

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Street Excavations
- 12.08 Street and Sidewalk Use and Maintenance
- 12.12 Sidewalk Snow and Ice Removal
- 12.16 House Numbering System
- 12.20 Park and Recreation Area Use Regulations
- 12.24 Public Outdoor Recreation Facilities
- 12.28 Shade Trees
- 12.32 Floodplain Management Criteria
- 12.36 Meetings, Assemblies and Parades in Public PlacesChapter 12.04

STREET EXCAVATIONS

Sections:

- 12.04.010 Definitions.
- 12.04.020 Permit required.
- 12.04.030 Application for permit.
- 12.04.040 Issuance of permit.
- 12.04.050 Fees.
- 12.04.060 Guarantee bond in place of deposit.
- 12.04.070 Application by public utility.
- 12.04.080 Waiver of requirements for certain applicants.
- 12.04.090 Work to be performed with least possible public inconvenience.
- 12.04.100 Actions required to prevent accidents.
- 12.04.110 Property to be protected.
- 12.04.120 Due diligence required.
- 12.04.130 Restrictions on time period to perform work.
- 12.04.140 Restoration of sidewalks, curbs or gutters.
- 12.04.150 Failure of permittee to properly restore street.
- 12.04.160 Regulation of ditches.
- 12.04.170 Emergency street openings.
- 12.04.180 Violation—Penalty.
- 12.04.190 Insurance and liability claims.

- 12.04.010 Definitions.

As used in this chapter:

“Applicant” means any person who makes application for a permit.

“Clerk” means the clerk of the township of Edgewater Park or his duly authorized deputy.

“Emergency” means any unforeseen circum-stances or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

“Engineer” means the person duly appointed township engineer, his authorized deputy, representative or inspector.

“Permittee” means any person who has been issued a permit and is obligated to fulfill all the terms of this chapter.

“Person” means and includes any natural person, partnership, firm, association, utility, corporation or authority created pursuant to statute. Whenever used in any section prescribing and imposing penalty, the term person as applied to associations shall mean the partners and members thereof and as applied to corporations, the officers thereof.

“Standard specifications” means the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction, 1961.

“Street” means and includes the public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the township and any state or county road over which the township may have acquired jurisdiction by agreement.

“Township” means the township of Edge-water Park, county of Burlington, state of New Jersey. (Prior code § 14:1-1)

12.04.020 Permit required.

It is unlawful for any person to tear up, dig into, break up, displace or excavate any of the streets, sidewalks, curbs or gutters in the township without first obtaining a permit therefor from the township clerk. (Prior code § 14:1-2)

12.04.030 Application for permit.

A. The application for a permit to make an opening or excavation in any street shall be in writing, dated and signed by the applicant, and shall state the road or street proposed to be opened or excavated and the object and purposes thereof and shall also indicate the exact location, by length, width and depth, of said intended excavation.

B. In cases where the proposed opening involves construction of a longitudinal pipe main serving more than one property, the township may also require the applicant to submit plans showing the information required above and also the relationship of the proposed installation to the existing pavement, other utilities, the street right-of-way lines, and any other physical features which might be affected by the proposed construction. (Ord. 6-97 § 3 (part); prior code § 14:1-3)

12.04.040 Issuance of permit.

A. Before the issuance of any such permit, the applicant shall deposit with the clerk of the township the following amounts:

1. A minimum deposit of three hundred dollars (\$300.00) which shall cover an excavation no larger than fifty (50) square feet in area;

2. An additional amount for all street openings in excess of fifty (50) square feet to be computed as follows:

a. Paved streets, including concrete pavement or bituminous concrete pavement on concrete or macadam base, one dollar and fifty cents (\$1.50) per square foot,

b. Paved streets, including bituminous concrete pavement on gravel base, one dollar (\$1.00) per square foot,

c. Surface-treated streets, including bituminous surface treatment on gravel or macadam base, and also including bituminous mixed-in-place streets, seventy-five cents (\$0.75) per square foot,

d. Gravel streets with no treatment or pavement, fifty cents (\$0.50) per square foot;

3. An additional amount, based on the unit prices in the preceding subsection (A)(2) of this section, if the area actually excavated exceeds that estimated at the time application was made.

This amount deposited shall be retained by the township for a period of one year from the date of the reconstruction of the road to guarantee the proper performance of the work done by the applicant and the maintenance thereof in good condition by the applicant during this time period. (Prior code § 14:1-4)

12.04.050 Fees.

In addition to the above deposit, the applicant shall pay a nonreturnable fee in the amount of

twenty-five dollars (\$25.00) for the first twenty (20) square feet or part thereof of any opening, and five dollars (\$5.00) for each additional ten square feet or part thereof up to two hundred (200) square feet, said fee to be used to pay the cost of personnel employed to process the applications and permits and to inspect the work performed. If at any time it becomes evident that the fees are or will be insufficient to cover the costs, the permittee shall pay to the clerk such additional fees as certified by the township engineer as required to meet the costs of the processing and inspection. (Prior code § 14:1-5)

12.04.060 Guarantee bond in place of deposit.

When the amount of the deposit as determined under Section 12.04.040 would exceed one thousand dollars (\$1,000.00), the applicant may, at his option, furnish a guarantee bond with corporate surety for the full amount of such deposit instead of making the required deposit. Said bond will unconditionally guarantee that the applicant will make the proposed street opening, backfill same and restore the pavement in accordance with requirements of the township and maintain same for a period of one year from the date of the resurfacing of said road. (Prior code § 14:1-6)

