

Chapter 135

LOITERING

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[HISTORY: Adopted by the Borough Council of the Borough of Dormont 6-5-1978 as Ord. No. 1249. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 88.

Peace and good order — See Ch. 153.

§ 135-1. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

JUVENILE — Any person under the age of eighteen (18) years.

LOITERING — Remaining idle in essentially one (1) location without being able to establish having a legitimate business or purpose in so remaining idle or by conduct exhibiting the absence of a lawful purpose in so remaining idle.

PARENT — Any parent of a juvenile, a guardian or any adult person eighteen (18) years of age or over responsible for the care and custody of a juvenile.

PUBLIC PLACE — Any place to which the public has access, and includes any street, highway, road, alley or sidewalk. It also includes the area in front of or adjacent to any store, shop, restaurant, tavern, school, municipal building or any 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 chapter, or, in the case of a juvenile, not owned by or under the control of his or her parent.

§ 135-2. Types of loitering.

No person shall loiter in a public place in such a manner as to:

- A. Obstruct the free passage of pedestrians or vehicles.
- B. Obstruct, molest or interfere with any person lawfully upon any street, park or other public place.
- C. Create or cause to be created a danger of a breach of the peace.

- D. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- E. Obstruct, molest or interfere with any person lawfully in any public place as defined in § 135-1. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 135-3. Discretion of police.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 135-2, he or she may, if he or she deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 135-4. Loitering by juveniles; parental responsibility.

No parent of a juvenile shall knowingly permit that juvenile to loiter in violation of this chapter.

§ 135-5. Notice to parents of violations by juveniles.

Any police officer who finds a juvenile violating any provisions of this chapter shall obtain information from such juvenile as to his or her name and address and age and the name of his or her parent. The juvenile shall thereupon be instructed to proceed to his or her home forthwith. If such juvenile shall fail or refuse to proceed to his or her home forthwith after being instructed to do so, he or she shall be taken to his or her home by a police officer. The information obtained from the juvenile shall be forwarded to the Chief of Police, who shall cause a written notice to be mailed to the parent of the juvenile, advising of the violation of this chapter.

§ 135-6. Presumption of consent.

If at any time within thirty (30) days following the date of giving written notice, as provided in § 135-5, the juvenile to whom such notice relates again violates this chapter, it shall be presumed, in the absence of evidence to the contrary, that the juvenile did so with the knowledge and permission of his or her parent.

§ 135-7. Determination of age.

Police officers taking juveniles into custody shall use their discretion in determining age and in doubtful cases may require positive proof, and until such proof is furnished, the officer's judgment shall prevail.

§ 135-8. Violations and penalties.¹

- A. Any person over the age of eighteen (18) years violating any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) for each offense, and costs.
- B. Any juvenile violating any of the provisions of this chapter more than twice shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) for each offense, and costs.

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

