

ORDINANCE NO. -2022

AN ORDINANCE BY THE TOWNSHIP OF NORTH BRUNSWICK IN MIDDLESEX COUNTY, NEW JERSEY DELETING CHAPTER 234, "PARKS AND PLAYGROUNDS," SECTION 5, "SOLICITATION OF ALMS AND CONTRIBUTIONS." AND AMENDING CHAPTER 238 "DISORDERLY CONDUCT" SECTION 1, "PROHIBITED ACTIVITES."

WHEREAS, the Township of North Brunswick (hereinafter referred to as "Township") currently prohibits the solicitation of all alms and contributions via §234-5; and

WHEREAS, the Township has a duty to ensure that all people have the right to exercise their First Amendment freedoms safely; and

WHEREAS, the Township has a compelling governmental interest in imposing certain reasonable time, place, and manner restrictions whenever potential First Amendment activities such as begging, solicitation and panhandling occur on streets, highways, sidewalks, walkways, plazas, and other public venues within the city; and

WHEREAS, this Amendment is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in constitutionally protected activities; and

WHEREAS, this Amendment also protects the First Amendment rights of those persons and property who choose not to respond to those requests for solicitation, begging, and panhandling; and

WHEREAS, this Amendment to this section is established to most narrowly tailor any such restrictions to protect the First Amendment rights of all people within the Township as well as the rights of non-participating people and their property, and to ensure the rights and safety of all people and/or property to the fullest extent possible.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of North Brunswick, in the County of Middlesex, State of New Jersey as follows:

Deletions are noted by ~~strike throughs~~
Additions are indicated in **bold underline**
Language that remains unchanged is not highlighted in anyway

SECTION I

Chapter 234, "Parks and Playgrounds" Article I, "General Provisions," §234-5, "Solicitation of alms and contributions" is hereby amended to reflect the following:

~~§234-5 Solicitation of alms and contributions.~~

No person shall solicit alms or contributions for any purpose without permission of the Mayor and Council.

SECTION II

Chapter 238 "Peace and Good Order" Article I, "Disorderly Conduct" §238-1 "Prohibited activities" is hereby amended to include the following:

§238-1.1 "Aggressive Solicitation, Begging, and Panhandling."

A. Purpose and Intent: The public purpose and intent of this section is to protect the rights of all people to exercise their First Amendment rights as well as the people and/or property who chose not to participate.

B. Definitions:

Aggressive Manner shall mean the following:

- 1. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value;**
- 2. Continuing to solicit from a person after the person has given a negative response to or ignored such soliciting;**
- 3. Intentionally touching or causing physical contact with another person or their property without that person's consent in the course of soliciting;**
- 4. 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;**
- 5. Using violent or threatening language, language and/or gestures and/or gestures toward a person being solicited;**
- 6. Following the person being solicited, with the intent of asking that person for money or other things of value;**
- 7. Soliciting money from anyone who is stationary, such as waiting in line for tickets, for entry to a building or for any other purpose;**
- 8. 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;**
- 9. Begging in a group of two or more persons in an intimidating fashion;**
- 10. Soliciting any person within twenty-five (25) feet of the entrance to, or parking area of, any bank, automated teller machine, automated teller machine facility, check cashing business, mass transportation facility, mass transportation stop, public restroom, pay telephone or theatre or place of public assembly, or of any outdoor seating area of any cafe, restaurant or other business;**
- 11. Soliciting any person in public after dark, which shall mean the time from one-half hour before sunset to one-half hour after sunrise.**

Automated teller machine shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments which are made available to banking customers.

Automated teller machine facility shall mean the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers during and after regular banking hours.

Bank shall mean a State or federally chartered bank, savings bank, or savings and loan association which has trust powers and which has its principal office in New Jersey, pursuant to N.J.S.A. 17:20-1(a)(1)

Beg, begging or panhandling 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. Solicit or solicitation shall include using the spoken, written, or printed word, bodily gestures, signs, or other means of communication with the purpose of obtaining an immediate donation of money or other thing of value and also include the offer to immediately exchange and/or sell any goods or services.

Check cashing business shall be a business governed by the New Jersey Check Cashiers Regulatory Act, N.J.S.A. 17:15A-30, et. seq.

Public place shall mean a place to which the public has access, including, but not limited to: a place which a governmental entity has title, any street open to public use, bridge, sidewalk, walkway, driveway, parking lot, plaza, transportation facility, school, park, or playground, and the doorways and entrances to building and dwellings.

C. Prohibited Activity: It shall be unlawful for any person to beg, panhandle or solicit any other person in an aggressive manner. Any police officer observing any person violating this provision may request or order such person to cease and desist such behavior and may issue a summons to each person if the person fails to comply with such request or order.

SECTION III. Each clause, section, or subsection of this Ordinance shall be deemed a separate provision to the intent that is any such clause, section, or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION IV. All Ordinances are parts of Ordinances inconsistent with this Ordinance are hereby repealed as the extent of such inconsistency.

SECTION V. This Ordinance shall take effect immediately upon adoption and publication according to law.