

**82-5
ORDINANCE**

LOITERING

Be it enacted and ordained by the Mayor and Council of the Borough of Dupont, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

LOITERING – Remaining idle in essentially one (1) location. It shall include the concepts of spending time idly, loafing or walking about aimlessly and shall also include the colloquial expression “hanging around.”

PUBLIC PLACE – Any place to which the public has access. The term shall include any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business and public grounds, areas and parks as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this ordinance or in the case of a minor, not owned by or under the control of his parent or guardian.

2. Prohibitions.

No person shall loiter in such a manner as to:

- (a) Create or cause to be created a danger or a breach of the peace;
- (b) Create or cause to be created any disturbances or annoyance to the comfort and repose of any person;
- (c) Obstruct the free passage of pedestrians or vehicles; or
- (d) Obstruct, molest or interfere with any person lawfully in any public place as defined in 1. This subsection shall include the making or unsolicited remarks of an offensive, profane, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

3. Discretion of police officer.

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 2, he may, if he or she 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 ordinance.

4. Violations and Penalties.

Any person who shall be convicted of a violation of any of the provisions of this ordinance shall be punishable by a fine of not more than Three Hundred Dollars (\$300), plus costs of prosecution, and in default of payment of payment of such fine and costs, by imprisonment in the county jail for a term not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or

permitting the continuation of the violation may be punished as provided above for each separate offense.

Adopted this 9th day of March 1982 at a regular meeting of the Council of the Borough of Dupont.

Approved: Mayor Frederick Lokuta

Signed by Edward Vogue, Jr.

Attest: Methislous Szumski, Secretary

Retyped to computer 3-1-13 by Patricia McDonald, Borough Manager