

## Chapter 59

### LOITERING AND EXPECTORATING

§ 59-1. Definitions.

§ 59-3. Public expectorating prohibited.

§ 59-2. Loitering prohibited; police order to disperse.

§ 59-4. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Donegal 9-11-1996 by Ord. No. 96-5. Amendments noted where applicable.]

#### GENERAL REFERENCES

Curfew — See Ch. 32.

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§ 59-1. Definitions.

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

**LOITERING** — Remaining idle in essentially one location, and includes the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression "hanging around."

**PUBLIC PLACE** — Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

§ 59-2. Loitering prohibited; police order to disperse.

- A. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone and/or consort with others, in a public place in such manner so as to:
- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or intending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
  - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress/egress therein, thereon and thereto.
- B. When any person causes or commits any of the conditions enumerated in Subsection A, 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. Any person who fails or refuses to obey such orders shall be guilty of a violation of this chapter.

**§ 59-3. Public expectorating prohibited.**

No person in Donegal Township shall expectorate upon any sidewalk, street, floor and public buildings or upon any other public place.

**§ 59-4. Violations and penalties.<sup>1</sup>**

A police officer, code enforcement officer, or other law enforcement officer shall determine whether a violation has occurred under the provisions of this chapter. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**Chapter 61**  
**(RESERVED)**

**[Former Ch. 61, Mining, Art. I, Corporate Mining and Democratic Self-Government,  
adopted 12-18-2007 by Ord. No. 2007-2 , was repealed 7-23-2008 by Ord. No. 2008-2.]**