

CITY OF ABSECON

ORDINANCE 11-2024

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ABSECON,
CHAPTER 254 THEREOF TITLED PEACE AND GOOD ORDER**

BE IT ORDAINED by the MAYOR AND THE CITY COUNCIL, the governing body of the City of Absecon that Chapter 254 of the Revised General Ordinances of the City of Absecon be and is hereby amended as follows:

SECTION 1:

§ 254-1 Preemption.

- A. N.J.S.A. 2C:33-2(2)b makes it unlawful for a person to loiter in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance or controlled substance analog.
- B. N.J.S.A. 2C:14-4 it unlawful for a person if, in a public place, and with purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing, he or she addresses unreasonably loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the utterance, to any person present.
- C. N.J.S.A. 2C:34-1 makes it unlawful for a person to procure an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate, or for an actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18.
- D. N.J.S.A. 2C:33-12 makes it unlawful for a person to knowingly or recklessly create or maintain a condition which endangers the safety or health of a considerable number of persons, or knowingly conduct or maintain any premises, place or resort where persons gather for purposes of engaging in unlawful conduct, or knowingly conduct or maintain any premises, place or resort as a house of prostitution or as a place where obscene material, as defined in N.J.S. 2C:34-2 and N.J.S. 2C:34-3, is sold, photographed, manufactured, exhibited or otherwise prepared or shown, in violation of N.J.S. 2C:34-2, N.J.S. 2C:34-3, and N.J.S. 2C:34-4.
- E. The governing body of the City of Absecon finds and declares that the municipal regulations contained herein, where applicable, are not preempted by state law based on the following:
 - 1) The municipal regulations do not conflict with state law, either because of conflicting policies or operational effect;
 - 2) N.J.S.A. 2C:1-5d expresses an intent that the New Jersey Code of Criminal Justice is to be exclusive in the field, but that section alone does not preempt these regulations;
 - 3) The subject matter does not reflect the need for uniformity;
 - 4) The state scheme is not so comprehensive or pervasive that it precludes the coexistence of municipal regulations; and

- 5) The municipal regulations do not stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the State Legislature.

§ 254-2 Houses of ill repute.

No person shall keep or maintain a disorderly house or a house of ill fame or allow or permit any house, shop, store or other building owned or occupied by him or her to be used as a disorderly house or house of ill fame or to be frequented or resorted to by riotous or disorderly persons, prostitutes, gamblers or vagrants, which negatively impacts the peacefulness and quiet enjoyment of a neighbor.

§ 254-3 Use of premises for gambling.

Unless properly licensed in accordance with the provisions of the Gaming Licensing Laws, no person shall set up, keep or maintain or permit to be set up, kept or maintained, in any house or premises, any faro table, faro bank, roulette wheel or other device or game of chance for the purpose of gaming, or any boxing ring, cockpit or other place for men, women or animals to fight, nor shall any person hold or permit to be held, in any house or premises, any dogfight, cockfight, prizefight or any sparring contest for a purse or money prize.

§ 254-4 Chance of games.

Subject to all of the provisions of N.J.S.A. 5:8-1-5:8.77 et seq., and N.J.A.C. 13:47-1.1-13:47-16.27, Games of Chance, including but not limited to Bingo and raffles, shall be permitted in the City of Absecon, seven days weekly, including Sunday, when properly licensed in accordance with the provisions of the Gaming Licensing Laws.

§ 254-5 Disturbance of Peace and Good Order.

No person shall commit any of the acts enumerated below, each of which if committed shall be deemed and considered a disturbance of peace and good order:

- 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.
- C. 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.

§ 254-6 Begging.

A. Definitions.

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

AGGRESSIVELY BEG

Speaking to or following a person in a manner that would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property upon the person's immediate possession or would intimidate another person into giving money or goods.

ASK, BEG OR SOLICIT ALMS

To ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

PEDESTRIAN OR VEHICULAR INTERFERENCE

To walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized pursuant to the City's picketing and parade ordinances and regulations are exempt from this chapter.

PUBLIC PLACE

An area generally visible to public view and includes the Boardwalk, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets opened to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings, shops or dwellings and/or grounds enclosing them.

- B. No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any public place. Acts authorized as an exercise of one's constitutional right to picket, the right to legally protest, any acts authorized by permit or parades issued pursuant to the Code of the City of Absecon shall not constitute obstruction of pedestrian or vehicular traffic.
- 1) A person is guilty of pedestrian interference if, in a public place, that person intentionally obstructs pedestrian or vehicular traffic or if that person aggressively begs.
 - 2) No person may aggressively ask, beg or solicit alms in any public transportation vehicle or at any bus or train station or stop.
 - 3) No person may aggressively ask, beg or solicit alms within 100 feet of any automatic teller machine (ATM).
 - 4) No person may aggressively ask, beg or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.
 - 5) No person may aggressively ask, beg or solicit alms from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space or directing the operator or occupant to a public parking space.
 - 6) No person may aggressively ask, beg or solicit alms in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street.
 - 7) No person may aggressively ask, beg or solicit alms in exchange for protecting, watching, washing, cleaning, repairing or painting a motor vehicle or bicycle while it is parked on a public street.

- 8) No person may aggressively ask, beg or solicit alms on private property or residential property without permission from the owner or occupant.
- 9) No person may aggressively ask, beg or solicit alms at any time.
- 10) No person may aggressively ask, beg or solicit alms within 25 feet of the entrance or exit of any business establishment where the express intent of such asking, begging or soliciting of alms is to solicit directly from the employees or patrons of such business establishment.
- 11) Nothing herein shall prohibit not-for-profit organizations from soliciting donations. Such organizations may seek written approval to solicit same from the Municipal Police Department.

§ 254-7 Violations and penalties.

A person found guilty of an offense under this article shall be subject to a fine up to and including \$2,000, or community service up to and including thirty (30) days or imprisonment up to and including ninety (90) days, in the discretion of the Municipal Court.

§ 254-8 Breach of the peace.

Violation of this Chapter 254 constitutes a breach of the peace.

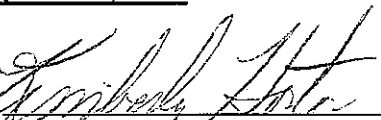
SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3: Should any section, paragraph, sentence or 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 become effective immediately upon final passage and publication, according to law.

DATED: April 18th, 2024

SIGNED:


Kimberly Horton, Mayor

ATTEST:


Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on April 4th, 2024. Laid over and advertised for public hearing and final adoption on April 18th, 2024. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on April 18th, 2024.