

# Highland Park Borough Loitering Ordinance (*Repealed November 1, 2005*)

## **3-5 - LOITERING.**

### **3-5.1 Definitions.** As used in this Section:

Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly.

Public Place shall mean any place in which the public has access and shall include any street, highway, road, alley, or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern, or any other place of business, and public grounds, areas, 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 Section, or in the case of a minor, not owned or under the control of his parent or guardian.

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.

**3-5.2 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 likely to cause any condition which would obstruct or interfere with any person lawfully in any public place, he may, if he deems it necessary for the preservation of the public peace and safety, order the 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.

**3-5.3 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 Section.

**3-5.4 Notice of Violation.** Whenever any minor under the age of eighteen (18) years is charged with a violation of this Section, his parent or guardian shall be notified of this fact by the Police Department.

**3-5.5 Presumption.** If at any time within thirty (30) days following the giving of notice as provided in subsection 3-1 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 HIGHLAND PARK  
PUBLIC NOTICE  
NOTICE OF PENDING ORDINANCE AND SUMMARY

BE IT ORDAINED by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, as follows:

SECTION I. That Highland Park Loitering Ordinance §3-5 is repealed in its entirety as it is preempted by the New Jersey Code of Criminal Justice, N.J.S.A. 2C:33-2.1, which governs loitering for the purposes of illegally using, possessing or selling controlled dangerous substances.

SECTION II. That this Ordinance shall take effect upon passage, adoption and publication according to law.

The ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Highland Park, in the County of Middlesex, State of New Jersey, on October 18, 2005. It will be further considered for final passage, after public hearing thereon, at a Regular Meeting of the governing body to be held at the Borough's Municipal Building, Council Chambers, 221 South Fifth Avenue, Highland Park, on November 1, 2005 at 7:00 PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for members of the general public who shall request the same. The summary of such ordinance follows:

**Title: AN ORDINANCE REPEALING HIGHLAND PARK LOITERING  
ORDINANCE CHAPTER 3, SECTION 5.**

**Purpose(s):** To amend the Revised General Ordinances by repealing Section 35, "Loitering".

JOAN HULLINGS

HIGHLAND PARK BOROUGH CLERK