

**Borough of Tunkhannock
Ordinance 2009-7**

**AN ORDINANCE PROHIBITING LOITERING AND PROHIBITING
PARENTS AND GUARDIANS OF MINORS TO PERMIT SAID MINORS
TO LOITER IN PUBLIC AND SEMI-PUBLIC AREAS OF
TUNKHANNOCK BOROUGH, PROVIDING PENALTIES FOR
VIOLATIONS**

1. Definitions.

For the purposes of this Ordinance, the following words shall have the meaning ascribed thereto:

LOITERING - to loaf, linger, remaining idle in essentially one location or lingering or standing around without purpose either alone or in concert with others.

PARENT OR GUARDIAN -- any adult person having the care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE - any place to which the public has access including any public street or alley, or public sidewalk, or areas designated for public parking by the Tunkhannock Borough Council.

SEMI-PUBLIC PLACE -- private property that is customarily used by the public as an integral part of a commercial business, such as the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or, in the case of a minor, not owned or under the control of his parent or guardian.

2. Loitering in Public Places.

A. No person shall loiter in a public place, as defined above, in such a manner so as to:

- i. Obstruct any public street, public sidewalk, public bridge (foot or vehicle) or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.

- ii. Create or cause to be created any annoyance to the comfort and repose of any person any person or persons.
- iii. Create or cause to be created a danger of a breach of the peace or otherwise engage in disorderly conduct such as by making unreasonable noise, engaging in tumultuous behavior, using profane language or creating a physically offensive condition that causes or is likely to cause public inconvenience, annoyance or alarm.
- iv. Obstruct, molest or interfere with any person lawfully in any public place, This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature, or which are calculated to annoy or disturb the person to or in whose hearing they are made.

B. Nothing in this section shall be construed to prohibit peaceful picketing or free speech, provided that such picketing does not obstruct free and uninterrupted passage of vehicles or pedestrians.

4. Loitering in Semi-Public Places.

- A. No person shall at any time loiter in a Semi-Public Place, as defined above, in such a manner so as to:
 - i. Obstruct the free, unadulterated passage of vehicles.
 - ii. Obstruct or interfere with any person lawfully seeking access to use of the commercial business.
 - iii. Make unreasonable noise, engage in tumultuous behavior, use profane language or create a physically offensive condition that causes or is likely to cause public inconvenience, annoyance or alarm.

B. No person shall be guilty of a violation of this Part unless:

- i. The private property owner, tenant or other responsible and authorized person posts the property with "No Loitering" signs or other notices of like meaning at the entrance or entrances to the property and at intervals of a maximum of 75 feet measured from the side of the building which contains the entrance(s). Property of 75 feet or less measured on the entrance side may contain only one sign; or
- ii. The person to be charged with loitering has been asked by the property owner, tenant, police officer or other responsible and authorized person to leave the property and has failed to leave.

5. Enforcement.

Whenever any police officer or a duly appointed Borough Code Enforcement Officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place or semi-public place an individual is causing or is likely to cause any of the conditions enumerated in Sections 3 or 4, above, he may, if he 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 such an officer shall be guilty of a violation of this Ordinance.

6. Loitering by Minors

- A. No parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this chapter.
- B. Whenever any minor under the age of 18 years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by any police officer or a duly appointed Borough Code Enforcement Officer.
- C. If at any time within 90 days following the giving of notice, as provided in 6.B, above, the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

7. Penalty.

Any person who violates any provision of this Part, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not more than \$600 to be paid for the use of the Borough of Tunkhannock, together with costs of prosecution which shall include reasonable attorney's fees.

This Ordinance shall be and become effective immediately upon its adoption.

Duly enacted and ordained this 15th day of December, 2009, by the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, in lawful session duly assembled.

Attest:

Tunkhannock Borough

BY: _____
Dawn Welch
Secretary

BY: _____
A. Stacy Huber,
Council President

BY: _____
Norm Ball, Mayor