

ORDINANCE 2019-07

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, SO AS TO AMEND CHAPTER 118, ENTITLED
“FIREARMS AND FIREWORKS”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 118, entitled “Firearms and fireworks,” so as to delete the existing Chapter 118 in its entirety and replace it with a new Chapter 118, entitled “Firearms” and which shall read as follows:

ARTICLE I. Firearms.

§118-1 Prohibitions.

- A.** It shall be unlawful for any person to carry or have in his or her possession a loaded firearm within the Borough of Bay Head. The term “firearm” is as defined by N.J.S.A. 2C:39-1.
- B.** Other than for self-defense or for the purpose of preserving the life of another, it shall be unlawful for any person to discharge a firearm within the Borough of Bay Head.

§118-2 Exceptions.

- A.** Persons authorized to carry firearms by N.J.S.A. 2C:39-6 in performance of their duty.
- B.** The owner or lessee of property, at his or her property or any other land owned or possessed by him or her or to or from any place of purchase or repair of firearms and their residence, premises, place of business provided they comply with the provisions Title 2A.

§118-3. Violations and penalties.

For a violation of any provision of this article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days or a period of community service not exceeding 90 days, or any combination thereof. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

ARTICLE II. Fireworks.

§118-4. Prohibition.

Pursuant to N.J.S.A. 21:3-2, it is unlawful for any person to sell, possess or use dangerous fireworks within the Borough of Bay Head. Such fireworks include but are not limited to firecrackers; torpedoes; skyrockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks.

§118-5. Exceptions.

Notwithstanding §118-4, 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.

§118-6 Violations and Penalties.

- A. 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.
- B. 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.

SECTION 2. 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 3. 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 Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 1st day of April, 2019, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 6th day of May, 2019, at 7:00 p.m., at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, 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.

Patricia M. Applegate, RMC
Borough Clerk, BOROUGH OF BAY HEAD

Honorable William W. Curtis
MAYOR