Graffiti—Removal.**

Any person owning either real or personal property upon which graffiti has been placed in violation of section 22-4.2 herein above, shall remove said graffiti from said property within ten days of being notified by the municipality that graffiti has been placed on said property. All costs associated with the removal of said graffiti shall be reimbursed to said property owner through the Princeton municipal court in accordance with the penalty provisions set forth in section 22-4.5(b) herein below.

**Sec. 22-4.4. Graffiti—Prosecution of persons under eighteen years of age; action in court.**

- (a) If, at the time of the offense charged under section 22-4.2, any person(s) shall be under the age of eighteen years, the Family Court shall have exclusive jurisdiction of the trial of such minor(s), and such minor(s) shall be surrendered to the court, and the case, including all papers and process thereto, shall be transferred to said court as provided in N.J.S.A. 21A:4A.

- (b) The parent, legal guardian or other person having care and custody of said minor shall be summoned or arrested and brought before the judge of the Princeton municipal court may be subject to the penalties provided herein.

**Sec. 22-4.5. Graffiti—Violations and penalties.**

- (a) *Penalties.* Any person who shall violate any provisions of section 22-4.2 shall be subject to the penalties as provided in section 1-6 or required to perform community service. Each day in which such violation continues shall constitute a separate offense. Repeat offenders, as that term is defined in section 1-6, shall be subject to the penalties set forth in section 1-6.
- (b) *Restoration of property; reimbursement for same.* As a condition of sentencing, the municipal court shall have the authority to order that the offender be responsible for cleaning, repairing, painting or otherwise restoring the damaged property to the condition it was prior to being damaged, if said property has not already been restored by the owner in accordance with section 22-4.3 herein above. If the owner of the property has already restored the property, the municipal court shall assess a fine or penalty which shall be intended to reimburse the owner for the expenses incurred by said owner to restore the property. The owner shall file a certification setting forth the amount of said expenses with the court clerk. In the event that the property has not been restored by the owner, and the offender is unable to clean, repair, paint or otherwise restore the damaged property to the condition it was prior to being damaged, then the municipal court shall have the further authority to order that said offender make the necessary monetary restitution to restore the property to its original undamaged condition.
- (c) *Exception—Offender under the age of eighteen.* An exception to subsections (a) and (b) applies in the case of a minor who shall, upon conviction, be subject to the penalties imposed on such minor by the judge of the Family Court.

**Sec. 22-5. General policy concerning public meetings and assemblies.**

The municipality encourages peaceful public meetings and assemblies by individuals and organizations who wish to express their views in a public forum, which will not obstruct vehicular and pedestrian traffic. Toward that end, the municipality will accommodate such meetings and assemblies in its parks and public plazas.

**Sec. 22-6. Permits for large public meetings and assemblies.**

Where a group or organization wishes to conduct a public meeting, assembly or demonstration involving more than twenty-five individuals in any municipal park or public plaza, a permit must be obtained from the municipal clerk. The purpose of the permit is to coordinate the use of limited park and public space, to enable the deployment of adequate municipal police and support staff in dealing with crowd management and traffic control and to facilitate communications between municipal police and support staff with individuals responsible for the public event.

**Sec. 22-6.1. Applications for permits.**

Permits for meetings, assemblies and demonstrations pursuant to section 22-6 will be issued after the presentation of a completed application to the clerk at least five days before the

public event. The application shall set forth the name and address of the organization; the name, address and telephone number of the event contact person; the number of individuals expected to participate in the public event; the location, time and date of the public event and any special requirements for security or police protection. The application will contain a certification that the applicant will not obstruct pedestrian or vehicular traffic; will adhere to the noise restrictions contained in Chapter 21 of the Borough Code; and will assume financial responsibility for any damage to public or private property as a result of the public event.

**Sec. 22-6.2. Issuance of permits.**

There shall be no charge for the issuance of a permit to conduct a large public meeting or assembly. The permit shall be issued as soon as practicable and in no event more than three business days of the application is received unless any of the following occurs:

- (a) The application, with the required certification, is not fully completed;
- (b) The application contains material misrepresentations;
- (c) The applicant has on prior occasions damaged public property and has not paid for such damage;
- (d) The public event conflicts with previously scheduled or planned activities at the same location, in which case, the municipality will take all reasonable steps to find an alternative location for the public event; and
- (e) The public event is prohibited by state statute.

If a permit is denied, the municipal clerk or designee shall specify the reasons in writing.

**Sec. 22-7. Smoking prohibited inside Princeton Municipal Buildings.**

Smoking is prohibited inside at any time in any area within any Princeton Municipal Building, including but not limited to the Princeton Municipal Complex located at 400 and 380 Witherspoon Street, including police department and recreation facilities, and Monument Hall located at 1 Monument Drive.

**Sec. 22-8. Operating hours of gasoline service stations restricted.**

No gasoline service station in the municipality shall engage in any business operations whatsoever involving the sale of goods or services to the public except between the hours of 7:00 A.M. and 10:00 P.M., provided, any gasoline service station which on January 9, 1986 maintained regular hours of operation not conforming to the requirements of this section shall, upon certification of its actual hours of operation to the municipal clerk, be permitted to open as early as 6:00 A.M. and be permitted to close as late as 11:00 P.M. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of up to two hundred dollars for each offense.

**Sec. 22-8.1. Gasoline service stations-Defined.**

As used herein, a "gasoline service station" shall include any building, structure, place or location designated for the inspection, testing, examination and repair of motor vehicles and maintaining any gasoline pump or oil pump for the purpose of selling gasoline or oil.

**Sec. 22-9. Drug-free school zones.**

- (a) In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, as amended, a map entitled "Municipality of Princeton Drug Free School Zones,"

dated April 1, 2021, by Deanna Stockton, P.E., Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the municipality or property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand feet of such school property.

- (b) The drug-free school zone map approved and adopted pursuant to subsection (a) of this section shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand feet of property owned by 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 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 municipal engineer and the municipal attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.
- (d) The Clerk of the Municipality of Princeton is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to subsection (a) of this section, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time 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. 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 Mercer County Prosecutor.
- (e) The following additional matters are hereby determined, declared, recited and stated:
  - (1) It is understood that the map approved and adopted pursuant to subsection (a) of this section 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 of elementary and secondary schools within the Municipality of Princeton;
    - b. The boundaries of the real property which is owned by or leased to such schools or a school board;
    - c. That such school property is and continues to be used for school purposes; and
    - d. The location and boundaries of areas which are on or within one thousand feet of such school property.
  - (2) Except as is otherwise expressly noted on the face of the approved and adopted map, all of the property depicted on the map approved and adopted herein as school property was owned by or leased to a school or school board and was being used for school purposes as of April 1, 2021, the date of the map.

- (3) Pursuant to the provisions of N.J.S.A. 2C:35-7, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to subsection (a) 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 school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the 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 approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.
- (4) All of the requirements set forth in N.J.S.A. 2C:35-7 concerning the preparation, approval and adoption of a drug-free school zone map have been complied with.

**Sec. 22-9.1. Drug-free zones around public housing facilities, parks or public buildings.**

- (a) Pursuant to N.J.S.A. 2C:35-7.1, a map entitled "Municipality of Princeton Drug Free Public Place Zones," dated April 1, 2021, by Deanna Stockton, P.E., Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and boundaries of the area or areas on or within five hundred feet of a public housing facility, a public park or a public building.
- (b) The Clerk of the Municipality of Princeton is hereby directed to receive and keep on file the original of the map approved and adopted pursuant to subsection (a) of this section and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time 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. It is hereby further directed that a true copy of such map and this section shall be provided, without cost, to the county clerk and to the Office of the Mercer County Prosecutor.
- (c) The following additional matters are hereby determined, declared, recited and stated:
  - (1) It is understood that the map approved and adopted pursuant to subsection (a) of this section 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 location and boundaries of those areas in or within five hundred feet of a public park, public building or public housing facility pursuant to N.J.S.A. 2C:35-7.1.
  - (2) Pursuant to N.J.S.A. 2C:35-7.1, nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense.

