

**THE CITY OF
EAST ORANGE, NEW JERSEY
ORDINANCE NO. 12 OF 2021**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 173
OF THE CITY CODE ENTITLED "LOITERING"**

WHEREAS, the City of East Orange desires to amend and supplement Chapter 173 of the City Code to provide for the amendment to the City's definition of "loitering" and the closure of parks and other public property from one hour before dusk until one hour after dawn;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. (Amended Section)

~~§ 173-1 Definitions.~~

~~[Amended 12-14-1970 by Ord. No. 68-1970]~~

~~For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

LOITERING

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

PUBLIC PLACE

~~Any place to which the public has access, including any street, highway, road, alley or sidewalk. Such term shall also include the front or the vicinity 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 § 173-2 or 173-3 or, in the case of a minor, not owned by or under the control of his parent or guardian.~~

§ 173-1 Certain types of loitering prohibited.

~~[Amended 12-14-1970 by Ord. No. 68-1970]~~

~~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. 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.~~

A.

As fully authorized under law, the City of East Orange Police Department shall enforce within the City of East Orange all provisions in the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1, et seq., that preserve public peace and good order, including but not limited to, the offenses of defiant trespass, N.J.S.A. 2C:18-3b; loitering for the purpose of illegally using, possessing or selling controlled substances, N.J.S.A. 2C:33-2.1; and loitering for the purpose of engaging in prostitution, N.J.S.A. 2C:34-1.1, as each such offense is defined, described. Prohibited and penalized under the New Jersey Code of Criminal Justice.

B.

Inhabit, use or remain in or upon any park, recreation area, playground, building or public property owned or operated, directly or indirectly, or subsidized by the City of East Orange or the Department of Public Works of the City of East Orange or the Recreation Program of the City of East Orange from one hour before dusk until one hour after dawn.

~~§ 173-3~~ — ~~Police officers to exercise discretion.~~

~~[Amended 12-14-1970 by Ord. No. 68-1970]~~

~~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 the conditions enumerated in § 173-2, he said officer may, if he or she 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 section.~~

§ 173-3 Violations and penalties.

[Added 11-10-1980 by Ord. No. 15-1980]

Violators of any of the provisions of §173-1 (A) shall be subject to those penalties outlined in the corresponding sections of N.J.S.A. 2C:1-1, et seq.

Violators of any of the provisions of §173-1(B) shall, upon conviction thereof, be subject to a fine up to \$500. Persons convicted of violating §173-1(B) more than once in a six-month period shall be subject to a fine of up to \$1,000.

Section 3. Severability of Ordinance Provisions

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

Section 4.

That all Ordinances and parts of Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

Section 5.

This Ordinance shall take effect after final passage and upon the expiration of twenty (20) days following publication unless otherwise provided by Resolution of this City Council.