

Chapter 151

LOITERING

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon 9-10-1996 by Ord. No. 3-96. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 111.

Peace and good order — See Ch. 170.

§ 151-1. Purpose.

The purposes of this chapter are the protection of the public health, safety, morals and general welfare, the reduction in the presence of criminal activity associated with loitering and the enforcement of parental control of and responsibility for their children.

§ 151-2. Definitions.

As used in this chapter, the following terms shall have the meanings given herein:

LOITERING — Remaining idle in essentially one location, and includes the concept of spending time idly, loafing and wandering around aimlessly.

MINOR — Any person under the age of 18 years.

PARENT or GUARDIAN — Includes any adult person having the care or custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by court order.

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

§ 151-3. Types of loitering prohibited.

It shall be unlawful for any person to loiter either alone and/or in consort with others in a public place in such a manner as to:

- A. Obstruct any public place by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- B. Commit in or upon any public place any act or thing which is an obstruction to or interference with the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on such public place, all of which prevents free and uninterrupted ingress, egress and regress therein, thereon and thereto.

- C. Obstruct or interfere with any person lawfully in any public place.
- D. Make or cause to be made any loud, boisterous and unreasonable noise with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof.
- E. Make abusive remarks or epithets directed to any person which have a tendency to create an immediate threat to public safety, peace or order. Included in this subsection are abusive remarks of a racial, religious, ethnic or sexist nature.

§ 151-4. Enforcement.

- A. When any person causes or commits any of the conditions enumerated in § 151-3 herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse.
- B. The police officer shall also inform the actor that:
 - (1) Failure or refusal to obey his order to stop causing or committing such conditions and to move on or disperse will be in violation of this chapter.
 - (2) Any resumption of similar activity prescribed by this chapter will be in violation of this chapter.

§ 151-5. Offenses by minors.

- A. If any minor is in violation of § 151-3 herein, the police officer shall obtain information from such minor as to his name, address, age and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his residence forthwith.
- B. The information obtained from the minor, together with a report of the incident, shall be forwarded to the Juvenile Division of the Borough Police Department, which shall cause a written notice to be mailed (certified and return requested) to the parents of the minor, advising them of the violation of this chapter and of their responsibilities as set forth in § 151-6 hereof.

§ 151-6. Responsibility of parents.

Any parents who, after having received a written notice of their minor's violation of this chapter, knowingly permit or allow such minor again to violate this chapter shall be in violation of this chapter and subject to its penalties. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts, activities or conduct of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard or parental responsibility through an objective test.

§ 151-7. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this chapter shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.