

ORDINANCE 94  
(Adopted Jan. 8, 1971)  
AN ORDINANCE DEFINING AND PROHIBITING LOITERING BY ADULTS AND  
MINORS IN THE VILLAGE OF LOCH ARBOUR AND PROVIDING PENALTIES FOR  
VIOLATION THEREOF.

Be It Ordained By The Board Of Trustees Of The Village of Loch Arbour, In The County Of Monmouth And State Of New Jersey, As Follows:

SECTION 1.

LOITERING Prohibited. No person shall remain idle, lounge, loiter or sleep in or upon any public street, sidewalk, highway, boardwalk, road, alley or other public place in the Village of Loch Arbour. No person shall be found guilty of so remaining idle if he establishes that he had a legitimate business or purpose in so doing.

SECTION 2.

“OTHER PUBLIC PLACE” DEFINED. The term “other public place” as used in Section 1 shall include:

- a. The front of or in the neighborhood of any store, shop, restaurant, luncheonette, tavern or nay other place of business, without limitation.
- b. Public grounds, areas parks, marinas, buildings, and boardwalks without limitation.
- c. Any parking lots or other vacant private property not owned or under dominion of the person charged with a violation of this section, or in case of a minor under the age of 18 years, not owned or under the dominion of the parent, guardian or other adult person having the care and custody of the minor.

SECTION 3.

“LOITERING” DEFINED. The term “loitering as used in Section 1 shall include:

- a. The concepts of standing idly by, spending time idly, loafing or walking about aimlessly without purpose, and shall include the colloquial expression of “hanging around”.
- b. Obstructing of free unhampered passage of pedestrians or vehicles.
- c. Obstructing, molesting, or interfering with any person lawfully upon any public street, sidewalk, highway, boardwalk, road, alley or other public place, as defined in this section.
- d. Remaining idle in essentially one location without being able to establish having a legitimate business purpose in so remaining idle, or by conducting exhibiting the absence of a lawful purpose in so remaining idle.
- e. Refusing to move on when so requested by any regular or special police officer of the Village, or any peace officer, provided that the officer has exercised his discretion reasonably under the circumstances in order to preserve, maintain or promote public peace, order and safety.

SECTION 4.

LOITERING BY MINORS.

- a. 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 years to knowingly permit the minor to remain idle to lounge or sleep in violation of this section.
- b. Whenever any minor under the age of 18 years is arrested or taken into custody for violation of this section, the chief of police or superior or regular police officer acting in his place and stead, shall notify the parent, guardian or other person having custody of such arrest or taking into custody.
- c. It is established that any minor under the age of 18 years shall have violated this section between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, then it shall be presumed, in the absence of proof to the contrary, that the parent, guardian or other adult person having care or custody of such minor knowingly permitted such minor to do so.

- d. 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 years was duly notified pursuant to paragraph (b) that such minor had been arrested or taken into custody for the violation of this section, and it is further established that such minor subsequently remained idle. Loitered, lounged or slept in violation of this section, then it shall be presumed, in the absence of proof to the contrary, that such parent, guardian, or other adult person having the care or custody of such minor knowingly permitted such subsequent violation.

#### SECTION 5.

MAXIMUM PENALTY. For the violation of any provision of this ordinance, the maximum penalty shall, upon conviction of such violation, be a fine not exceeding two hundred (\$200.00) dollars or imprisonment in the county jail for a period not exceeding 90 days, or both.

b. SEPARATE VIOLATION. Except as otherwise provided, each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation.

c. APPLICATION. The maximum penalty stated is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

#### SECTION 6.

SEVERABILITY. If any section, sub-section or paragraph of this ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such determination shall not be deemed to invalidate the remaining sections, sub-sections or paragraphs of this ordinance.

#### SECTION 7.

EFFECTIVE DATE. The within ordinance shall become effective upon its final passage and publication, as provided by law.