

CITY OF ENGLEWOOD

ORDINANCE #24-03

AN ORDINANCE OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO AMEND CHAPTER 307, ARTICLE I "DISORDERLY CONDUCT" OF THE GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD

BE IT ORDAINED by the Council of the City of Englewood that Chapter 307, Article I "Disorderly Conduct be amended as follows:

§ 307-1. Allowing disorderly conduct prohibited.

No person shall allow or permit his house, shop, store, tavern or other business premises or other place connected therewith to be used, frequented or resorted to by riotous or disorderly persons, drunkards, prostitutes, gamblers or vagrants or common mendicants, or suffer or permit any of the aforesaid places to become riotous or disorderly at any time.

§ 307-2. Gambling in public places.

- A. No person shall play for money or any other valuable item or participate in any game of chance, such as cards, dice, pitching pennies, or any other game, in any park, or on any street or sidewalk, or in any other public place within the City of Englewood.
- B. The provisions of Subsection A hereof shall not be deemed to prohibit any game of chance conducted by or for any charitable institution pursuant to a license or permit therefor issued by the City Council.

§ 307-3. Obstruction of health care facilities and transitional facilities.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

HEALTH CARE FACILITY — As set forth in N.J.S.A. 26:2H-2.

TRANSITIONAL FACILITY — Community residences for the developmentally disabled and community shelters for victims of domestic violence as those terms are defined in N.J.S.A. 40:55D-66.2.

- B. Within the City of Englewood, no person shall knowingly enter or remain on a public way or sidewalk adjacent to a health care facility or transitional facility within a radius of eight feet of any portion of an entrance, exit or driveway of such facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of such facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway. This subsection shall not apply to the following:

- (1) Persons entering or leaving such facility;

- (2) Employees or agents of such facility acting within the scope of their employment;
- (3) Law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and
- (4) Persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

C. The provisions of Subsection B shall only take effect during such facility's business hours and if the area contained within the radius and rectangle described in said Subsection B is clearly marked and posted.

D. A health care facility or a person whose rights to provide or obtain health care services have been violated or interfered with by a violation of this section or any person whose rights to express their views, assemble or pray near a health care facility have been violated or interfered with may commence a civil action for equitable relief. The civil action shall be commenced either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which any person or entity complained of resides or has a principal place of business.

§ 307-4. South Dean Street Parking Garage.

No person shall enter and remain within the structure or property known as the “parking garage” located at the northeast corner of the intersection of South Dean Street and East Englewood Avenue without a legitimate purpose. A legitimate purpose for use or entrance into the parking garage is connected with the authorized storage of a motor vehicle or intention to utilize a business connected to the structure. This shall include the stairwells and hallways connected to the parking garage. Any person or persons found, located, or observed within the structure or associated areas without a legitimate purpose will be in violation of this ordinance. The Dean Street Parking Garage will be monitored by the police department on a regular basis.

§ 307-5. Violations and penalties.

- A. Any person who violates any provision of this article shall upon conviction thereof be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days, or both
- B. Violation of any provision of this article shall be subject to the foregoing penalty and shall be subject to a minimum mandatory fine of not less than \$1,000.
- C. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

D. Collection of costs.

- (1) Any person or persons convicted of violating any provision of this article shall, in addition to any penalty imposed pursuant to § 307-4 of this article, be jointly and severely liable for any additional extraordinary or unusual costs incurred by the City of Englewood beyond those normally incurred in providing routine police protection in quelling any unlawful disturbance, removing any unlawful obstruction or abating any unlawful disorderly conduct for which such person or persons were convicted.
- (2) The Director of Public Safety and the Director of Finance, or their designees, shall prepare a statement of expenses incurred by the City in dealing with the foregoing unlawful conduct including, but not necessarily limited to, additional police salaries, reasonable legal fees and overtime necessitated by such actions and any damage to City vehicles, equipment or property resulting from such unlawful conduct.
- (3) A copy of said statement shall be served upon the person or persons convicted hereunder either personally or by certified mail, return receipt requested, at such person's last known address, together with a notice that payment thereof is required within 10 days following receipt unless an appeal is taken as provided below. Unless such an appeal is taken, the notice shall be a final order after the expiration of said ten-day period.
- (4) Within 10 days following receipt of the foregoing statement of expenses, the person or persons convicted hereunder may appeal such notice to the City Manager by filing with the City Manager a written notice of appeal.
- (5) Upon receipt of such notice of appeal, the City Manager shall fix a date for a hearing thereon, not less than 10 days nor more than 30 days from receipt of the notice of appeal, and shall furnish at least 10 days' notice thereof to both the appealing party and the Director of Public Safety and the Director of Finance.
- (6) At the hearing, the appealing party will be given an opportunity to be heard and to set forth the reasons why the appealing party is not responsible for such costs or why such costs are unreasonable. An opportunity shall also be given to the Director of Public Safety and the Director of Finance, or their designees, to be heard. Such hearing shall be informal. The appealing party shall have the right to be represented by counsel and to introduce and to cross-examine the witnesses.
- (7) Following the conclusion of such hearing, and within 30 days thereafter, the City Manager shall issue a written decision thereon and shall furnish a copy thereof to the appealing party, as well as the Director of Finance and the Director of Public Safety. Such decision shall be a final order.
- (8) The City may institute the appropriate civil proceedings before a court of competent jurisdiction to enforce such final orders.

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RECORD OF VOTE

FIRST READING DATE:

| COUNCIL | MOTION | VOTE |
|------------|--------|------|
| Cobb | | Y |
| David | | Y |
| Rosenzweig | | Y |
| Wilson | | Y |
| Wisotsky | X | Y |

DATE PUBLISHED IN THE RECORD: April 1, 2024

DATES PUBLIC HEARINGS HELD: April 16, 2024

DATE SECOND READING HELD: April 16, 2024

| COUNCIL | MOTION | OPEN | MOTION | CLOSE | MOTION | ADOPT |
|------------|--------|------|--------|-------|--------|-------|
| Cobb | | | | | | |
| David | | | | | | |
| Rosenzweig | | | | | | |
| Wilson | | | | | | |
| Wisotsky | | | | | | |

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC

City Clerk