12.04.070 Application by public utility.

When the applicant is a public utility as defined by the statutes of the state of New Jersey, the township may accept, in lieu of the required deposits and fees previously set forth herein, a guarantee bond to the township in the sum of ten thousand dollars (\$10,000.00) plus a permit fee of ten dollars (\$10.00). In those cases where the township engineer, upon inspection, determines that the opening, based upon his experience and expertise, will be one out of the ordinary due to the underground conditions or work involved, or where the proposed opening involves construction of a longitudinal pipe main serving more than one property, or in any case where the area to be opened exceeds five hundred (500) square feet, applicant shall also pay the actual cost of inspection or inspections. Such bond shall guarantee payment of the amount that would have been deposited in the event of failure of the applicant to comply with this chapter. Such bond shall guarantee that the public utility will make the proposed street opening, backfill the same, and restore the pavement in accordance with the requirements of the township. Such bond shall also include the one-year guarantee set forth in Section 12.04.040. The township, at its option, may accept a corporate bond. Where the estimated cost of restoration exceeds ten thousand dollars (\$10,000.00), the public utility shall supply an additional bond to cover such expenses. Said bond shall not be considered to be filed until it is approved and accepted by resolution by the township committee. In the event that after proper filing of a bond by a public utility as aforesaid, said public utility shall fail to abide strictly by the provisions of this chapter, the township committee may, by resolution without prior notice to the public utility, revoke any privileges for street opening which may have previously been granted under its guarantee bond, and revoke said bond and return it to the public utility, and require cash deposits for all future street openings made by said public utility as well as cash deposits for all openings not properly restored as of the date of revocation of said bond. (Prior code § 14:1-7)

12.04.080 Waiver of requirements for certain applicants.

A. When the applicant is a township municipal utility authority or sewerage authority, the township committee may waive any or all of the requirements of this chapter.

B. When the applicant is a subdivider, where escrow funds or other suitable guarantee for complete reconstruction of any existing road has been provided and where proper approvals for all proposed work have been obtained, the township committee may waive the requirements of this chapter.

C. When the applicant is a contractor performing work for the township or the Edgewater Park sewerage authority, the township committee may waive the requirements of this chapter. (Prior code §§ 14:1-8, 14:1-9, 14:1-10)

12.04.090 Work to be performed with least possible public inconvenience.

Any person making any opening or excavation in any street in the township shall carry out the work as expeditiously as possible and in such manner as to cause the least possible public inconvenience and to permit the use of the sidewalks by pedestrians, the roadway by vehicles and the flow of water along the gutters. (Prior code § 14:1-11)

12.04.100 Actions required to prevent accidents.

All openings, diggings, excavations, piles of material, equipment and barricades, including earth, dirt, and stone or other materials removed from the excavation, shall be carefully guarded at all times to prevent accidents, and a sufficient number of lighted lanterns, flares or torches shall be maintained between sunset and sunrise by the contractor or persons to whom such permit has been granted, to designate such openings or obstruction during the hours of darkness. Where any excavation or trench is to extend across any road or street, only one-half of the same shall be made at one time, and it shall be properly back-filled before the other one-half is excavated so as not to interfere with traffic. (Prior code § 14:1-12)

12.04.110 Property to be protected.

All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installations or fixtures and property likely to be injured, damaged or destroyed shall be properly protected by the person doing any work for which a permit has been granted, during the time when such work is being performed. (Prior code § 14:1-13)

12.04.120 Due diligence required.

The work on any opening to be made under any such permit shall be commenced within ten days from the date of such permit and the work prosecuted with due diligence to its completion. If for any reason work is not commenced within said period of ten days, the applicant shall present the permit to the township clerk who shall thereupon either return the deposit required under Section 12.04.040, or extend the time for the beginning of the said work for another period of ten days by endorsement on the permit, and no permit so extended shall be valid unless the work is not commenced within the extended period of time; the deposit required under Section 12.04.040 shall be returned to the applicant. (Prior code § 14:1-14)

12.04.130 Restrictions on time period to perform work.

In the case of any opening which restricts vehicular traffic to less than two ten-foot wide travel lanes, excavation and backfill shall be made within a single eight-hour period, except under special occasions or circumstances where underground conditions or structures warrant a longer period of time. In other cases, it shall be made within one week's time except where underground conditions or structures warrant a longer period of time. Street openings shall be resurfaced within the period of time designated by the township engineer at the time he inspects the backfilling operation, having due regard to the type of street involved and the volume of vehicular traffic which uses the same. Prior to resurfacing, the backfill shall be maintained in order to prevent depressions or bumps in the street surfaces and suitable material shall be applied thereto to keep down dust. (Prior code § 14:1-15)

12.04.140 Restoration of sidewalks, curbs or gutters.

A. Whenever any sidewalk, curb or gutter is broken up or excavated, it shall be restored to its proper condition as soon as practicable by the person having broken up or excavated, at his or her own expense, to the satisfaction of the township engineer.

B. Any person making any opening or excavation shall resurface all such openings and backfill them in accordance with the following procedure, so the roadway or surface is replaced in a condition as near as possible as it was prior to the opening or excavation.

1. All fill material shall be deposited in layers not exceeding twelve (12) inches and each layer shall be rammed or tamped with pneumatic or power-driven mechanical tampers approved by the township engineer.

2. Broken or crushed stone to be used in replacing the stone base shall be cast in separate piles and kept clean and separate from other excavation material and shall be carefully replaced to a minimum thickness of eight inches. The stone base shall be tamped and keyed with mineral filler.

3. The trench shall be, when filled, level and flush with the finished grade of the street adjacent to the opening. A temporary patch shall be constructed by the permittee, consisting of two inches compacted thickness of cold patch material, Grade A or Grade B, as defined in the standard specifications. The temporary patch shall be constructed within twenty-four (24) hours after tamping of the backfill.

