

Chapter 91 LOITERING

- § 91-1. Findings and purpose.
§ 91-2. Definitions.
§ 91-3. Prohibited conduct.

- § 91-4. Guidelines for enforcement.
§ 91-5. Constitutional rights.

[HISTORY: Adopted by the Board of Trustees of the Village of Camden 6-15-1999 by L.L. No. 3-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 75.

Peace and good order — See Ch. 108.

§ 91-1. Findings and purpose.

The Board of Trustees of the Village of Camden hereby finds and determines that the adoption of this chapter is necessary to protect the public health, safety and welfare.

§ 91-2. Definitions.

The following terms shall be given the meaning indicated when utilized in this chapter:

ADULT — A person who has attained at least the age of 18 years.

LOITER — To consume time idly, linger, delay, dawdle, move slowly, lounge, congregate, gather, hinder, be dilatory, spend time in an idle manner or travel indolently in a public place or public area in a manner prohibited under this chapter.

MINOR — A person who has not yet attained the age of 18 years.

PERSON — Any minor or adult.

PUBLIC PLACE or PUBLIC AREA — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, any hospital, school building, library, office building, common area of any apartment building, alley or alleyway, street, street crossing, highway, expressway, lane, road, turnpike, toll road, bridge, overpass, underpass, sidewalk, crosswalk, skybridge, park, playground, plaza, courtyard, square, driveway, parking lot or transportation facility, vacant lot, resort, place of amusement, carnival, show, retail building, shopping center, restaurant and hotel lobby and any other building, structure or land or area, whether publicly or privately owned, which is open to the public or a substantial group of the public.

REMAIN — To linger or stay, whether on foot, skateboard, roller blades, roller skates, bicycle, moped, motorcycle, automobile, truck or other mode of transportation in a manner prohibited under this chapter; or to fail to leave the premises when requested to do so by a peace officer or the owner, operator or person in control of the public place or public area.

WANDER ABOUT — See "loiter."

§ 91-3. Prohibited conduct.

- A. It shall be unlawful for any person or group of persons to loiter, remain or wander about in a public place or public area when he, she or they:
- (1) Do so for the purpose of gambling with cards, dice or other gambling paraphernalia.
 - (2) Are masked or disguised in unusual attire or facial alteration, or permit or aid persons so masked to loiter, remain or wander about in a public area or public place, unless this conduct is in connection with a masquerade party or like entertainment if, when held in a city which has promulgated regulations in connection with these affairs, permission is first obtained from the police or other appropriate authorities.
 - (3) Are present in school buildings or on school grounds or college or university buildings or grounds without any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having permission from anyone authorized to grant the same.
 - (4) Are present in a transportation facility, unless specifically authorized to be there for the purpose of soliciting or engaging in any business, trade or commercial transaction involving the sale of merchandise or services, or for the purpose of entertaining persons by singing, dancing or playing any musical instrument.
 - (5) Do so in a manner which interferes with or obstructs the ordinary or free use of such public place or public area by persons passing along and over the same.
 - (6) Commit any act or do anything which constitutes an obstruction to or interference with the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon any public place or public area.
 - (7) Have been requested to move on by police or peace officer enforcing this chapter or by the owner, operator or person in control of the public place or public area.
 - (8) After having been requested to move on by a peace officer or the owner, operator or person in control of the public place or public area, reassemble to loiter, remain or wander about in the public place or public area on the same day.
- B. Loitering for the purpose of unlawfully using or possessing a controlled substance. It shall be a Class B misdemeanor for any person or group of persons to loiter for the purpose of unlawfully using or possessing a controlled substance. "Controlled substance" is defined in § 220.00 of the Penal Law.
- C. Loitering for the purpose of promoting or engaging in prostitution.
- (1) Promoting prostitution. It shall be a Class A misdemeanor for any person or group of persons to loiter, remain or wander about in a public place or public area for the purpose of promoting prostitution. "Prostitution" is defined in § 230.00 of the Penal Law.
 - (2) Engaging in prostitution.

- (a) It shall be a violation for any person or group of persons to loiter, remain or wander about in a public place or public area for the purpose of engaging in prostitution as defined in § 230.00 of the Penal Law.
 - (b) It shall be a Class B misdemeanor if such person or persons has or have been previously convicted of a violation of this section.
- D. Daytime curfew. It shall be a violation for any minor subject to compulsory education to loiter, remain or wander about in a public place or public area unsupervised between the hours of 8:30 a.m. and 2:30 p.m. on days when school is in session, unless the minor:
- (1) Is on an emergency errand directed by his or her parent, guardian or other adult person having care and custody of the minor.
 - (2) Is going to or coming from his or her place of employment, or is in a place he or she is required to be relative to a business, trade, profession or occupation in which the minor is lawfully engaged.
 - (3) Has permission to leave campus for lunch and has in his or her possession a valid, off-campus permit.
 - (4) Is going to or coming from a medical appointment.
 - (5) Is returning directly home from a public meeting, place of public entertainment, sporting event or other school activity.

§ 91-4. Guidelines for enforcement.

Any peace officer charged with the enforcement of this chapter shall do so in a reasonable manner and in such further manner so as to prevent arbitrary or capricious enforcement. The Chief of Police shall promulgate further guidelines for the enforcement of this chapter.

§ 91-5. Constitutional rights.

Nothing in this chapter shall be construed so as to deny the rights of peaceful assembly and free speech as guaranteed by the Constitution of the State of New York and the Constitution of the United States of America.