

ORDINANCE NO. 26-2019

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF ROSELAND ENTITLED "POLICE REGULATIONS"

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter III Section 13 entitled "Weapons and Firearms Awareness Zones" within the Revised General Ordinances of the Borough of Roseland;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter III "Police Regulations" Section 13 "Weapons and Firearms Awareness Zones" of the Revised General Ordinances of the Borough of Roseland shall be amended to add the following ~~thus~~ and to delete the following ~~thus~~:

~~**3-13 WEAPONS AND FIREARMS AWARENESS ZONES.**~~

3-13 FIREARMS AND HUNTING.

3-13.1 General Provisions.

It is the intent of the Borough in enacting this section that it shall coexist with ~~the State~~ Statute ~~and shall not supersede it. The areas delineated herein are within the Borough only, and are subject to the exemptions set forth in subsection 3-13.5 below. The, N.J.S.A. 2C:39-5, which pertains to the possession of firearms or other weapons in these area must be authorized by the Borough Police Department, and shall not supersede it.~~ The municipal penalties set forth below ~~for failure to obtain such authorization,~~ are separate and apart from ~~the any~~ penalties which may be imposed pursuant to ~~the State~~ Statute.

3-13.2 Firearms Prohibited in Designated Zones.

Subject to the exemptions set forth in subsection 3-13.5 below, any person who knowingly has in his possession and/or distributes or dispenses any firearm, as defined by N.J.S.A. 2C:39-1, in or upon any part of the Weapons and Firearms Awareness Zones within the Borough, which are enumerated in subsection 3-13.4 below, without the written authorization of the Borough Police Department, shall be subject to the penalties outlined in subsection 3-13.~~68~~ below, separate and apart from the penalties which may be imposed pursuant to the Statute^{*}, irrespective of whether such person possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

3-13.3 Weapons and Weapon or Firearm Components Prohibited in Designated Zones.

Subject to the exemptions set forth in subsection 3-13.5 below, any person who knowingly has in his possession, and/or distributes or dispenses any weapon enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.A. 2C:39-1, or any components which can be readily assembled into a firearm or other weapon, enumerated in subsection r. of N.J.S.A. 2C:39-1, or any other weapon under

circumstances not manifestly appropriate for such lawful use as it may have, or any ammunition of any kind, while in or upon any part of the Weapons and Firearms Awareness Zones, without the written authorization of the Borough Police Department, shall be subject to the penalties outlined in subsection 3-13.68 below.

3-13.4 Zones Designated.

The following areas, which shall not exceed the boundaries of the Borough, are hereby declared Weapon and Firearms Awareness Zones: all areas in, around or upon any part of the buildings, grounds and/or vicinity of: (i) the areas delineated on the maps; (ii) public buildings and, (iii) all other Borough property, including but not limited to, public parks, playgrounds, recreation areas, public facilities and/or any other public buildings or lands.

The maps referred to herein are the Drug-Free School Zones Map and Drug-Free Public Facilities Map. See Section 3-12.

3-13.5 Exemptions.

The following parties, provided that they are lawfully authorized to carry weapons and/or firearms under the particular circumstances and appropriate under such circumstances, shall be exempted from the requirements of this section, including but not limited to, the requirements of subsections 3-13.2 and 3-13.3 above: (i) a regularly employed member, including a detective, of the Borough Police Department, and (ii) all of the parties referred to in N.J.S.A. 2C:39-6 as being exempt from any section of N.J.S.A. 2C:39-6, without regard to any language prefacing such exemptions which may limit the application of those exemptions to certain subsections of N.J.S.A. 2C:39-5, which exemptions shall include, but shall not be limited to, the following:

a. A person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in N.J.S.A. 2C:39-6(g), from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one (1) place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location. (N.J.S.A. 2C:39-6(e))

b. A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has otherwise complied with the requirements of N.J.S.A. 2C:39-6(f)(1). (~~N.J.S.A. 2C:39-6(f)(1)~~)

c. A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license. (N.J.S.A. 2C:39-6(f)(2))

d. A person transporting any firearm or knife while traveling, as set forth in subsection N.J.S.A. 2C:39-6(f)(3), which includes but is not limited to travel: (i) directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing

license, (ii) directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided that during the course of the travel all firearms are carried in the manner specified in subsection N.J.S.A. 2C:39-6(f)(3) and, (iii) in the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, subject to the requirements of that subsection N.J.S.A. 2C:39-6(f)(3).

e. N.J.S.A. 2C:39-6(g) setting certain requirements for the transportation of weapons by certain exempt parties shall apply to this section as set forth therein, and the provisions of N.J.S.A. 2C:39-6(h)—(k) shall also apply to this section.

3-13.6 Discharge Unlawful.

No person shall fire, set off or discharge within the limits of the Borough of Roseland any revolver, pistol, gun, rifle, shotgun or firearm of any kind using cartridges, gunpowder or other explosive substances for ammunition, provided that nothing contained herein shall be construed to extend to law enforcement officers, to military maneuvers or to target practice upon a firing range approved by the Chief of Police, to the holders of a special license or permit under a state law authorizing the destruction of vermin or animals, to a deer management program approved by the Governing Body, or to persons actually engaged in the preservation or defense of life, person or property as authorized in the New Jersey Criminal Code.

3-13.7 Use to Hunt Unlawful.

No person shall, at any time, hunt for, pursue, shoot at, kill, capture, injure or destroy any wild bird, animal or fowl within the Borough of Roseland with a gun or any firearm of any kind or character, with an air rifle, pistol or spring gun of any kind or character, or with any bow and arrow, except in connection with a deer management program approved by the Governing Body.

3-13.8 Violations and Penalties.

a. Consistent with N.J.S.A. 40:49-5, violations of this section shall be punishable, in the discretion of the Municipal Court, by: (i) imprisonment for a term not to exceed ninety (90) days or (ii) a fine not less than one hundred (\$100.00) dollars and not to exceed one thousand two hundred fifty (\$1,250.00) dollars or (iii) by a period of community service not exceeding ninety (90) days.

b. Any person convicted of violating this section within one (1) year of the date of a previous violation of this section, and who was fined for the previous violation, shall be considered a repeat offender and shall be subject to each penalty prescribed in paragraph a. above and, to an additional fine not less than the minimum, but not to exceed the maximum fine imposed in paragraph a. above.

c. A person convicted of a violation of this section, and in default of any fine imposed therefor, may, in the discretion of the Municipal Court, be imprisoned for any term not exceeding ninety (90) days or be required to perform community service for a period not exceeding ninety (90) days.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: August 20, 2019

Motion to Introduce by: Councilman Bardi

Motion Seconded by: Councilwoman Perrotti

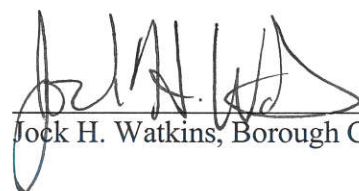
Introduction Approved: 5-0 voice vote (Councilwoman Fishman absent)

DATE OF ADOPTION: September 17, 2019

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilwoman Fishman			X				
Councilman Freda		X	X				
Councilman Jacobs			X				
Councilwoman Perrotti			X				
Councilwoman Tolli			X				
Mayor Spango (In case of tie)							
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 17th day of September, 2019.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: September 26, 2019, The Progress