4. No permittee shall commence the restoration of any street until the engineer or his representative has deemed that settlement of the subsurface is complete and the area properly prepared for restoration. All foundations shall be restored to a width six inches wider than the width of the excavation and six inches longer than the length of the excavation. The street surface shall be restored to a width six inches wider than the width of the restored foundation and six inches longer than the length of the restored foundation. All foundations and surfaces shall be restored with the same type of material and to the same depth as existed prior to making the excavation in accordance with the requirements of the standard specifications, except that the minimum repair for any street where existing base consists of gravel or native soil shall be six inches of compacted soil aggregate, Type 2, Class A and B, and two inches of cold patch material, Grade A or B, as defined in the standard specifications. (Prior code § 14:1-16)

12.04.150 Failure of permittee to properly restore street.

In the event that the permittee shall fail to properly excavate, backfill or restore the street, sidewalk, curb or gutter involved to its proper condition as soon as practicable and within three days after the service or mailing of a notice from the township engineer so to do, then the township engineer may cause such restoration to be made and pay the cost thereof from said deposit or, in case a bond has been filed in lieu of a cash deposit, the township shall collect the cost of such restoration from the permittee. If, during such period of one year, the filling of the opening shall require repairing and the permittee shall fail to make such repairs as are required within three days after the service or mailing of a notice from the township engineer so to do, then the township engineer may cause such repairs to be made and pay the cost thereof from said deposit or, in case a bond has been deposited in lieu of a cash deposit, the township shall collect the cost of such repairs from the permittee. When the work has been completed in accordance with the requirements and regulations as contained herein and as may from time to time be adopted by the township to implement this chapter, the deposit or such portion of the deposit which may remain will be refunded to the permittee. (Prior code § 14:1-17)

12.04.160 Regulation of ditches.

A. No ditch shall be dug within ten feet of any street without first obtaining the approval of the engineer, which approval shall not be given unless, in his opinion, the ditch will not endanger the construction of the road which it will adjoin.

B. No existing ditch adjoining a street and within ten feet thereof shall be excavated to a depth lower than that now existing without first obtaining the approval of the engineer, which approval shall not be given unless, in his opinion, the lowering of the depth of the ditch will not endanger the construction of the road which it adjoins. (Prior code § 14:1-18)

12.04.170 Emergency street openings.

In the event of an emergency where circumstances will not warrant delay to first secure a street opening permit, a street may be opened without a permit, provided, however, that such opening shall be

confined in size to the area necessary to take care of the emergency. A street opening permit for said emergency opening plus any additional area that it may be necessary to open shall be secured before the close of business on the next business day of the township following the opening. Each day's delay in securing the street opening permit following an emergency street opening shall be deemed a distinct and separate violation of this chapter. (Prior code § 14:1-19)

12.04.180 Violation—Penalty.

Any person who shall violate any provisions of this chapter, or any rule, regulation or standard promulgated hereunder, shall, upon conviction, be liable to a penalty of not more than five hundred dollars (\$500.00) or imprisonment in the county jail for a term not exceeding ninety (90) days, or both, in the discretion of the court. (Prior code § 14:1-20)

12.04.190 Insurance and liability claims.

The applicant shall maintain such insurance as will protect him and the township from claims under the Workmen's Compensation Acts and from claims for damage to property and injury or death to persons. Such property damage insurance shall be written for not less than twenty-five thousand dollars (\$25,000.00) and for personal injuries or death not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence. Evidence of such insurance shall be presented to the township clerk before any permit may be issued.

The applicant shall agree by acceptance and receipt of the permit to save and indemnify and keep harmless the township against all liability claims from accidents to persons or property arising from the road opening or reconstruction of the road and to defend any suit that may be brought against the township relating to the opening of the road or resurfacing of same. (Prior code § 14:1-21)

Chapter 12.08

STREET AND SIDEWALK USE AND MAINTENANCE

Sections:

- 12.08.010 Unlawful activities when roads closed for repair.
- 12.08.020 Sidewalk maintenance.
- 12.08.030 Maintenance of land abutting roadways and intersections.
- 12.08.040 Depositing of rubbish in streets unlawful.
- 12.08.050 Construction or repair of structures in street or sidewalk prohibited.

12.08.010 Unlawful activities when roads closed for repair.

A. Whenever any repairs are being made or any work is being done for the repair or improvement of any street, avenue, or road or public highway, or any portion thereof, in the township, the said street, avenue, road or public highway, or portion thereof, may be closed to travel by the public for such time as shall be necessary to properly do and perform such work.

B. It is unlawful for any person or persons, firm, association, or corporation to drive or permit or suffer to be driven or conveyed thereon any vehicle, wagon, automobile or other conveyance, or to travel upon foot or by beast of burden or otherwise over or upon the portion or portions of such street, avenue, road or public highway so declared and announced to be closed until the same shall be reopened for public use. (Prior code §§ 14:2-1, 14:2-2)

12.08.020 Sidewalk maintenance.

The owner or owners, occupant or occupants of any land or premises abutting on or bordering upon any street, alley, highway or other public place in the township shall prevent the growing of or shall remove or cause to be removed any and all grass, weeds or other vegetable matter growing along any street, alley, highway or other public place in the said township within the space commonly known as sidewalk, between the property line and the curbstone fronting or bounding said premises. (Prior code § 14:3-1)

12.08.030 Maintenance of land abutting roadways and intersections.

The owner or owners, occupant or occupants of any land or premises abutting on any roadway or intersection shall keep all brush, hedges and other plant life growing within ten feet of any roadway and within twenty-five (25) feet of the intersection of any two roadways, cut or maintained to a height of not more than two and one-half feet above the paved surface of the roadway measured from the center of said roadway. In the event that the owner or owners, occupant or occupants of such property shall fail and refuse or neglect to cut the same in the manner as prescribed herein within ten days after notice to cut the same, said failure shall be a violation of the terms and conditions of this section and shall subject the owner or owners, occupant or occupants to the penalties as described in Chapter 1.08. (Prior code § 14:3-3)

12.08.040 Depositing of rubbish in streets unlawful.

It is not lawful for any person, persons, firm, association or corporation to deposit, strew, dump, scatter, or cause to be deposited, strewn, dumped or scattered upon any street or streets, highway or highways, or any other public place within the township any waste or rubbish, including paper, rags, metal, glass, nails, boxes, vegetable matter or other like refuse or substance; or to place such substance or substances upon private property in such negligent or wilful manner that the same shall become deposited, strewn, dumped or scattered upon any street or streets, highway or highways or public places of the said township. (Prior code § 14:4-1)

