

**TOWNSHIP OF WESTAMPTON**

**AN ORDINANCE REPEALING THE CODE OF  
THE TOWNSHIP OF WESTAMPTON CHAPTER 158  
PERTAINING TO LOITERING**

**ORDINANCE NO. 19-2009**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the power to adopt public ordinances for public health, safety and welfare of the Township of Westampton is conterminous with the power of the legislature; and

**WHEREAS**, the Legislature of the State of New Jersey and the Supreme Court of New Jersey have both determined that the act of loitering is not a crime; and

**WHEREAS**, in order to avoid any future confusion, the Mayor and Township Committee wish to repeal Chapter 158 of the Code of the Township which governs loitering;

**NOW THEREFORE, BE IT ENACTED** by the Mayor and Township Committee of the Township of Westampton that:

The Code of the Township of Westampton, Chapter 158 entitled **Loitering**, is hereby repealed in its entirety.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

I, Donna Ryan, Clerk of the Township of Westampton, hereby certify that the above is a true copy of an ordinance adopted by the Township Committee on the 24 day of Nov 20 09

Donna Ryan  
Donna Ryan, Clerk

## **Westampton Township Code – Chapter 158 (Loitering)**

*Repealed November 24, 2009*

### **§ 158-1 Definitions.**

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

#### **LOITER or LOITERING**

Any standing, standing around, lingering, lounging, sleeping, wandering and, in the colloquial phrase, hanging around or the refusal to move away from any public place or quasi-public place when ordered to do so 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.

#### **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 or QUASI-PUBLIC PLACE**

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 entranceways, and shall mean any grounds or other private property not owned or under the dominion and control of any person charged with the violation of this chapter.

### **§ 158-2 Certain types of loitering prohibited.**

No person, whether as a pedestrian or as an occupant or user 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 subsection 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. Obstruct, molest or interfere with any person lawfully in a public place. This subsection 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.

### **§ 158-3 Failure to comply with police order.**

Any person violating the provisions of § 158-2 who, when ordered to move on by a police officer, 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 recongregate at such public place within three hours of receipt of such order he shall be guilty of a violation of § 158-2 of this chapter, whether or not any further order to disperse or move away from the public place or quasi-public place shall first be given by any police officer of the township.

### **§ 158-4 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 chapter. Whenever any minor under the age of 18 is apprehended for violating this chapter, the Chief of Police shall notify the parent, guardian or other person having custody of the minor. If it is established that any minor under the age of 18 loitered in violation of this chapter between the hours set forth in Chapter 112 of this Code, 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 is 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 section that the minor had been apprehended for a violation of this chapter and it is further established that the minor subsequently violated § 158-2 of this chapter, 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.

### **§ 158-5 Violations and penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed \$500 or by imprisonment for a term not to exceed 90 days, or both.