

HATFIELD BOROUGH ORDINANCE # 463

AN ORDINANCE ENACTING A PROHIBITION AGAINST DISTURBING THE PEACE, LOITERING AND RESTRICTING THE LOCATIONS WHERE SKATEBOARDING MAY LAWFULLY OCCUR; REPEALING CONFLICTING PROVISIONS OF THE CODE OF ORDINANCES AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, Hatfield Borough Council has determined that it is necessary to update its ordinances concerning behavior which is deemed disorderly conduct and/or conduct which disturbs the peace, and has determined that it is necessary to spell out more clearly that conduct which will be regarded as a disturbance of the peace within the Borough,

NOW THEREFORE, enacts the following Ordinance, to be known as the Prohibition Against Disturbing the Peace, as follows:

Section One: Chapter Six, "Conduct," is hereby amended to delete Part 1, Section 102, and to add the following new sections.

Section Two: The Ordinance is amended to add:

§ 102. Unlawful acts enumerated.

Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disorderly conduct and/or acts disturbing the peace, the following are hereby declared to constitute disorderly conduct and/or acts disturbing the peace:

- A. The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices, the operation of any motor vehicle which makes any unnecessary or unusual noise caused by an improper or defective muffler or the backfire or racing of such motor in or about the operation of such motor vehicle. It is not intended hereby to prohibit the use of such warning devices in emergencies or at such times or in such manner as a prudent operator in the exercise of good judgment may deem necessary.
- B. The operation of radios, "boom boxes," car sound systems, phonographs, television sets or other mechanical instruments or singing, shouting or playing of musical instruments in a manner or at a time which is generally considered to be inappropriate and which unnecessarily disturbs the peace and quiet of the immediate neighborhood.
- C. Loitering.
 - (1) No person shall loiter in such a manner as to create or cause to be created a danger of a breach of the peace, or create or cause to be created any disturbance or annoyance to the comfort and repose of any person; or obstruct the free passage of pedestrians or vehicles; or obstruct, molest or interfere with any person lawfully in any public place as defined herein. This subsection shall include the making of unsolicited remarks of an offensive, profane, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

- (2) As used in this section, the following terms shall have the meanings indicated:

LOITERING - Remaining idle in essentially one location. It shall include the concepts of spending time idly loafing or walking about aimlessly and shall also include the colloquial expression "hanging around."

PUBLIC PLACE - Any place to which the public or a substantial group has access. The term shall include any street, highway, road, alley or sidewalk. It shall also include any premises open to the public, the front or the neighborhood surrounding any store, shop, restaurant, tavern or other place of business or amusement, schools, prisons, apartments, any neighborhood 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 minor, not owned or under the control of his parent or guardian.

- (3) 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 this chapter, he may, if he 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.

- D. Acting in or upon any street, alley, or other public way or public place or at any public gathering or assembly, or in or around any store, shop, business or commercial establishment or on any private property or place in a noisy, loud, boisterous, unseemly, lewd, lascivious or wanton manner in speech or behavior or in any other manner as to disturb, or tend to disturb, the peace and quiet of the community, the passersby or the inhabitants of the Borough.
- E. Disturbing, tending to disturb or aiding in disturbing the peace of others by violent, tumultuous, or offensive conduct, including but not limited to panhandling or knowingly permitting such conduct upon any premises owned, possessed and/or controlled by any person.
- F. Wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied vehicle, structure or property without owning the same or without the permission of the owner or person entitled to possession of the same.
- G. Disturbing any congregation or assembly for religious, civic, or other purpose by making noises, by rude and/or indecent behavior or profane discourse within the place of assembly or near to the same as to disturb the solemnity or order of the meeting.
- H. Refusing or failing in a prompt, obedient manner to obey any lawful order of any police officer.

§ 103. Skateboarding Prohibited in Certain Areas

In order to encourage pedestrian traffic in and around the commercial district of the Borough, to discourage conflicts between pedestrians and skateboarders, and to provide for the safety of those using the streets and sidewalks within the Borough's Core Commercial District, Skateboarding on the streets, public parking lots or sidewalks of the Borough is prohibited in the area described below:

- A. On Broad Street between Main Street and Market Streets;
- B. On Main Street/ Cowpath Road between Lincoln and Dublin Alley;
- C. On Market Street from Board to the Hatfield Township line;
- D. East Lincoln Avenue between Main and Market Streets;
- E. At such other locations as the Borough shall designate from time to time with temporary restrictions and signs.

§ 104. Violations and penalties.

Any person violating any of the provisions of this chapter shall be guilty of the offense of disorderly conduct and, upon conviction thereof in a summary proceeding before any District Justice, shall be sentenced to pay a fine or penalty not exceeding \$600 and the costs of prosecution and, in default of the payment of said fine or penalty and/or costs, shall be sentenced to imprisonment for a term not exceeding 30 days.

Enacted this 20TH day of JUNE, 2007, with Councilmen
WEIERMAN, De FINIS, FARRALL, STEVENS & MOYER voting "aye" and Councilmen
NONE voting "nay."

Hatfield Borough Council

By: John H. Weierman
John H. Weierman, Council President

Attest:

Robert E. Ihlein
Robert E. Ihlein, Borough Secretary

Approved by the Mayor this 20th day of June, 2007

Robert L. Kaler III
Robert L. Kaler III