12.08.050 Construction or repair of structures in street or sidewalk prohibited.

It is unlawful to construct, or to cause to be constructed or continued, any platform, steps, stoop, porch, bay window, cellar door or other obstruction, or to repair or replace any of the same heretofore constructed, in any street of the township, which shall extend more than one-third part of the width of the sidewalk measured from the property line to the curb, or of any greater width or distance than is necessary for convenient passageway into the dwelling or other building; or to construct, replace or repair in any street, road or public highway any stoop or step which shall exceed five feet in height. (Prior code § 14:6- 1)

Chapter 12.12

SIDEWALK SNOW AND ICE REMOVAL

Sections:

- 12.12.010 Responsibility for snow and ice removal.
- 12.12.020 Responsibility for snow removal when owner is a nonresident.
- 12.12.030 Responsibility for snow removal during absences.
- 12.12.040 Placement of snow that has been removed.
- 12.12.050 Violation—Penalty.

12.12.010 Responsibility for snow and ice removal.

It is unlawful for any person or persons, firm, association or corporation, owning, using, occupying or in charge of any house, store, shop, tenement or other building or lot or piece or parcel of land fronting or bordering on any street, road, highway, lane or other public thoroughfare within the limits of the township where there is a sidewalk, to allow or permit any snow, hail, sleet or ice to remain upon said sidewalk for a period exceeding twelve (12) hours of daylight after said snow, hail, sleet or ice shall have ceased to fall, or to be deposited thereon, or to be formed thereon, unless same shall be so congealed that it cannot be removed without injury to the surface of said pavement on said sidewalk, in which case it shall be covered with ashes, sand or other material necessary to prevent persons traveling thereon from slipping or sliding. (Ord. 6-97 § 2(i); prior code § 12:2-1)

12.12.020 Responsibility for snow removal when owner is a nonresident.

In the event the owner of any unoccupied house or tenement, or vacant lot or piece or parcel of land, does not reside in the township and the same is in the charge of an agent, attorney or other representative, then it shall be the duty of such agent, attorney or other representative to remove or cause to be removed from the said sidewalk bounding said property all snow, hail, sleet or ice within the time stated in Section 12.12.010. (Prior code § 12:2-2)

12.12.030 Responsibility for snow removal during absences.

It shall be the duty of each and every owner, tenant or agent of any property, as aforesaid, and classed within the meaning and intent of this chapter, to arrange for the removal of such snow, hail or sleet or ice as required by this chapter in his or her absence. (Prior code § 12:2-3)

12.12.040 Placement of snow that has been removed.

It is unlawful for any such owner, occupant, tenant or agent, as aforesaid, to cause said snow, hail, sleet or ice, when removed from said sidewalk in accordance with this chapter, to be placed on the street or roadway within eight inches of the curb or to impede or prevent the free passage of water along the gutters fronting said property or properties. (Prior code § 12:2-4)

12.12.050 Violation—Penalty.

Any person or persons, firm, association or corporation violating this ordinance or any part hereof, shall, upon conviction, be subject to the penalties as provided in Chapter 1.08. (Ord. 6-97 § 2(j); prior code § 12:2-5)

Chapter 12.16

HOUSE NUMBERING SYSTEM

Sections:

- 12.16.010 Map adopted by reference—Owner/
occupant requirement.
- 12.16.020 Compliance required.
- 12.16.030 Fine for noncompliance.

12.16.010 Map adopted by reference— Owner/occupant requirement.

By virtue of the power and authority conferred by statute R.S. 40:67, the system of numbering all buildings and lots of land and naming streets in the township as shown on a map entitled “House Numbering Plan, 1966,” made by M. Paul Austin, Engineering Associates, Inc., township engineer, dated January, 1966, consisting of Sheets No. 1 through 18(b) inclusive, and filed in the office of the township clerk, providing a number for all buildings and lots and names for all streets in the township, is made a part of this chapter and is adopted, and the names of streets of said map are assigned to the respective streets in the township and the number shown thereon for each building and lot is assigned to that building or lot. The number so assigned to each building shall be displayed by the owner or occupant on the front of the building or in the front yard in numerals, at least three inches in height, at or near the front entrance to the building or premises, and so located as to be visible to persons passing by the premises on the abutting street. (Prior code § 14:12-1)

12.16.020 Compliance required.

No certificate of compliance shall be issued for the occupancy of any building hereafter erected or enlarged unless the provisions of the foregoing section shall have been complied with. (Prior code § 14:12-2)

12.16.030 Fine for noncompliance.

The occupant or owner of any building who shall not comply with the provisions of Sections 12.16.010 and 12.16.020 within three months of the notice of the number assigned to the building, shall upon conviction thereof, be fined not more than fifty dollars (\$50.00) at the discretion of the magistrate. (Prior code § 14:12-3)

Chapter 12.20

PARK AND RECREATION AREA USE REGULATIONS

Sections:

12.20.010	Prohibited activities.
12.20.020	Permission required.
12.20.030	Authority.
12.20.040	Use of field house.
12.20.050	Keys to be returned.
12.20.060	Users subject to prosecution and withdrawal of use privilege.
12.20.070	Use permission and precedence.
12.20.080	Responsibility for maintaining order.
12.20.090	Miscellaneous regulations.
12.20.100	Threatening persons to be banned.
12.20.110	Fields off-limits after dark.
12.20.120	Dogs—Where permitted.
12.20.130	Alcoholic beverages prohibited.
12.20.140	Violation—Penalty.

