

Westfall Township

Ordinance No. 167

AN ORDINANCE OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA PROHIBITING MALICIOUS LOITERING OR PROWLING AND PROVIDING FOR ENFORCEMENT MEASURES, RULES, REGULATION & REPORTING AND PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors may make and adopt any ordinance, by-laws, rules & regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, the Board of Supervisors may adopt ordinances to secure the safety of persons or property within the Township and to define disturbing the peace within the limits of the Township.

NOW THEREFORE, Westfall Township Supervisors, Pike County, Pennsylvania, hereby adopt the following Ordinance.

Section 1: DEFINITION – As used in this Ordinance, the following words and terms shall have the following meanings:

- a. **Loitering** – lingering, staying, remaining or waiting at one location.
- b. **Malicious** – vexacious, annoying, injurious, or with intent to do a wrongful act.
- c. **Prowling** – roving or wandering in a stealthful manner.
- d. **Public place** – 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 as well as parking lots or other vacant private property not owned 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.

Section 2: PROHIBITION – No person shall maliciously loiter or prowl in a public place.

Section 3: ENFORCEMENT – a) No person shall be convicted of maliciously loitering or prowling in a public place in violation of this chapter unless a police officer, at the time and upon observation of the alleged malicious loitering or prowling, determines that such person was causing or was likely to cause any of the conditions enumerated in the proceeding section; b) unless flight by the person or other disabling circumstances make it impracticable, a police officer 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 or comply with a dispersal order; and c) no person shall be convicted of malicious loitering or prowling in a public place in violation of this Ordinance if the police officer did not comply with Section B hereof or if it appears to the factfinder at trial that the explanation


given by the person was true and, if believed by the police officer at the time, would have dispelled the alarm.

Section 4: RULES, REGULATIONS & REPORTING – a) Within twenty (20) days of the enactment of this Ordinance, the chief of police of the Eastern Pike Regional Police Department shall provide the Westfall Township Supervisors with a copy of the Rules & Regulations adopted by the Eastern Pike Regional Police Department for enforcement of the Ordinance; b) within six (6) months after the effective date of this Ordinance, the chief of police of the Eastern Pike Regional Police Department shall provide the Westfall Township Supervisors with the Report concerning the effect of this Ordinance on crime and such other information as the Westfall Township Supervisors may direct.

Section 5: PENALTY – Any person who violates any of the provisions of this Ordinance commits a summary offense and, upon conviction thereof, may be sentenced to a term of imprisonment, the maximum of which is not more than ninety (90) days and a fine of not more than three hundred (\$300.00) dollars plus all costs of Court including reasonable attorney’s fees incurred by the municipality as a result. All fines collected for violation of this Ordinance shall be paid to the Township treasurer and credited to the General Township Fund.


Section 4: EFFECTIVE DATE – this Ordinance shall become effective this 1st day of August, 2016.


ROBERT MELVIN, Chairman


JERRY DOTEY, Vice-Chairman

In opposition - did not sign
ROBERT BOSTINTO, Supervisor

In opposition - did not sign
LESTER BUCHANAN, Supervisor


PAUL FISCHER, Supervisor

ATTEST:


JODI HULSE, SECRETARY