**Sec. 22-10. Urinating in public, prohibited.**

No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, or to which the public is invited or has access, except in a lavatory toilet or similar facility.

**Sec. 22-11. Prohibition of the use of government buildings and equipment for political fund-raising.**

(a) Purpose.

WHEREAS, our laws in New Jersey do not presently ban solicitation or acceptance of political contributions by public office holders and employees while in any room or building occupied in the discharge of official duties; and

WHEREAS, solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official municipal business undermines the efficiency of government by taking officials and employees away from the people's business, and leads to the appearance of improper influence of political contributions on government functions; and

WHEREAS, prohibiting the solicitation and acceptance of political contributions in rooms and buildings occupied in the discharge of official duties will address these harms and leave open ample alternative venues of political fund-raising; and

WHEREAS, our laws in New Jersey do not presently recognize the misuse of public property for political fund-raising as a distinct offense:

THEREFORE, it is accordingly found and determined that the municipality's interests in an independent and efficient government workforce and a government that is undermined by neither the fact nor appearance of improper influence of political contributions on government decisions require the prohibition of political fund-raising in rooms or buildings occupied in the discharge of official duties or through the use of public property.

(b) Definitions.

(1) Candidate.

- a. An individual seeking election to a public office of the federal, state, county, or municipal government, or school district or political party, and
- b. Any individual who shall have been elected or failed of election to any such office;

(2) Political contribution. Any loans and transfers of money or other things of value to any candidate, elected official, or representative of any political organization, or other commitment or assumptions of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

(3) Political organization. Any two or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office or political party office. "Political organization" includes, but is not limited to, organizations defined in N.J.S.A. 19:44A-3 as a "political committee," "joint candidates

committee," "continuing political committee," "political party committee," "candidate committee," or "legislative leadership committee."

- (4) Municipality. The government of the municipality, including any officer, department, board, commission, or agency thereof.
  - (5) Municipal official, employee and appointee. Any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board, or office thereof, whether the position is full time or part time.
  - (6) Solicit. To ask for, by oral or written communication, a contribution as that term is defined herein.
  - (7) Public property. All personal property owned, leased, or controlled by the municipal government, including but not limited to vehicles, phones, fax machines, computers, stationery including municipal letterhead, postage, and other office equipment.
- (c) General regulations.
- (1) Prohibition against soliciting or accepting political contribution in rooms or buildings occupied in the discharge of public duties. No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization while in any room or building occupied in the discharge of official municipal business. This section shall include solicitation or acceptance of political contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the political contribution, or using the cell phone or computer for purposes of soliciting or accepting the political contribution, is in any room or building occupied in the discharge of official municipal business.
  - (2) Prohibition against use of public property for political fund-raising. No municipal official, employee, or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization, while utilizing public property.
- (d) Exception. This prohibition shall not be deemed to prevent fund-raising of any sort by political organizations, or any groups for non-government use, where such organizations or groups have reserved exclusive use of meeting facility during non-business hours of the municipality, provided no official municipal business is conducted therein and all political organizations are allowed an equal opportunity to reserve the meeting facility.
- (e) Violation. Violation of any provision of this section shall be punished by a period of community service not exceeding ninety days or a fine not exceeding one thousand dollars.

**Sec. 22-12. Hours of operation for restaurants and eating and drinking establishments, retail food establishments, retail sales, and personal services businesses.**

- (a) The purpose of this section regulating the operating hours of restaurants and eating and drinking establishments, retail food establishments, retail sales, and personal services businesses in Princeton is to:
- (1) Improve the quality of life for residents in the residential areas of Princeton, particularly during the late night and early morning hours;
  - (2) Decrease the incidence of nuisance complaints and littering associated with large crowds of individuals congregating in or in close proximity to residential areas in Princeton during the late night and early morning hours, which individually and collectively have a negative impact on the quality of life for residents;
  - (3) Discourage activities that compromise the public safety of residents and business patrons in certain areas of Princeton during the late night and early morning hours; and
  - (3) Provide for the efficient, effective and economical provision of scarce government resources in addressing each of the aforementioned purposes.
- (b) For the purposes of this section, the following terms shall have the following meanings:

**PERSONAL SERVICES** - establishments primarily engaged in providing services involving the care of a person or that person's goods or apparel, including, but not limited to, laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons, and nutrition weight loss centers.

