

**TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1953**

**ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF  
BERGEN, STATE OF NEW JERSEY, AMENDING §3-11 OF THE  
TOWNSHIP OF MAHWAH CODE, LOITERING IN PUBLIC PLACES.**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 et seq., the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Township Council has determined that it is necessary and appropriate, and to provide for the amendment to the Township's definition of "loitering"; and

**WHEREAS**, the Township Council has determined that it is necessary and appropriate, to reaffirm to the residents of the Township of Mahwah and members of the public, the closure of parks and other public property from one hour before dusk until one hour after dawn; and

**WHEREAS**, the Township Council desires to amend the Township Code to implement these changes.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

**SECTION 1.** Chapter 3, Police Regulations, § 3-11, Loitering in Public Places, is hereby amended to:

**§ 3-11. LOITERING IN PUBLIC PLACES.**

- A. As fully authorized under law, the Township of Mahwah Police Department shall enforce within the Township of Mahwah 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. No person shall 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 Township of Mahwah of the Recreation Program of the Township of Mahwah from 7:00 a.m. prevailing time, and closing time, one-half hour after sunset. The closing time shall not apply to persons who are specifically engaged in a permitted activity or sport approved by the Township or where the facility is lighted by the Township. Then the recreational facility shall close 15 minutes after the lights are extinguished. The

Township Council can grant exceptions for a municipal event or for those events for which a permit application has been submitted in its discretion, pursuant to resolution adopted by the Township Council.

- C. Violators of any of the provisions of §3-11(A) shall be subject to those penalties outlined in the corresponding sections of N.J.S.A. 2C:1-1, et seq.
- D. Violators of any of the provisions of §3-11(B) shall, be subject to the penalties outlined in §1-5 of the Township Code.

**§3-11.1. Definitions. [Ord. #1194 § II]**

For the purpose of this section, the terms used herein are defined as follows:

~~LOITERING~~ — Shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expression "hanging out."

~~PUBLIC PLACE~~ — Shall mean any place to which the public has access and shall include any street, highway, road, alley, or sidewalk. It shall also include public grounds, lands, buildings, parks, playgrounds or parking lots or other property owned by or under the control of the State of New Jersey, County of Bergen, Township of Mahwah, Board of Education of the Township of Mahwah or the Township of Mahwah Library Board.

**§3-11.2. Certain Types of Loitering Prohibited. [Ord. #1194 § III]**

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 so as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.
- 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 Subsection 3-11.1b. 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 so as to cause such person to react immediately in such a way as to threaten by physical violence the peace and order of the public.
- e. — Cut, deface, destroy, injure or remove any buildings, fixtures, structures, trees or shrubs on publicly owned property.

**§3-11.3. Discretion of Police Officer. [Ord. #1194 § III]**

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 Subsection 3-11.2, 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 section.~~

~~§ 3-12. VIOLATION AND PENALTIES. [New; Ord. #1194 § I]~~

~~Any person who shall violate any provisions of this chapter shall be subject to the penalty as stated in Chapter 1, § 1-5.~~

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

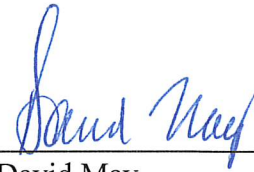
**SECTION 4.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Ordinance No. 1953


Page: 4

Dated: 1/12/22

Attest



David May  
Council President

  
Kathrine G. Coviello  
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 21st day of October, 2021.

  
Kathrine G. Coviello, RMC/CMC/MMC  
Municipal Clerk