12.20.010 Prohibited activities.

No person in a public park and recreation area shall:

A. Wilfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railing, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

B. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency;

C. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;

D. Sell, offer for sale, hawk or display merchandise or food for sale in public recreational parks of the township, without the written permission of the recreation commission of the township. (Prior code § 12:21-1)

12.20.020 Permission required.

The field house may not be used without written permission. Normal request should be made ten days in advance of meeting to the chairman or secretary of the recreation commission. (Prior code § 12:21-2)

12.20.030 Authority.

The recreation commission shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Prior code § 12:21-3)

12.20.040 Use of field house.

A. Groups using the field house are expected to use trash receptacles (butt cans) and leave the premises clean and orderly.

B. When leaving the field house, supervisors of activities shall:

1. Check that thermostat is turned down;

2. Insure that lavatories are flushed and clean;
3. Check that all lights are turned off. Only authorized adults shall actuate the main electrical control box;
4. Check that all doors are locked. (Prior code §§ 12:21-4, 12:21-5)

12.20.050 Keys to be returned.

Keys issued to coaches/supervisors are to be returned at end of season. President/chairmen of organizations may retain keys when desirable. (Prior code § 12:21-6)

12.20.060 Users subject to prosecution and withdrawal of use privilege.

- A. Any person destroying or misusing park property or equipment will be subject to prosecution by law.
- B. Anyone acting in a disorderly manner (profane language/obscene act) may have privilege to use park facilities withdrawn. (Prior code §§ 12:21-7, 12:21-8)

12.20.070 Use permission and precedence.

Permission to use the park facilities will be granted by the recreation committee. Regularly scheduled games will always take precedence. (Prior code § 12:21-9)

12.20.080 Responsibility for maintaining order.

Managers/coaches have responsibility for maintaining order and cleaning park area used. Failure to meet responsibility may result in suspension of privilege to use facilities in the future. (Prior code § 12:21-10)

12.20.090 Miscellaneous regulations.

- A. Glass containers are not permitted on the recreation grounds.
- B. Bicycles must be parked in bicycle racks at all times.
- C. Motor vehicles are not permitted on playing fields. They must be parked in designated areas.
- D. Driving of golf balls and archery are not permitted on recreation grounds. (Prior code §§ 12:21-11—12:21-14)

12.20.100 Threatening persons to be banned.

If at any time any member of the recreation commission is threatened by any person or persons, this person or persons will be banned from using all recreation facilities. (Prior code § 12:21-15)

12.20.110 Fields off-limits after dark.

Fields are off-limits after dark, except for properly supervised group activities approved by the recreation commission. (Prior code § 12:21-16)

12.20.120 Dogs—Where permitted.

No dogs are permitted on the recreation grounds with the exception of Wood Lake Park. Any dog present in Wood Lake Park must be secured by a leash at all times; and the person walking the dog shall be responsible for the immediate removal of any feces deposited by the dog in and around said park. (Prior code § 12:21-17)

12.20.130 Alcoholic beverages prohibited.

No alcoholic beverages are allowed on the recreation fields or in field houses at any time unless by special written permission of the recreation commission. (Prior code § 12:21-18)

12.20.140 Violation—Penalty.

Any persons violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto, shall upon conviction be subject to the replacement, repair or restoration of any damaged park property and shall be subject to a fine not exceeding two hundred dollars (\$200.00) and in default of payment thereof may be sentenced to imprisonment in the county jail in the discretion of the magistrate, for a term not exceeding ninety (90) days. (Prior code § 12:21-19)

Chapter 12.24

PUBLIC OUTDOOR RECREATION FACILITIES

Sections:

12.24.010	Definitions.
12.24.020	Permit required.
12.24.030	Permit requirements.
12.24.040	Regulations.
12.24.050	Violations of permit.
12.24.060	General penalty.
12.24.070	Enforcement.

12.24.010 Definitions.

As used in this chapter:

“Operate” means any use of the facilities based upon payment of a fee whether it be by way of entrance fee, membership dues, or other form of contribution.

“Public outdoor recreational facility” means and includes privately owned park, bathing or swimming facility, lake, golf course, picnic grove, riding academy or a facility of like nature which is open to the general public upon payment of a prescribed fee charged for the use of the facilities involved.

“Township” means the township of Edgewater Park within the county of Burlington and state of New Jersey. (Prior code § 12:28-1)

12.24.020 Permit required.

No person, firm or corporation shall operate a public outdoor recreational facility within the township without a lawfully issued permit as provided for under the provisions of this chapter. (Prior code § 12:28-2)

12.24.030 Permit requirements.

A. Form. A person, firm or corporation desiring a permit under the provisions of this chapter shall file an application in triplicate on a township-approved form to the township clerk of the township together with the prescribed fee elsewhere herein established.

B. Public Hearing. The township clerk upon receipt of a properly completed application form shall cause the question of the issuance of the license herein specified to be placed upon the agenda of the next regularly scheduled township committee meeting provided that sufficient time is available subsequent to the receipt of the application during which the applicant can cause notice of the pendency of the application to be published, or the township clerk shall schedule the hearing for a date which allows sufficient time for the publication herein required. Applicant shall cause notice of the hearing to be published in a newspaper of general circulation within the community at least ten days prior to the date scheduled for the hearing. Publication shall be deemed jurisdictional to the ability of the township committee to take action upon the application.

C. Action. The township committee on the date set by the township clerk shall hold a public hearing and consider the testimony by the applicant and any interested party on the application. At the conclusion of the public hearing either on the date specified for its commencement, or any adjourned date thereof, or within thirty (30) days after the close of all public hearings the township committee shall by resolution either grant or deny the permit requested. In the event that a permit is granted it may either be with or without condition designed to effectuate the regulations hereinafter set forth.

D. Fee. An applicant seeking a permit under the provisions of this chapter shall pay an application fee in the amount of twenty-five dollars (\$25.00).

