

§ 55D-1

LOITERING

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Chapter 55D

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[**HISTORY: Adopted by the Township Committee of the Township of Barnegat 3-15-82 as Ord. No. 1982-6. Amendments noted where applicable.**]

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 55D-1. Definitions.

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

**LOITERING** — Remaining idle in essentially one location, and includes the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around and shall also include the colloquial expression "hanging around."

**PUBLIC PLACE** — Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also

include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

#### § 55D-2. Prohibitions.

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

- A. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- B. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

#### § 55D-3. Violation of provisions.

When any person causes or commits any of the conditions enumerated in § 55D-2 herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this ordinance.

#### § 55D-4. Violations and penalties.

Any person who violates any one (1) or more of the provisions of this ordinance shall be subject to a fine of not more than two hundred dollars (\$200.) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than

thirty (30) days. In the case of a continuing violation or violations, a fine of not more than two hundred dollars (\$200.) may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 55D-5. Severability.**

In the event that any provisions of this ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**§ 55D-6. Repealer.**

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

**§ 55D-7. When effective.**

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