

Chapter 76

LOITERING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Swedesboro 9-4-73.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 58.

§ 76-1. 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, walking about aimlessly and shall also include 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.

¹ Editor's Note: This legislation formerly amended an ordinance pertaining to disorderly conduct generally, adopted 8-10-43, which was not included in the Code.

PUBLIC PLACE — Any place to which the public has access and shall include 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 and 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 or under the control of his parent or guardian.

§ 76-2. Restrictions.

No person shall loiter in a public place in such a manner as to:

- A. Create or cause to be created a danger or 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 § 76-1. 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 or in whose hearing they are made.

§ 76-3. Power of police officers.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in a public place is causing or is likely to cause any of the conditions enumerated in § 76-2, 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.

§ 76-4. 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.

§ 76-5. Notice to parents of violation by minors.

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.

§ 76-6. Subsequent violations; presumption of parental permission.

If at any time within thirty (30) days following the giving of notice, as provided in § 76-5, 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 knowledge and permission of his parent or guardian.