E. Term. A permit issued under the provisions of this chapter shall be valid from the date of

issuance until April 1st of the next succeeding year. An applicant seeking renewal of an existing permit shall make annual application thereafter in the same fashion as an original application. (Prior code § 12:28-3)

12.24.040 Regulations.

Any permittee under the provisions of this chapter shall comply with the following regulations:

A. Noise. The sound pressure of any use (not including ambient noises not under control of the operator of the use) shall not exceed 65 dBA between seven a.m. and ten p.m. nor 50 dBA between seven p.m. and ten a.m. on any point on the property line of the lots outside the lots upon which the permitted activity is located, such that decibel levels (decibels—10 loa P1 P2 where P2 is the referenced quality of 0.002 dyne.cm². Sound pressure to be measured according to the specifications published by the American Standard Assn.) in the designed octave band shown below (except for emergency alarm signals, subject to the following corrections: subtract five decibels for pulsating or periodic noises, add five decibels for noise sources operating less than twenty (20) percent of any one-hour period) shall be the maximum allowable sound pressure levels unless more restrictive requirements are established by county, state or federal agencies.

Octave

**BandAlongAlong
CyclesResidenceBusiness
PerDistrictDistrict
SecondBoundariesBoundaries**

7 a.m.— 10 p.m.—

10 p.m. 7 a.m.

0—124	65	50	65
125—249	58	44	62
250—499	53	39	59
500—999	46	35	53
1000—2400	40	30	47
2400—4800	34	26	41
above 4800	32	24	39

B. Hours of Operation. No permittee under the provisions of this chapter shall operate his facility between the hours of twelve midnight and six a.m. prevailing time.

C. Fencing. A permittee under this chapter shall provide a fence or barrier enclosing the location of sufficient height and strength to prevent people from wandering onto adjacent properties not under the control of the permittee. The barrier shall have at least three gates in order to provide access to and from the facility.

D. Potable Water. A permittee under this chapter shall provide potable water meeting all federal and state requirements for purities sufficient to provide drinking water for the estimated maximum number of people to be assembled in accordance with requirements of the county board of health.

E. Sanitary Facilities. The applicant shall provide separate enclosed toilets for males and females meeting all state and local specifications and conveniently located throughout the grounds sufficient to provide facilities for the estimated maximum number of people to be assembled in accordance with requirements of the county board of health.

F. Solid Waste. The permittee under this chapter shall provide a sanitary method of disposing of solid waste in compliance with state and local laws and regulations sufficient to dispose of

solid waste production emanating from the tract at a rate of at least two and five-tenths (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once a day during the operation of the facilities and sufficient trash cans and personnel to perform the task.

G. Lighting. For those areas of the facility regulated under the provisions of this chapter used during hours of darkness, illumination sufficient to light the entire area being used at the rate of at least five footcandles, but not shine unreasonably beyond the barriers of the enclosed area, shall be provided.

H. Parking. A permittee under the provisions of this chapter shall provide within the grounds enclosed by the fence or barrier required under subsection C of this section adequate free parking area to accommodate the maximum number of people assembled within the facility during normal business activities. As a general guide, the permittee shall provide parking space at the rate of at least one parking space for every ten persons unless the applicant or the township can demonstrate that a lesser ratio or a greater ratio is required.

I. Telephone Service. The permittee shall within the grounds enclosed by the fence or barrier required under subsection C of this section have three public phones connected to outside lines.

J. Security. It shall be the responsibility of the permittee licensed under the provisions of this chapter to provide at his expense adequate security on-site to maintain order and to prevent situations during which riotous or moblike activities endanger the health, safety or welfare of those making use of the facility or the public at large. In meeting this requirement the permittee as a minimum shall employ security guards, either regularly employed duly sworn off-duty New Jersey peace officers, or private guards licensed in New Jersey in accordance with the following standards:

1. During the week other than holidays—zero;

2. On Saturdays—one;

3. On Sundays or weekday holidays—two. In addition to the above, the permittee shall at all times that the facility is open for use have properly trained employees sufficiently identifiable from the general public through the use of badges, insignias or uniforms, to maintain order. The permittee shall record with the police department of the township the names of all security personnel being utilized by the permittee. In meeting the above standard the permittee shall not be permitted to employ members of the Edgewater Park Township police department. The permittee shall have the right, where inclement weather conditions indicate less than the required security forces listed above are necessary, to reduce the number specified above upon notification of the police department of this fact.

K. Fire Protection. The permittee shall maintain fire protection including alarms, extinguishing devices, fire lanes, and escapes sufficient to meet all state and local standards for the facility being licensed under the provisions of this chapter, as set forth in the statutes of the state of New Jersey, and the ordinances of the township.

L. Public Conduct. It shall be the responsibility of the permittee to prohibit and control unlawful, boisterous, immoral or improper conduct upon the premises being licensed by this facility. The sale of alcoholic beverages is prohibited. Any behavioral problems which are the product of the consumption of alcoholic beverages which constitute disorderly conduct leading to a situation dangerous to life or property shall constitute a violation of the permit issued under the provisions of this chapter. (Prior code § 12:28-4)

12.24.050 Violations of permit.

A. Generally. A permittee under the provisions of this chapter holds said permit subject to compliance with the regulations set forth in Section 12.24.040 above. Any material violations of the regulations may subject the permittee to the revocation or suspension of the permit issued under the provisions of this chapter and further, shall constitute a proper basis upon which the township committee may refuse to reissue a permit to the permittee.

B. Temporary Suspension. The director of public safety/chief law enforcement officer of

the police department of Edgewater Park, or his designate, shall have the right to temporarily suspend the permit issued under the provisions of this chapter pending a hearing where he or his designate shall determine that conditions exist upon the premises for which a permit has been issued which have or are likely to create an immediate danger to life or property through uncontrolled or riotous moblike activity. Within twenty-four (24) hours from the date that the director of public safety/chief law enforcement officer or his designate shall take action pursuant to this subsection, the permittee shall be entitled to a hearing before township committee to determine whether probable cause existed that the standards set forth above were or were not about to be violated. The director of public safety/chief law enforcement officer or his designate, shall notify the township clerk of action pursuant to this subsection within a reasonable time from taking action pursuant to its provisions and the township clerk after consultation with the mayor shall notify the permittee of the time, date and place of the hearing herein provided. The permit suspended pursuant to this subsection shall remain suspended until such time as a hearing is conducted, at which point it may be further suspended pending a formal hearing under the provisions of subsection C of this section. The permittee may waive his rights to hearing under this subsection and instead rely upon a hearing afforded pursuant to subsection C of this section.

