

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: _____

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
REPEALING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED "LOITERING"**

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 65 entitled "Loitering" of the Code of the Township of Monroe is hereby repealed in its entirety:

SECTION 1.

- § 65-1. Definitions.**
- § 65-2. Certain types of loitering prohibited.**
- § 65-3. Enforcement.**
- § 65-4. Loitering by minors.**
- § 65-5. Notice of violation.**
- § 65-6. Presumption on second violation.**
- § 65-7. Violations and penalties.**

[**HISTORY: Adopted by the Council of the Township of Monroe 8-5-74 as Ord. No. 255. Section 65-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Article I. Other amendments noted where applicable.**]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 8.
Curfew — See Ch. 28.

§ 65-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Remaining idle in essentially one location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression "hanging around."

PARENT or GUARDIAN — Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE — Any place to which the public has access, and includes any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or, in the case of a minor, not owned by or under the control of his parent or guardian.

§ 65-2. Certain types of loitering prohibited.

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest or interfere with any person lawfully in any public place as defined in § 65-1. This subsection will include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 65-3. Enforcement.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 65-2, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 65-4. Loitering by minors.

No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this chapter.

§ 65-5. Notice of violation.

Whenever any minor under the age of eighteen (18) years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.

§ 65-6. Presumption on second violation.

If at any time within thirty (30) days following the giving of notice as provided in § 65-5, the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 65-7. Violations and penalties. Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both.

SECTION 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. This Ordinance shall take effect twenty (20) days after passage, adoption and publication according to law.

SO ORDAINED, as aforesaid.

GERALD W. TAMBURRO, Council President

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on December 9, 2015. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on December 28, 2015 at 7:00 p.m. in the Monroe Township Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to its consideration for final passage by the Council.

SHARON DOERFLER, Township Clerk

MAYORAL APPROVAL

Pursuant to the Optional Municipal Charter Law of 1950 and Section 3-19 of the Monroe Township Code, my approval of this Ordinance is effected by the affixing of my signature hereto.

RICHARD PUCCI, Mayor

Date Signed: _____