

BOROUGH OF TRAPPE
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 420

**AN ORDINANCE AMENDING CHAPTER 140 (DISORDERLY CONDUCT) OF THE
BOROUGH CODE OF THE BOROUGH OF TRAPPE TO PROVIDE AN EXPANDED
DEFINITION OF LOITERING WITHIN THE BOROUGH OF TRAPPE AND TO
PROVIDE PENALTIES FOR VIOLATIONS THEREOF**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. – The Code of the Borough of Trappe, Chapter 140 (Disorderly Conduct) Section 140-2 (Acts Constituting Disorderly Conduct) is hereby amended to delete existing paragraph “F” in its entirety and restate said paragraph as “Reserved.”

SECTION 2. – The Code of the Borough of Trappe, Chapter 140 (Disorderly Conduct) is hereby amended to add the following new Section 140-3 entitled “Loitering” and new Section 140-4 entitled “Violation and Penalties.”

§140-3 Loitering.

A. Loitering prohibited. It shall be unlawful for any person to loiter within the limits of the Borough of Trappe.

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

“Loitering”. Any act, word or conduct causing or tending to cause any danger, annoyance, inconvenience of alarm or the reckless creating of a risk thereof, to the inhabitants of the Borough of Trappe or users of any of

the public streets, alleys, sidewalks or public places in the Borough of Trappe by any person or persons who shall idle, linger aimlessly or congregate in or upon any street, alley, sidewalk or other public way or public place or in any public gathering or assembly or in or around any store, shop, business or commercial establishment or on any private property or place without lawful business.

- C. Obstruction on public street or sidewalk. Whenever any group of three or more persons shall be idling, lingering aimlessly or congregating upon any of the public streets, sidewalks or public ways of the Borough of Trappe whereby the pedestrian traffic upon such sidewalk, street or public way is obstructed from free passage thereon, all persons in such groups shall be prima facie guilty of loitering.

§ 140-4 Violations and Penalties

Any person or persons violating any of the provisions of this chapter shall be subject to a criminal fine not to exceed \$1,000 per violation and imprisonment in the Montgomery County Correctional Facility to the extent allowed by law for the punishment of summary offenses. Enforcement of any such violations shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 3. – Failure to Enforce not a Waiver

The failure of the Borough of Trappe to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of Trappe of its rights of future enforcement hereunder.

SECTION 4. – Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 5. – Repealer

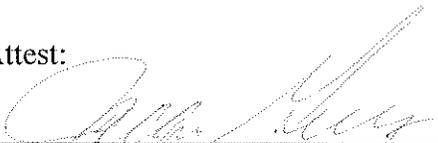
All other ordinances or parts of ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 6. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this 4th of December, 2012.

Attest:



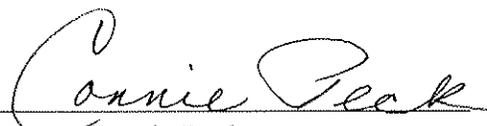
Jacquie Guenther, Municipal Secretary

TRAPPE BOROUGH COUNCIL:



Fred Schuetz, President

APPROVED this 4th day of December, 2012.



Mayor Connie Peck