

Rec. 3/10/94 mf

ORDINANCE NO. 93-1

An ordinance of the Borough of Hop Bottom, Susquehanna County, Pennsylvania prohibiting loitering and prescribing penalties for violation. This ordinance supersedes Ordinance No. 87-2.

Whereas, the Borough Council of the Borough of Hop Bottom, Susquehanna County, Pennsylvania, (the "Council") has, pursuant to the Borough Code, as amended, the power to prohibit and remove any obstruction or nuisance and penalize the same; (acts of May 4, 1927, P.L. 519 Sec. 1202 as amended, 1943, and last amended 1979, 53 P.S. 46202) and;

Whereas, said Council has the power to ordain for the proper maintenance of peace, good government, and welfare of the Borough, as delegated to them by the code, as amended, (1979, Nov. 1, P.L. 453 #90 Sec. 1) and;

Whereas, said Code also authorizes the imposition of fines and penalties for offenses or violations of prohibited acts, not exceeding Three Hundred Dollars-----\$300.00-----and costs or, in default of payment thereof, imprisonment for not more than ten (10) days. (1966, Feb. 1, P.L. (1965) #581, Sec. 3308 as affected 1978, April 28, P.L. 202 #53, Sec. 2(a) (1939) effective June 27, 1980) and;

Now, therefore, the Council of Hop Bottom Borough, Susquehanna County, Pennsylvania, does hereby ordain and enact the following ordinance:

Section I. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING - remaining idle essentially in one location; lingering; spending time idly; walking about aimlessly in one vicinity or neighborhood; or "hanging around".

PUBLIC PLACE - any place to which the public has access, including: any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

Section II. Certain Types of Loitering Prohibited. No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any annoyance to any person or persons.
3. Obstruct the free passage of pedestrians or vehicles.

4. Obstruct, molest or interfere with any person lawfully in any public place as defined in Section I of this ordinance. This shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

Section III. Other Loitering Prohibited. Even if none of the conditions in Section II are present, it shall still be unlawful for any person to loiter in excess of fifteen minutes in front of the post office, any business or building or part thereof posted with a "No Loitering" sign, or any business that has closed for the day.

Section IV. Request to Leave. Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section II of this ordinance, any police officer may 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 section. Persons exceeding the fifteen minute time limit as described in Section III shall also leave when requested or be guilty of a violation of this section.

Section V. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with court costs for the first offense; except Section II, Paragraph 4, where the fine for the first offense shall be \$75 together with court costs.

Section VI. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section VII. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Hop Bottom Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Enacted and ordained by the Borough Council of the Borough of Hop Bottom this second day of March, 1993.

ATTEST:

Ferna K. Isaac
Borough Secretary

BOROUGH OF HOP BOTTOM

Gene M. Zablotsky
PRESIDENT OF COUNCIL

James M. Benedetto
MAYOR