

ORDINANCE NO. 2008-14

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVI POLICE REGULATIONS, and
CHAPTER XVII ALCOHOLIC BEVERAGE CONTROL,
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,

WHEREAS, certain provisions of the Borough Ordinances do not comply with Court decisions and/or rulings of State Agencies, and the Borough wishes to revise and/or repeal those provisions.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

SECTION I. Chapter XVI Police Regulations is hereby amended and supplemented as follows:

~~16-2 LOITERING AND CURFEWS.~~

~~16-2.1 Loitering Prohibited.~~

~~No person shall loiter in or upon any public street, sidewalk, highway, boardwalk, road, alley or other public place in the Borough. (1966 Code § 3-2.1; Ord. No. 1991-1 § 16; Ord. No. 2005-23 § I)~~

~~16-2.2 Other Public Place Defined.~~

~~"Other public place" as used in this section shall include:~~

~~a. The front of or in the neighborhood of any store, shop, restaurant, luncheonette, tavern or any other place of business without limitation.~~

~~b. Public grounds, areas, parks, marinas, buildings and boardwalks without limitation including public parking lots.~~

~~c. Any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section, or in the case of a minor under the age of eighteen (18) years, not owned or under the dominion of the parent, guardian or other adult person having the care and custody of the minor.~~

~~16-2.3 Loitering Defined.~~

~~"Loitering" as used in subsection 16-2.1 shall include:~~

~~a. Obstructing of free unhampered passage of pedestrians or vehicles.~~

~~b. Obstructing, molesting or interfering with any person lawfully upon any public street, sidewalk, highway, boardwalk, road, alley or other public place.~~

~~c. Loitering in a public place in such a manner as to create or cause to be created a danger of a breach of peace.~~

~~d. Loitering in a public place in such a manner to create or cause to be created any disturbance or annoyance to the comfort and repose of any person.~~

~~16-2.4 Discretion of Police Officer.~~

~~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 subsection 16-2.3, he/she shall, if he/she 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 section.~~

~~16-2.5~~ 16-2.1 Curfews for Juveniles.

SECTION II. Chapter XVI Police Regulations is hereby amended and supplemented as follows:

16-12 PUBLIC NUISANCES.

16-12.1 Unlawful Acts.

It shall be unlawful, and shall be a public nuisance, for any person:

~~e. To engage, within the aforesaid Borough, in any practice having a tendency to annoy persons passing on the streets or sidewalks, while sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts; or~~

c. Reserved.

~~d. To engage, within the aforesaid Borough, in any practice, while passing on the streets or sidewalks, having a tendency to annoy persons sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts; or~~

d. Reserved.

SECTION III. Chapter XVII Alcoholic Beverage Control is hereby amended and supplemented as follows:

Section 17-11 BEER KEG REGISTRATION, including sections 17-11.1 through 17-11.6 are hereby repealed.

SECTION IV. 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 V. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. This Ordinance shall take effect 20 days after final passage, adoption and publication.