

ORDINANCE 2019-07

AN ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 153 OF THE TOWNSHIP CODE, ENTITLED "DISTURBING THE PEACE"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend Chapter 153, entitled "Peace and Good Order," so as to amend §153-10 entitled "Illegal possession or use of fireworks." in its entirety so that it shall read as follows:

- A. Prohibition. Pursuant to N.J.S.A. 21:3-2, it shall be unlawful for any person to sell, possess or use fireworks with the Township of Stafford, unless specifically permitted and properly licensed under Chapter **110** of this Township Code. Said prohibited fireworks shall include but not be limited to firecrackers, roman candles, bombs, shells and mortars, multiple tube devices, rockets, and other devices of similar construction. Any person violating this section shall be subject to the penalties set forth in § **153-11** herein, including a fine in an amount not to exceed \$2,000. For a second violation of this section, the person shall be subject to a fine not to exceed \$2,500, and for a third violation, the person shall be subject to a fine not to exceed \$5,000.

- B. Pursuant to N.J.S.A. 21:3-8, any person who sells, offers or exposes for sale, or possesses with intent to sell any fireworks as herein mentioned is guilty of a crime of the fourth degree. Any person who purchases, uses, discharges, causes to be discharged, ignites, fires, or otherwise sets in action, or possesses any fireworks is guilty of a petty disorderly persons offense.

- C. Exceptions. Notwithstanding Subsection A and B above, it shall be lawful for a person to offer for sale, sell, possess, or use:
 - (1) A toy pistol, toy cane, toy gun, or other device in which paper or plastic caps containing .25 grain or less of explosive compound per cap are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper or plastic caps which contain less than .20 grains of explosive mixture per cap;
 - (2) Sparkling devices and novelties as defined in N.J.S.A. 21:2-2 if the person is 16 years of age or older.

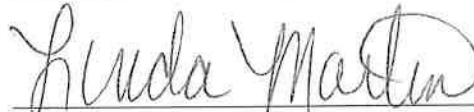
SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a 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 portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

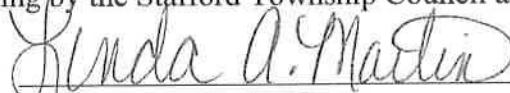
NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the 21st day of May 2019, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 16th day of July 2019 at 7:00PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Linda Martin, Acting Municipal Clerk

CERTIFICATION

I, Linda Martin, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the 16th day of July 2019.



Linda A. Martin, RMC
Municipal Clerk
Stafford Township