

Flemington Borough Loitering Ordinance (Repealed October 27, 2003)

3.2 Loitering.

3-2.1 Definitions. As used in this section:

- a. "Loitering" shall mean remaining idle or walking aimlessly about in essentially one location.
- b. "Public place" shall mean a place to which the public has access and shall include any public building and grounds, street, highway, road, alley, boardwalk or sidewalks. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this section or, in the case of a minor, not owned or under the control of his parent or guardian.
- c. "Parent" or "guardian" shall mean and include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

3-2.2 Certain types of Loitering Prohibited. No person shall loiter in a public place in such a 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 an person lawfully in a public place. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

3-2.3 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 3-2.2, 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 police officer shall be guilty of a violation.

3-2.4 Loitering by Minors; Notice; Presumption. No parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this section. Whenever any minor under the age of 18 years is charged with a violation of this section, his parent or guardian shall be notified of this fact by the chief of police or any other person designated by the chief of police to give such notice. If at any time within 30 days following the giving of notice, the minor to whom such notice relates again violates this section, 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.

Information on Repeal

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON
ORDINANCE 2003 - 31

AN ORDINANCE TO AMEND SUBSECTION 3-2 "LOITERING" OF THE POLICE
DEPARTMENT OF THE BOROUGH OF FLEMINGTON

BE IT ORDAINED by the Mayor and Common Council of the Borough of Flemington that subsection 3-2 "Loitering" of the Police Department be deleted in its entirety as it is preempted by NJ Criminal Code.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately after final passage and publication according to law.

Introduced: October 13, 2003

Adopted: October 27, 2003

Attest: /s/ Diane L. Schottman, Clerk

/s/ Austin H. Kutscher Jr. Mayor