C. Hearing Procedure.

1. Generally. The township committee, when it determines that a permittee under the provisions of this chapter may have violated one of the regulations set forth under subsection B of this section, shall schedule a public hearing before the township committee to determine whether in fact such a violation has occurred.

2. Notice. At least fourteen (14) days prior to the date scheduled for the hearing the township committee shall send a notice to the permittee at the address specified within his application for notice of the date, time and place of the hearing being scheduled by the township committee. Accompanying the notice shall be a brief statement of the factual basis upon which the township committee believes that a violation of any of the regulations set forth in Section 12.24.040 has occurred. No further notice shall be required.

3. Hearing. The township committee, pursuant to the Municipal Investigation Act, shall hold an administrative hearing, examine witnesses, and determine factually the events which occurred which are the basis for the belief that a violation has occurred. The permittee shall have the right to be present and be represented by counsel at the hearing. The permittee may present witnesses, cross-examine witnesses and generally present evidence to the township committee on the issues involved. The public hearing may be adjourned to a date certain by the township committee in the event that the hearing cannot be concluded on the initial date specified without a requirement of further notice.

a. Revocation. The township committee may revoke the permit issued where it determines that a material violation of the regulations has occurred. In the event that subsequent to revocation the permittee or his successor resubmits an application for a permit for the licensed premises, the permittee or his successor shall show cause during the public hearing scheduled on that application why the material violation determined by the township committee to be a basis for revocation will not occur in the future. In the event that the township committee shall after the hearing determine that there is insufficient basis for the conclusion that the permittee or his successor may not again violate the regulations specified, they shall deny the permit request.

b. Suspension. The township committee may suspend the permit issued pursuant under the provisions of this chapter for a period of time up to the remaining term existing under the permit in question.

c. Penalty in Lieu of Suspension. In lieu of suspension under the provisions of subsection (C)(3)(b) of this section, the applicant may pay a penalty of up to one hundred dollars (\$100.00) per each day of suspension, which sum shall be specified in the resolution required under the provisions of Section 12.24.030(C). (Prior code § 12:28-5)

12.24.060 General penalty.

In addition to provisions of Section 12.24.050, any person, firm or corporation found to be in violation of the provisions of this chapter may be subject to a fine not to exceed five hundred dollars (\$500.00) or a jail term not to exceed ninety (90) days, or both, as determined by the judge of the municipal court of the township, for each day that a violation is occurring. (Prior code § 12:28-6)

12.24.070 Enforcement.

The township committee and the police department of the township shall be enforcement agents of the provisions of this chapter. (Prior code § 12:28-7)

Chapter 12.28

SHADE TREES

Sections:

12.28.010	Commission established.
12.28.020	Authority.
12.28.030	Appointment and organization.
12.28.040	Statutory powers.
12.28.050	Responsibility for maintenance.
12.28.060	Permission required for tree removal or planting.
12.28.070	Removal of trees deemed a public hazard.
12.28.080	Violations—Penalties.

12.28.010 Commission established.

There is established in the township a shade tree commission to be known as the Shade Tree Commission of the Township of Edgewater Park, consisting of three members to be appointed by the township committee who shall be residents of the township and serve without compensation. (Prior code § 13:1-1)

12.28.020 Authority.

The regulation, planting, care and control of shade and ornamental trees and shrubbery upon and along the streets, highways, public places, parks and parkways of the township, except county parks or parkways, shall be exercised by and under the authority of the shade tree commission. (Prior code § 13:1-2)

12.28.030 Appointment and organization.

The members of the shade tree commission shall be appointed for the term and the commission organized as set forth in Chapter 64 of Title 40 of the Revised Statutes of New Jersey. (Prior code § 13:1-3)

12.28.040 Statutory powers.

The shade tree commission shall have the power to do and perform any and all acts as set forth in said Chapter 64 of Title 40 of the Revised Statutes of New Jersey. (Prior code § 13:1-4)

12.28.050 Responsibility for maintenance.

A. All shade trees and ornamental trees along public streets, highways, parks, parkways and walkways are the property of the township but property owners adjacent to said trees shall have the responsibilities of maintaining these trees in a safe manner.

B. Property owners are to maintain all shade trees and ornamental trees in such a manner as not to interfere with the safe movement of pedestrians or motor vehicles.

C. All trees bordering public walkways will have no overhanging of limbs or branches on said walkways, for a height of at least seven feet from the ground, wherever possible.

D. No ornamental shrub shall encroach upon public walkways or public streets. (Prior code §§ 13:1-5—13:1-8)

12.28.060 Permission required for tree removal or planting.

A. Permission of the shade tree commission shall be requested in writing before a property owner removes any shade tree or ornamental tree from the public property or right of way in front of said property owners premises.

B. Permission in writing of the shade tree commission shall be requested before a shade or ornamental tree may be planted along public property in front of any property owners premises.

C. The shade tree commission shall regulate the types and species of any shade or ornamental tree to be planted on public properties. (Prior code §§ 13:1-9—13:1-11)

12.28.070 Removal of trees deemed a public hazard.

Shade trees and ornamental trees deemed a public hazard, located on public property in front of a property owner's premises, shall be removed at said property owner's expense. The shade tree commission may, at its discretion, have a hazardous tree or part thereof removed at the property owner's expense and billed for said services. (Prior code § 13:1-12)

12.28.080 Violations—Penalties.

A fine of up to one hundred dollars (\$100.00) may be leveled for violations of any shade tree ordinances or for the wilful destruction of any shade or ornamental tree, shrubbery, bushes or any other plant located on public streets, walkways, highways, parks or parkways. (Prior code § 13:1-13)

Chapter 12.32

FLOODPLAIN MANAGEMENT CRITERIA

Sections:

- 12.32.010 Adoption by reference.
- 12.32.020 Copies for public inspection.
- 12.32.030 Map adopted by reference.
- 12.32.040 Designated official.

