

*Township of Upper Deerfield, NJ  
Sunday, January 3, 2016*

## Chapter 259. Loitering; Peace and Good Order

[HISTORY: Adopted by the Township Committee of the Township of Upper Deerfield 11-4-1976 by Ord. No. 158 (Ch. 67 of the 1977 Township Code). Amendments noted where applicable.]

### **GENERAL REFERENCES**

Curfew — See Ch. 171.

Parental responsibility — See Ch. 281.

### § 259-1. Definitions.

As used in this chapter, the following terms or words shall be interpreted and defined as follows:

#### **LEGAL GUARDIAN**

Any person having the care and custody of a minor child under 18 years of age, whether by reason of a blood relationship or the order of any court or otherwise, including persons in loco parentis.

#### **LOITERING**

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

#### **PUBLIC PEACE, SAFETY AND MORALS**

Offenses against the public peace, safety and morals, without limiting the commonly accepted definition thereof, shall include destroying property of another; defacing property of another; loitering in groups of three or more in any public place; littering, destroying or defacing public property; destroying or defacing privately owned property used on a public playground or public park; consumption of alcoholic beverages on a public street; drunkenness; begging; lack of supervision by a parent or legal guardian or other person or persons having the care and custody of a minor child under the age of 18 years; indecent exposure; mugging; assault; assault and battery; larceny; burglary; robbery; sale or use of narcotics or other controlled dangerous substances.

#### **PUBLIC PLACE**

Any place to which the public has a right of access, including any street, road, highway, alley, sidewalk, park or playground, and shall also include the entrance and sidewalk area adjacent thereto of any store, shop, restaurant, apartment building, tavern or other place of business. As defined herein, a "public place" shall also include a parking lot, vacant land, privately owned alleys, rights-of-way, and hallways and corridors used in common by more than one tenant or other persons, if the same are not owned by or under the legal control of the person charged with an offense under this chapter.

#### **SUPERVISION**

The exercise of control over a minor child under the age of 18 years so as to know his or her whereabouts and know with whom he or she associates and in what activities he or she may be engaged which could affect or offend the public peace, safety and morals.

### § 259-2. Loitering and related offenses.

It shall be unlawful for any person to loiter in a public place, as defined herein, so as to create or cause to be created the danger of a breach of the peace or any disturbance or annoyance to the comfort or repose of any person; to obstruct the free passage of pedestrians or vehicles; to obstruct, molest or interfere with any person lawfully in any public place, including the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

### § 259-3. Offenses against public peace, safety and morals.

It shall be unlawful for any person to commit an offense against the public peace, safety and morals, as defined herein.

### § 259-4. Parental responsibility.

No parent or legal guardian or other person having the care, custody or supervision of a minor child under the age of 18 years shall knowingly permit such minor child to loiter or commit an offense against the public peace, safety and morals in violation of this chapter.

[1] *Editor's Note: See also Ch. 281, Parental Responsibility.*

### § 259-5. Violations by minors; notice to parent or guardian.

Whenever any minor child under the age of 18 years is charged with a violation of this chapter, his or her parents or legal guardian or any other person having the care and custody of such minor child under 18 years of age shall be notified of such charge by the New Jersey State Police Barracks Commander or other persons designated by him to give such notice, if the name and address of such person or persons are known.

### § 259-6. Police authority.

Whenever any police officer shall, in the exercise of reasonable judgment, determine that the presence of any person in any public place is causing or is likely to cause any breach of the public peace or constitutes loitering, as defined herein, said police officer may order such persons to leave such place if he deems such action necessary for the preservation of public peace, safety and morals. 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.

### § 259-7. Violations and penalties.

Any person who violates or fails or neglects to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine or penalty of not more than \$500 or imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each and every time a violation is committed or permitted to continue shall constitute a separate offense and be punishable by a like fine or penalty.