

**TOWNSHIP OF DENNIS  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING ARTICLE II,  
CHAPTER 128 OF THE DENNIS TOWNSHIP CODE, LOITERING, GOOD  
ORDER, AND PEACE**

**WHEREAS**, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

**WHEREAS**, Article II, Chapter 128 of the Revised General Ordinances of the Township of Dennis currently outlines the certain types of loitering prohibited within the confines the Township of Dennis;

**WHEREAS**, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to expand the aforementioned Chapter to address the need for good order in peace within the Township;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

**Section 1.** Portions of Chapter 128 of the Township of Dennis Municipal Code are amended as follows (additions are underlined; deletions are [bracketed]):

**Chapter 128. Loitering, Good Order, and Peace**

**ARTICLE 1**

**§ 128-1. Definitions.**

As used in this chapter.

**LOITERING**

Remaining idle or walking aimlessly about in essentially one location.

**PARENT or GUARDIAN**

Any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

## **PUBLIC PLACE**

A place to which the public has access and shall include any public building and grounds, street, boardwalk or sidewalk. It shall also include the front or neighborhood of a store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this section or in the case of a minor, not owned or under the control of his parent or guardian.

## **QUASI-PUBLIC PLACE**

Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

### **§ 128-2. Certain Types of Loitering Prohibited.**

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

- A. Obstruct the free passage of pedestrians or vehicles.
- B. Obstruct, molest or interfere with any person lawfully in a public or quasi-public place. This section 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.

### **§ 128-3. Violation.**

Any person violating the provisions of this chapter shall be ordered to move on by a police officer, constable or other law enforcement officer and failing which shall be guilty of a violation of this chapter.

### **§ 128-4. Loitering by minors; notice; presumption.**

The parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this chapter. Whenever any minor under the age of 18 years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact. If at any time within 30 days following the giving of notice, 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.

### **§ 128-5. Penalty.**

Any person violating the terms or provisions of this Article I of Chapter 128 for a first offense shall be liable for a fine of up to \$500, incarceration in the Cape May County Jail for a period not to exceed 30 days and ordered to perform community service for a period of time not to exceed 100 hours.

**§ 128-6. Observance of lawful orders and posted traffic regulations.**

No person shall disobey or fail to follow the order, direction or other signal of any police officer, sheriff's deputy, New Jersey State Trooper, constable or other properly authorized law enforcement official within the Township; nor shall any persons disobey or fail to follow the traffic instructions on any properly posted traffic control device or traffic signal within the Township.

**ARTICLE II – GOOD ORDER AND PEACE**

**§ 128-7. Obstruction.**

- A. No person shall intentionally obstruct pedestrian or vehicular traffic upon the public streets, public sidewalks, public pavilions, public parks or other public places. Acts authorized as an exercise of one's Constitutional right to picket or legally protest and acts authorized by a permit issued pursuant to the Code of the Township of Dennis shall not constitute obstruction of pedestrian or vehicular traffic.
- B. No person shall sleep in or on any public or quasi-public street, sidewalk, pavilion, park or other place so as to obstruct or interfere with the passage of any person or persons lawfully being on or upon said streets, sidewalks, pavilions, parks or places.
- C. It shall be unlawful to sleep in any parked vehicle, either day or night, within the Township limits or to sleep or lie upon any public or quasi-public bench or seat or to usurp the use of such bench or seat for the storage of bundles or other objects so as to prevent the reasonable use thereof by others.
- D. No person shall loiter on governmentally owned property within the confines of the Township of Dennis between the hours of between the hours of 10:00 p.m. to sunrise except for unusual and unforeseen emergencies, township sponsored activities, and/or otherwise approved by Township Committee.

**§ 128-8. Illegal entry.**

It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously obtained express or implied permission of the owner or person in lawful control and possession of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

**§ 128-9. Disturbing good order and peace.**

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a

noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity, in any public or quasi-public place, public rights-of-way, public sidewalk, public park, or in any building open for the accommodation of the public for entertainment, or for room accommodations.

- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to there picnic, change apparel, dress or undress or to urinate or defecate upon the premises or commit any other nuisance.

**§ 128-10. Violations and penalties.**

Any person of association or persons convicted of a violation of any provision of this Article II of Chapter 128 shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or 90 days imprisonment in the City or county jail, or for a period of community service not exceeding 90 days, or any combination of the three.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk