

## **West Milford Township Loitering Ordinance** ***(Repealed on April 9, 2008)***

§ 5-3.1 Definition. As used in this section:

A. "Loiter" or "loitering" in this section shall mean any standing, standing around, lingering, lounging, sleeping, wandering, and, in the colloquial phrase, hanging around, or, refusal to move away from any public place or quasi-public place when ordered so to do by any police officer of the Township, when such loitering shall be contrary to the public safety, peace, property, welfare and good order of the Township, or of the inhabitants thereof.

B. "Public place" or "quasi-public place" in this section shall mean any street, sidewalk, curb, park, place or property owned by the Township, or by the board of education or where the public is customarily invited, including alleys and business parking areas, lobbies, shelters, and entrance ways.

C. "Parent" or "guardian" shall mean any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

§ 5-3.2 Certain Types of Loitering Prohibited. No person whether as pedestrians, or as occupants or users of any motor vehicle or motorcycle, scooter or bicycle, 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 any person lawfully in a public place. This paragraph shall include the making of 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.

§ 5-3.3 Violation. Any person violating the provisions of subsection 5-3.2, who when ordered to move on by a police officer, and fails or refuses to do so shall be guilty of a violation. If any such person shall, after receiving such order, thereafter return to or re-congregate at such public place within three hours of receipt of such order he shall be guilty of a violation of subsection 5-3.2 of this section, whether or not any further order to disperse or move away from the public place or quasi-place shall first be given by any police officer of the Township.

§ 5-3.4 Loitering by Minors. It shall be unlawful for the parent, guardian or other adult person having the care or custody of any minor under the age of 18 to knowingly permit such minor to loiter in violation of this action. Whenever any minor under the age of 18 is apprehended for violating this section, the chief of police shall notify the parent, guardian or other person having custody of the minor. If it be established that any minor under the age of 18 loitered in violation of this section between the hours of 9 P.M. and 6 A.M. of the following day, prevailing time, then it shall be presumed in the absence of proof to the contrary, that the parent, guardian or other adult person having the care or custody of such minor knowingly permitted such minor to do so.

If it be established that the parent, guardian or other adult person having the care or custody of any minor under the age of 18 was duly notified pursuant to this subsection that the minor had been apprehended for a violation of this section, and it be further established that the minor subsequently violated subsection 5-3.2, of this section, then it shall be presumed, in the absence of proof to the contrary, that any such parent, guardian or adult person knowingly permitted such subsequent violation.

## **Information on Repeal**

LEGAL NOTICE – March 30, 2008  
Township of West Milford  
Passaic County, New Jersey  
Ordinance 2008 - 015

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REPEALING CHAPTER 212, LOITERING, OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 212, Loitering, of the aforesaid Revised General Ordinances is hereby repealed.

SECTION 2. All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Take notice that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the West Milford Township Council held on March 26, 2008 and was ordered published according to law and will be further considered for final adoption at a meeting of the West Milford Township Council to be held on April 9, 2008, at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey at 7:30 p.m. prevailing time at which time and place all interested parties may appear and be heard. A copy of this Ordinance may be obtained during regular office hours between 8:30 a.m. and 4:30 p.m. Monday through Friday at the Office of the Township Clerk. Published by order of the West Milford Township Council.

Antoinette Battaglia  
Township Clerk