

ORD-1717-23

ORDINANCE OF THE TOWNSHIP OF HAZLET, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADDING CHAPTER 326 OF THE TOWNSHIP CODE ENTITLED “AGGRESSIVE SOLICITATION PROHIBITED”

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hazlet, County of Monmouth, State of New Jersey:

SECTION 1:

New Chapter 326, of the Code of the Township of Hazlet, entitled “Aggressive Solicitation Prohibited” is hereby adopted to read as follows:

326-1. Purpose and Intent

The purpose of this Chapter is to protect the rights of all people to safely exercise their First Amendment rights, as well as to protect the personal and property rights of those who choose not to participate.

- (1) The Township of Hazlet has a compelling governmental interest in imposing certain reasonable time, place, and manner regulations whenever potential First Amendment activities such as begging, solicitation and panhandling occur on streets, highways, sidewalks, walkways, plazas, and other public venues which may interfere with personal or property rights.
- (2) This Chapter is not intended to limit any person from exercising their constitutional right to solicit funds or engage in constitutionally protected activities. The provisions of this Chapter are established to narrowly tailor any such restrictions to protect the First Amendment rights of all people within the Township, to protect the rights of non-

participating people and their property, and to fully ensure the rights and safety of all people and property.

- (3) Persons approached by individuals asking for money, objects or other things of any value are particularly vulnerable to real, apparent or perceived coercion when such request is accompanied by aggressive solicitation as defined below.
- (4) The Township desires to respect a person's right to solicit, beg or panhandle while simultaneously protecting other's right to not be coerced.

326-2. Definitions.

As used in this Chapter, the following words and terms shall have the meanings indicated. The meaning of all other terms and words not specifically defined shall be their generally accepted definition:

Aggressive solicitation shall mean:

- a. Continuing to solicit from a person after the person has given a negative response to or ignored such solicitation;
- b. Closely following behind, ahead or alongside a person after that person has given a negative response to such solicitation;
- c. While soliciting, intentionally touching or causing physical contact with another person or their property without that person's consent;
- d. While soliciting, intentionally blocking, or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

- e. Following the person being solicited, with the intent of asking that person for money or other things of value;
- f. Soliciting in a manner with conduct, words or gestures intended or likely to cause a reasonable person to fear immediate bodily harm, danger or damage to or loss of property, or otherwise be intimidated into giving money or any other thing of value;
- g. Soliciting in a group of two or more persons in an intimidating fashion;
- h. Soliciting any person within 25 feet of any bank, automated teller machine,, check cashing business, bus stop, train station, public restroom, pay telephone, theatre or place of public assembly, or of any outdoor seating area of any cafe, restaurant or other business;
- i. Soliciting any person in public after dark, which shall mean the time from sunset to sunrise;
- j. Using profane, threatening, or abusive language, while soliciting; or
- k. Soliciting money from anyone who is waiting in line for tickets, entering a public building or riding on public transportation;

Beg, begging, panhandling, solicit, or soliciting shall be synonymous and shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place.

326-3. Prohibited Activity.

It shall be unlawful for any person to aggressively solicit. Any police officer observing any person violating this provision, or if such activity is reported to the officer, the police officer may

order such person to cease and desist such behavior and may issue a summons to such person if the person fails to comply with such order.

326-4. Penalty.

Any person found guilty of violating this article shall be punished by a fine not to exceed \$250.00 for each for each violation, or, the court may impose such community service as it shall determine in lieu of a monetary fine.

SECTION 2. Severability.

If any section of this ordinance shall be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, that shall not affect the remainder of this ordinance.

SECTION 3. Repealer.

All ordinances which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

BE IT FURTHER ORDAINED that the Township Clerk shall publish this ordinance in an official newspaper of the municipality at least one week prior to the hearing on the adoption of this ordinance; and

BE IT FURTHER ORDAINED that this ordinance shall become effective after second reading and publication as required by law.

PUBLIC NOTICE IS HEREBY GIVEN that at a meeting of the Township Committee of Hazlet Township held on the 8th day of August 2023, the above-entitled ordinance was adopted on final passage and becomes effective with the publication of this notice.

ATTEST: Mary L. Lynch
 Municipal Clerk

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