

OEO # 27-09

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 218 LOITERING OF THE CODE OF THE CITY OF LONG BRANCH

WHEREAS, certain provisions of the Chapter 218 "Loitering" of the City Ordinances do not comply with the Court decisions and/or rulings of State Agencies, and the City wishes to revise and/or repeal those provisions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Long Branch that the following provisions of the Code of the City of Long Branch be and hereby are repealed in their entirety:

- §218.1
- §218.2
- §218.3
- §218.4
- §218.5
- §218.6

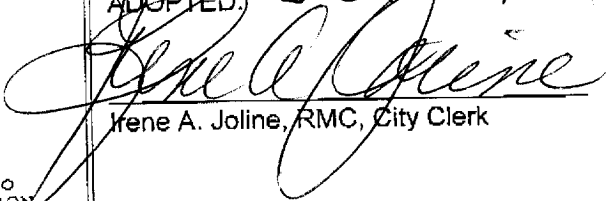
BE IT FURTHER ORDAINED that if any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency; and

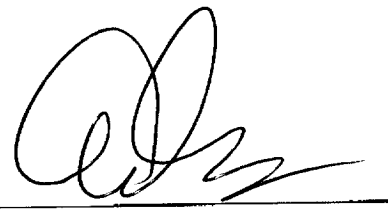
BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

INTRODUCED: Dec. 29, 2009

ADOPTED: Jan 26, 2010



Irene A. Joline, RMC, City Clerk



Adam Schneider, Mayor

§ 218-1. Definitions.

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

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

PARENT or GUARDIAN -- 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 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 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 chapter or, in the case of a minor, not owned or under the control of his parent or guardian.

§ 218-2. 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 § 218-1. This subsection 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.

218-3. 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 § 218-2, 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.

§ 218-4. Loitering by minors.

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

§ 218-5. Notice of violation.

Whenever any minor under the age of 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.

§ 218-6. Presumption.

If at any time within 30 days following the giving of notice as provided in § 218-5 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.

§ 218-7. Drinking of alcoholic beverages. EN(1 12) [Added 10-15-1990 by Ord. No. 999]

- A. No person shall be drunk or in a state of intoxication in any street or public place within the city or in any private home or place to the annoyance of any citizen or person.
- B. No person shall serve, sell, dispense, drink or consume any alcoholic beverage on a public street, highway, avenue, alley or road of the city; or upon any public grounds, parks, sidewalks, beaches, marine basins, beachfronts or boardwalks in the city; or in any automobile, other vehicle or in any other means of transportation on the public streets, highways, alleys, avenues, grounds, sidewalks, beaches, parks, marine basins, beachfronts or boardwalks in the city.
- C. No person shall possess any alcoholic beverage with intent to violate Subsection B.
- D. Penalties. Any person who violates any of the provisions of this subsection shall be punishable as provided in Chapter 1, General Provisions, Article I. EN(113)

§ 218-8. Violations and penalties. EN(114)

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article I.