

CITY OF ABSECON

ORDINANCE 08-2025

**AN ORDINANCE OF THE CITY OF ABSECON AMENDING CHAPTER 258
OF THE CODE OF THE CITY OF ABSECON ESTABLISHING PROHIBITIONS
AGAINST AGGRESSIVE SOLICITATION WITHIN THE CITY OF ABSECON**

WHEREAS, the Council of the City of Absecon recognizes the constitutional right of individuals to beg or solicit in a peaceful and non-threatening manner; and

WHEREAS, the Council of the City of Absecon finds, however, that aggressive solicitation is disturbing and disruptive to residents, guests, and businesses of the City of Absecon and can amount to a loss of access and to enjoyment of public places, while also enhancing a sense of fear, intimidation, and disorder among residents, guests, and businesses within the City of Absecon; and

WHEREAS, aggressive solicitation often includes approaching and/or following pedestrians, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrians and vehicular traffic; and

WHEREAS, the Council of the City of Absecon finds adoption of a restriction against aggressive solicitation is appropriate and timely as there are currently no ordinances in place to address the issues related to aggressive solicitation within the City of Absecon; and

WHEREAS, the restrictions contained within this Ordinance are not intended to limit any individual person's right to exercise their constitutional right to solicit funds, picket, protest, or otherwise engage in other constitutionally protected activities. Rather, the goal of this Ordinance is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome presence in the City of Absecon; and

WHEREAS, the restrictions contained within this Ordinance are neither overbroad, nor vague, and are narrowly tailored to serve a substantial governmental interest in promoting the health, safety, and welfare of the residents and visitors of the City of Absecon.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY THAT CHAPTER 258 OF THE CITY OF ABSECON SHALL BE AMENDED AND READ AS FOLLOWS:

Section I - Section 258-2 of the Code of the City of Absecon shall be amended to read as follows:

258-2 - Definitions

AGGRESSIVE MANNER shall be defined as:

(A) Approaching or speaking to a person or following a person before, during, or after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to: (1) fear bodily harm to oneself or to another,

damage to or loss of property, or the commission of an offense under the New Jersey Code of Criminal Justice upon oneself or another; (2) otherwise be intimidated into giving money or other things of value; or (3) suffer unreasonable inconvenience, annoyance, or harm.

(B) Intentionally touching or causing physical contact with another person or with an occupied vehicle, without that person's consent, in the course of soliciting, asking, or begging.

(C) Intentionally blocking or interfering with the safe and 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.

(D) Using violent or threatening gestures toward a person solicited.

ASK shall be defined as – See definition for “beg”.

AUTOMATED TELLER MACHINE – 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.

AUTOMATED TELLER MACHINE FACILITY – The area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

BANK – Any banking corporation as defined in the United States Code or the New Jersey statutes and regulations.

BEG – Using the spoken, written, or printed word or bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

CHECK CASHING BUSINESS – Any person or entity duly licensed by the New Jersey Department of Banking to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to the provisions of the New Jersey banking laws and regulations.

PUBLIC PLACE – A place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any hallway, lobby, or any other portion of an apartment house or hotel not constituting a room or apartment designed for actual residence. Public places shall also include door-to-door begging in an aggressive manner as defined herein.

SOLICIT – See definition of “beg”.

Section II – Section 258-16 shall be the first section of “Article III” of Chapter 258 of the Code of the City of Absecon shall be read as follows:

258-16 – Prohibited Acts

- A) Solicit, ask, or beg in an aggressive manner in any public place.
- B) Solicit, ask, or beg within five hundred (500) feet of any entrance or exit of any bank or check cashing business during its business hours or within five hundred (500) feet of any automated teller machine during the time that it is available for customer use; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; provided, further, that no person shall solicit, ask, or beg within an automated teller machine facility where a reasonable person would or should know that (s)he does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this subsection shall be construed to prohibit the lawful vending of goods and services within such areas.
- C) Approach an operator or other occupant of a motor vehicle for the purpose of either performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services, if such approaching, performing, offering, or soliciting, is done in an aggressive manner as defined in section 2 of this Chapter 258; provided, however, that this subsection shall not apply to services rendered in connection with the lawful towing of such vehicle or in connection with emergency repairs requested by the operator or other occupant of the motor vehicle.
- D) Solicit, ask, or beg within five hundred (500) feet of any outdoor seating areas of any café, restaurant, or other business approved for usage of outdoor seating.

Section III – Section 258-17 of Chapter 258 of the Code of the City of Absecon shall be read as follows:

258-17 – Exemptions

The provisions of this article shall not apply to any unenclosed automated teller machine that is located within any building, structure, or space whose primary purpose or function is unrelated to banking activities, including, but not limited to, supermarkets, and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.

Section IV – Section 258 – 18 of Chapter 258 of the Code of the City of Absecon shall be read as follows:

258-18 – Violation and Penalties

Please see Chapter 258-9 for violations and penalties.

Severability - If any section or part of this Chapter is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from this Chapter as a whole and the remaining sections or parts of this chapter shall remain in full force and effect.

Effective Date - This ordinance shall become effective upon passage and publication pursuant to law.

Repealer - Any ordinance or section thereof, inconsistent with this ordinance shall be repealed.

DATED: August 7th, 2025

SIGNED:


Thomas Marrone, Mayor

ATTEST:


Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on July 17th, 2025.
Laid over and advertised for public hearing and final adoption on August 7th, 2025. 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 August 7th, 2025.