

ORDINANCE #2015-11

**AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF THE
TOWNSHIP OF WST DEPTFORD
(LOITERING)**

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Deptford, County of Gloucester and State of New Jersey as follows:

Section 1: Chapter 106 of the Code of the Township of West Deptford is hereby amended and supplemented by adding the underlined text and deleting the struck-out text, as follows:

- Chapter 106 Loitering Picketing**
- § 106-1. **Definitions.**
- ~~§ 106-2. **Certain types of loitering prohibited.**~~
- § 106-2. **Restrictions on Residential Picketing.**
- ~~§ 106-4. **Discretion of police officer.**~~
- ~~§ 106-5. **Loitering by minors.**~~
- ~~§ 106-6. **Notice of violation.**~~
- ~~§ 106-7. **Presumptive evidence.**~~
- §106-3. **Violations and Penalties.**

§ 106-1. Definitions.

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

~~LOITERING — Remaining idle in essentially one (1) location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression "hanging around."~~

~~PARENT or GUARDIAN~~ — Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PICKETING - the standing, gathering or parading of one or more persons with or without signs of protest or claims at a location within West Deptford for the purpose of expressing personal opinions on one or more subjects.

~~PUBLIC PLACE~~ — Any place to which the public has access, and includes, 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 by or under the control of his parent or guardian.

~~§ 106-2. — 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 § 106-1. 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 whom or in whose hearing they are made.~~

§ 106-2. Restrictions on Residential Picketing.

No person or persons shall engage in picketing that is targeted at and is within one hundred (100) feet of the property line of a residential dwelling in West Deptford. Lawful picketing beyond the one hundred (100) feet restriction shall be limited to a group of no more than ten persons for one hour every two weeks. Persons intending to conduct lawful picketing must notify the West Deptford police department at least twenty-four hours prior to any intended instance of picketing.

~~§ 106-4. — 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 conditions enumerated in § 106-2 or is violating the restrictions set forth in § 106-3, 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.~~

~~§ 106-5. — 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 chapter.~~

~~§ 106-6. — Notice of violation.~~

~~Whenever any minor under the age of eighteen (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.~~

~~§ 106-7. — Presumptive evidence.~~

~~If at any time within thirty (30) days following the giving of notice as provided in § 106-5, 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.~~

§ 106-3 Violations and Penalties

Any person who violates any of the provisions of this chapter shall be subject to one or more of the following: a fine not exceeding \$2,000, or imprisonment in the County jail for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days in the discretion of the Municipal Court Judge. Each day that such violation exists shall constitute a separate offense.

Section 2. Repealer

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability:

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

TOWNSHIP OF WEST DEPTFORD

Denice DiCarlo, Mayor

Attest:

AMY LESO, RMC, Clerk

INTRODUCED at a meeting of the Township Committee of the Township of West Deptford, held on June 17, 2015.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
Denice DiCarlo				
Jeff Hansen				
James Mehaffey				
Jerry Maher				
Adam Reid				
TALLY:				

ADOPTED at a meeting of the Township Committee of the Township of West Deptford, held on July 15, 2015.

	AYES	NAYS	ABSTAIN	ABSENT
Denice DiCarlo				
Jeff Hansen				
James Mehaffey				
Jerry Maher				
Adam Reid				