

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2020-15**

**AN ORDINANCE AMENDING CHAPTER 295: “LOITERING”  
OF THE BOROUGH’S REVISED GENERAL ORDINANCES  
TO MORE SPECIFICALLY ADDRESS AFTER-DARK  
GATHERINGS AT THE BOROUGH’S BEACHFRONT**

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**Mayor Engelstad** offered the following Ordinance and moved its introduction:

**WHEREAS**, the Borough of Bradley Beach (the “Borough”) maintains public bathing beaches and a public oceanfront promenade as a resort community; and

**WHEREAS**, the residents of the Borough have recently brought to the Mayor & Council’s attention the frequency of after-dark gatherings on the Borough’s beachfront has increased; and

**WHEREAS**, the Borough’s Mayor and Council desire to amend the existing ordinances of the Borough to address the present complaints of residents near the Borough’s beachfront;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Chapter 295 entitled “Loitering” of the Revised General Ordinances of the Borough of Bradley Beach is amended as follows (~~stricken~~ text deleted; underlined text added):

**§ 295-1 Definitions**

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

**LOITERING**

The act of remaining in a particular public place for a protracted time, without any apparent purpose. Remaining idle or ~~walking aimlessly about in essentially~~ occupying one location for an extended period of time.

**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.

**PUBLIC PLACE**

A place to which the public has access and shall include any public building and grounds, street, highway, road, alley, boardwalk, beach, 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, 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.

## PROTRACTED PERIOD OF TIME

A period of time that is longer than usual for the particular circumstances, time, place, and purpose.

### **§ 295-2 Certain types of loitering prohibited.**

No person, or groups of persons, shall loiter in a public place in such a 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, or obstruct access to the same location by other pedestrians.
- D. Obstruct, molest or interfere with any person lawfully in a 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.
- E. Create potentially unsanitary conditions, litter, or other risk to public health.

### **§ 295-3 Order to disperse.**

Any person violating the provisions of § 295-2 may be ordered to move on by a police officer, failing which he shall be guilty of an additional violation.

### **§ 295-4 Parental responsibility; loitering by minors; notice of violation; presumption.**

No 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 by the Chief of Police or any other person designated by the Chief of Police to give such notice. If at any time within 30 days following the giving of notice, the minor to whom such notice related 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.

### **§ 295-5 Public Parks and Playground Curfews.**

Access to public parks and playgrounds shall be valid only for the date and the hours specified thereon, which shall not be before 7:00 am and until 30 minutes before dusk, but not later than 8:00 pm.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

**SO ORDAINED** as aforesaid.

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ERICA KOSTYZ  
Municipal Clerk

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GARY ENGELSTAD  
Mayor

Introduced: August 25, 2020

Date of Hearing and Adoption: