

**BOROUGH OF WYALUSING
ORDINANCE NO. _____**

AN ORDINANCE CHAPTER NO. 47, PROVIDING FOR
THE REGULATION MALICIOUS LOITERING OF THE CODE OF THE
BOROUGH OF WYALUSING, COUNTY OF BRADFORD,
COMMONWEALTH OF PENNSYLVANIA.

THE BOROUGH OF WYALUSING HEREBY ORDAINS:

Municipalities Planning Code, 53 P.S. 46202 § 46202. Specific powers

(6) Health and cleanliness regulations. To make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the borough.

SECTION 1. Definitions

As used in this chapter the following words and terms shall have the following means:

- (a) "Loitering" means lingering, staying, remaining or waiting at one location.
- (b) "Malicious" means vexatious, annoying, injurious, or with intent to do a wrongful act.
- (c) "Prowling" means roving or wandering in a stealthful manner. (See definition of wandering)
- (d) "Public Place" means any place to which the public has access and includes any street, highway, road, alley, or sidewalk. It 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, public building, public library, 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 or her parent or guardian.

- (e) "Wandering" means wandering about and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop, house, or any other building or in any automobile, truck, railroad car or other vehicle without owning the same or without permission of the owner or person entitled to possession of the same or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account oneself.

SECTION 2. Prohibition

No person shall maliciously loiter, wander or prowl in a public place.

SECTION 3. Enforcement

- (a) No person shall be convicted of maliciously loitering or prowling or wandering in a public place in violation of this chapter unless a arresting official, at the time and upon observation of the alleged malicious loitering or prowling or wandering, determines that such person was causing or was likely to cause any of the conditions enumerated in the preceding section.
- (b) Unless flight by the person or other disabling circumstances makes it impracticable, an arresting official shall, prior to any arrest for an offense under this chapter, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify him/herself and explain his or her presence and conduct.
- (c) No person shall be convicted of malicious loitering or prowling or wandering in a public place in violation of

this chapter if the arresting official did not comply with subsection (b) hereof or if it appears to the fact finder at trial that the explanation given by the person was true and, if believed by the arresting official at the time, would have dispelled the alarm.

SECTION 4. Penalty

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed six hundred dollars (\$600.00), plus court costs and/or thirty (30) days in jail.

THIS ORDINANCE shall take effect immediately upon adoption.

ENACTED AND ORDAINED BY THE BOROUGH OF WYALUSING,

this 2nd, day of April, 2007.

Gary Rouse
Gary Rouse, President
Wyalusing Borough Council

ATTEST:

Stacy Hart
Stacy Hart, Secretary

APPROVED THIS 2nd DAY OF April 2007.

Barbara Lord
Barbara Lord, Mayor