12.32.010 Adoption by reference.

The provisions of Title 44, Code of Federal Regulations, Part 59 and more particularly subpart 60.3 thereof entitled "Flood Plain Management Criteria for Flood-Prone Areas," are adopted by reference. (Prior code § 12:34-1)

12.32.020 Copies for public inspection.

Copies of the regulations described in Section 12.32.010 are on file in the office of the township clerk and may be inspected by the public upon request. (Prior code § 12:34-2)

12.32.030 Map adopted by reference.

The township adopts by reference the Flood Insurance Rate Map which is dated April 15, 1992, which map identifies the flood hazard areas in the township. (Prior code § 12:34-3)

12.32.040 Designated official.

The township designates the township clerk as the official responsible for complying with the eligibility requirement set forth in the subpart 59.21 et seq. of Title 44 of the Code of Federal Regulations. (Editorially amended during 1997 codification; prior code § 12:34-4)

Chapter 12.36

MEETINGS, ASSEMBLIES AND PARADES IN PUBLIC PLACES*

Sections:

12.36.010	Definitions.
12.36.020	Permit required.
12.36.030	Exceptions.
12.36.040	Application.
12.36.050	Findings required.
12.36.060	Conditions to permit.
12.36.070	Prior application.
12.36.080	Notice of issuance or denial.
12.36.090	Appeal procedure.
12.36.100	Contents of permit.
12.36.110	Duty of permittee.
12.36.120	Revocation of permit.
12.36.130	Public conduct during a meeting, assembly or parade.

* Prior history: Ord. dated 8-4-24.

12.36.010 Definitions.

As used in this chapter:

“Activity” means a parade or public meeting or assembly.

“Funeral procession” means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director.

“Parade” means a march or procession of any kind.

“Public meeting or assembly” means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds. (Ord. 6-97 § 2(o) (part): prior code § 14:5-1)

12.36.020 Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in compliance with the provisions of this chapter, except as herein provided. (Ord. 6-97 § 2(o) (part): prior code § 14:5-2)

12.36.030 Exceptions.

This chapter shall not apply to any of the following:

A. Funeral processions;

B. A governmental agency acting within the scope of its functions;

C. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorities by the school district to approve and supervise such activity. (Ord. 6-97 § 2(o) (part): prior code § 14:5-3)

12.36.040 Application.

Application for permits under this chapter must be filed with the director of public safety/chief

law enforcement officer not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the director of public safety/chief law enforcement officer to determine that said activity will meet the requirements set forth in Section 12.36.050.

This application shall be in writing and shall give the following information:

- A. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;
- B. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;
- C. The purpose of the activity;
- D. The date, time and location or route of the proposed activity;
- E. The approximate number of persons who will participate in the activity and the number and kind of vehicles, equipment and animals which will be used;
- F. Plans for the assembly and dispersal of the parade, including times and locations thereof;
- G. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;
- H. A statement as to whether a permit has been requested or obtained from any other city within which said activity shall commence, terminate or occur in part;
- I. Any additional information which the director of public safety/chief law enforcement officer shall find reasonably necessary to a determination of the findings required by Section 12.36.050. (Ord. 6-97 § 2(o) (part): prior code § 14:5-4)

12.36.050 Findings required.

The director of public safety/chief law enforcement officer or his designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he finds that:

- A. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;
- B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;
- C. The conduct of such activity will not unduly interfere with the movement of firefighting equipment en route to a fire, or the movement of other emergency equipment;
- D. The conduct of such activity is not reasonably likely to cause injury to person or property; and
- E. Such activity is not to be held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor. (Ord. 6-97 § 2(o) (part): prior code § 14:5-5)

12.36.060 Conditions to permit.

The director of public safety/chief law enforcement officer shall have authority to impose such conditions as are necessary to insure that all of the findings mentioned in Section 12.36.050 shall exist during the continuation of the activity. (Ord. 6-97 § 2(o) (part): prior code § 14:5-6)

12.36.070 Prior application.

If a prior application shall have been made for an activity proposed to be held at the same time or place, the director of public safety/chief law enforcement officer may refuse approval of the later application. In case of such refusal, he shall forthwith send the applicant a written notice that he may

apply for an alternate time and place. (Ord. 6-97 § 2(o) (part): prior code § 14:5-7)

12.36.080 Notice of issuance or denial.

The director of public safety/chief law enforcement officer shall act upon the permit application within three days of the filing thereof. If he disapproves of the application, he shall mail to the applicant within that three-day period notice of the denial and the reason for it. (Ord. 6-97 § 2(o) (part): prior code § 14:5-8)

12.36.090 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the township committee. A notice of appeal shall be filed with the city clerk within two days after receipt of notice of the denial. The township committee shall act upon the appeal at its next meeting following receipt of the notice of appeal. (Ord. 6-97 § 2(o) (part): prior code § 14:5-9)

12.36.100 Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit. (Ord. 6-97 § 2(o) (part): prior code § 14:5-10)

12.36.110 Duty of permittee.

A permittee hereunder shall comply with all terms and conditions of said permit and with all applicable laws and ordinances.

The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the activity for which the permit was issued. (Ord. 6-97 § 2(o) (part): prior code § 14:5-11)

12.36.120 Revocation of permit.

The director of public safety/chief law enforcement officer may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of said permit or if the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those elements of the public safety or welfare set forth in Section 12.36.050. (Ord. 6-97 § 2(o) (part): prior code § 14:5-12)

12.36.130 Public conduct during a meeting, assembly or parade.

A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this chapter.

B. The director of public safety/chief law enforcement officer shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The director of public safety/chief law enforcement officer shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 6-97 § 2(o) (part): prior code § 14:5-13)