

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE PROHIBITION OF LOITERING

The Board of Supervisors of the Township of Heidelberg does hereby enact and ordain:

1. Definitions. As used herein, the following words and terms shall have the following meanings:

A. "Loiter" means to stand around, move slowly about, spend time idly, saunter, delay, linger, lag behind, stay, remain, or wait at one location.

B. "Public Place" means any place to which the public has access, including any street, highway, road, alley, sidewalk, path, or public passage way. The term also includes the front or the surrounding area 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 or under the control of his or her parent or guardian.

2. Prohibition. No person shall loiter in a public place in such a manner as to unnecessarily or willfully obstruct or interfere with travel upon or through any public place or with ingress or egress to and from any private or public place of residence, commerce, amusements, or worship; provided, however, that peaceful picketing shall not be restricted by this Ordinance so long as one-half (1/2) of the width of the public way is kept clear for use by other travelers and does not otherwise unreasonably obstruct or interfere with travel or place any person or property at risk of injury. In addition to physical interference with travel, interference by intimidation or by causing apprehension among travelers is prohibited.

3. Enforcement. Upon observing a person loitering in a public place, a police officer or other public servant engaged in executing or enforcing the law, may (i) order the person to cease loitering and move on, or (ii) issue a citation. Prior to taking any such action, the officer or public servant shall, unless made impracticable by flight of the person or other disabling circumstances, afford the person an opportunity to dispel any alarm which would otherwise be warranted and to otherwise justify his or her apparent loitering by requesting him or her to identify him or herself and explain his or her presence and conduct.

4. Penalty. Any person violating any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine of not more than One Hundred Dollars (\$100) and, in default of such payment, imprisonment for a term not to exceed ten (10) days.

5. Effective Date. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED into law this 17th day of January, 200 .

Mark T. Wolford

Karen C. York

Ted Noh

Paul Gelsinger

Attest: Cheryl L. Bowers
Secretary