**RESTAURANT AND EATING AND DRINKING ESTABLISHMENTS** – any or all of the establishments listed below:

**RESTAURANT, SIT-DOWN-** an establishment where food and beverages, including alcoholic beverages, are prepared and sold and consumed primarily on the premises, and where food sales constitute more than fifty percent of the gross sales receipts for all food and beverages. Such an establishment may include table or self-service, and food and beverages may be consumed either indoors or in designated outdoor seating areas.

**RESTAURANT, CARRYOUT** - an establishment where food and beverages are prepared and sold for consumption on or off premises (customer tables or counters typically available). Such an establishment may take phone orders for food and may deliver food to customers.

**RESTAURANT, DRIVE-THROUGH** - an establishment where food and beverages are prepared and sold for consumption on or off premises, and which includes one or more drive-through customer service windows.

**TAVERN or BAR** - an establishment where food and beverages, including alcoholic beverages, are prepared and sold and consumed on the premises and where food sales constitute fifty percent or less of the gross sales receipts for all food and beverages.

**RETAIL FOOD ESTABLISHMENT** - an establishment where food and beverages are offered for retail sale for consumption off premises. Such foods or beverages may be packaged in a ready-to-consume state or may come packaged and sold in bulk quantities. Examples of retail food establishments include

without limitation grocery stores, ice cream shops, retail mini-marts, bakeries, and delicatessens.

RETAIL SALES - establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including, but not limited to, specialty shops and boutiques.

HOTEL – A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, personal services, and recreational facilities.

OPERATING HOURS – The hours during which a business or service is open to the public.

- (c) Restaurants and eating and drinking establishments, retail food establishments, retail sales, and personal services businesses located on a lot within or abutting a residential zone, including any such establishments or businesses within a hotel, shall not be permitted to operate in Princeton between the hours of 2:00 a.m. and 5:00 a.m.
- (d) The time limitations set forth herein shall not apply to the following:
  - (1) Holders of plenary retail consumption or retail distribution licenses pursuant to the Alcoholic Beverage Law (N.J.S.A. 33:1-1 et seq.), which holders are subject to the aforesaid State law and local Code provisions.
  - (2) The sale of prescription or non-prescription (over the counter) medications in pharmacies and in drugstores with pharmacies where the pharmacy remains open beyond 2:00 a.m.
  - (3) Medical care, urgent care or veterinary care practices.
  - (4) Businesses located in the following educational zones: E-1, E-2, E-3, E-5 and AET.
  - (5) Hotels, limited to those services necessary for check-in and check-out.
  - (6) Indoor gyms and fitness facilities.
- (e) Any establishment or business otherwise subject to the time limitations set forth herein shall be permitted to remain open beyond 2:00 a.m. up to six days per calendar year, which may be taken separately or consecutively, subject to the following requirements:
  - (1) Any establishment or business wishing to remain open beyond 2:00 a.m. shall first apply to the Princeton Administrator and Chief of Police for permission to do so, on a form to be developed by the Administrator and Clerk.
  - (2) The application shall be submitted at least ten business days prior to the date on which the establishment or business wishes to remain open beyond 2:00 a.m.
  - (3) The application shall indicate how many other days within the same calendar year the establishment or business has been open beyond the 2:00 a.m. Each day that the establishment or business remains open beyond 2:00 a.m. shall count toward the six-day total allowed as of right within a calendar year.
  - (4) The application shall be accompanied by a reasonable fee to be established by the Administrator and Clerk.

- (5) The Chief of Police shall be authorized to impose such conditions as may reasonably be necessary in the Chief's professional judgment to ensure no undue risk to the public health, safety and welfare.
- (6) The Administrator and Chief of Police shall approve or deny the application within five business days of receipt thereof.
- (f) Any person, firm, corporation, or other entity violating any of the provisions of this section shall be subject to the fines and other penalties set forth in section 1-6 of this Code, and each day in which such violation continues shall constitute a separate offense.