

#### **730.04 LOITERING; OBSTRUCTING PUBLIC PLACES**

A. No person shall loiter in a public place, as hereinafter defined, in such manner as to obstruct any public street, public sidewalk, public bridge, or other public place or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.

B. No person shall commit in or upon any public street, public sidewalk, public bridge, or other public place or public building any act which obstructs or interferes with the free and uninterrupted use of property or the lawful conducting of any business by anyone in or upon or facing or fronting on any such public street, public sidewalk, public bridge, or other public place or public building, in such manner as to hinder or impede or tend to hinder or impede the free and uninterrupted ingress and egress thereto.

C. Definitions, for purposes of this Section, are as follows:

1. **Loitering** means remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

2. **Public Place** means any place to which the public has access and includes any public street or public sidewalk, as well as the front of and the area immediately adjacent to any parking lot, store, restaurant, tavern or other place of business.

D. When any person causes or commits any of the conditions enumerated in subsections A or B hereof, a law enforcement officer for the City shall order that person to stop causing or committing such condition. If any person receiving any such order from a law enforcement officer fails or refuses to obey the same, that person shall be guilty of a violation of this Section and shall be subject to the penalties prescribed in Section 703.99 (12243 §1 4/6/77)

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#### **730.09 PANHANDLING**

1. **"Panhandling"** for the purpose of this Article, is any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Article. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

2. Prohibited After Dark:

Any person who panhandles after sunset or before sunrise is guilty of a summary offense.

3. Prohibited in Certain Places:

Any person who panhandles, when the person solicited is in any of the following places, is guilty of a summary offense:

- a. At any bus stop or train stop;
- b. In any public transportation vehicle or facility;
- c. In any vehicle on the street; or
- d. On private property, unless the panhandler has permission from the owner or occupant.

4. Manner of Panhandling:

Any person who panhandles in any of the following manners is guilty of a summary offense:

- a. By coming within three (3') feet of the person solicited, until that person has indicated that he does wish to make a donation;
- b. By blocking the path of the person solicited along a sidewalk or street;
- c. By following a person who walks away from the panhandler;

- d. By using profane or abusive language, either during the solicitation or following a refusal;
- e. By panhandling in a group of two (2) or more persons;
- f. By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat. (13336 §1 5/18/95)

#### **730.99 PENALTY**

A. Any person violating the provisions of this article shall be fined not more than Six Hundred (\$600.00) Dollars or imprisoned not more than ninety (90) days, or both. (11995 §1 2/21/73; 13034 §1 3/6/91; 13216 §1 9/2/93)

B. Alternative adjudication may be made pursuant to the provisions of 42 Pennsylvania C.S.A. §1520 for Section 703.04, Loitering. (13216 §1 9/2/93)

#### **730.99.1 GUIDELINES FOR POLICE OFFICERS IN MAKING CERTAIN WARRANTLESS ARRESTS**

A. A police officer is authorized to make an arrest without a warrant when the officer observes conduct constituting a summary offense as set forth herein and in 42 Pa.C.S.A § 8902(a), as may be amended, and such conduct imperils the personal security of any person or endangers public or private property.

B. Arrests authorized under this Section 730.99.1 shall proceed in accordance with Pennsylvania Rules of Criminal Procedure 440 and 441, as may be amended.

C. This Section 730.99.1 shall not modify, restrict or otherwise prohibit a police officer from making any other warrantless arrests or arrests for summary offenses where such arrests have otherwise expressly been authorized by any other statute.

### **ARTICLE 733 TRESPASS**

- 733.01 Property Defined
- 733.02 Entry or Remaining on Property Limited by Order
- 733.03 Property Partly Open to Public
- 733.04 Orders Not to Enter or Remain
- 733.05 Violations
- 733.99 Penalty

CROSS REFERENCE  
Criminal Trespass - P.S. §3503

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#### **733.01 PROPERTY DEFINED**

The term "property" as used in this article includes all buildings, structures and land owned or leased by the City of Allentown, the City of Allentown Authorities, the School District of the City of Allentown, churches, private schools, parochial schools and institutions, hospitals and charitable institutions. (12004 §1 4/18/73)

#### **733.02 ENTRY OR REMAINING ON PROPERTY LIMITED BY ORDER**

Any person who enters or remains in or upon property which is at times opened to the public does so with license and privilege unless he fails or refuses to obey an order not to enter or remain, personally communicated to him or publicly announced by the person in charge of such property or his designee. (12004 §2 4/18/73)

#### **733.03 PROPERTY PARTLY OPEN TO PUBLIC**

A license or privilege to enter or remain on property which is only open to the public is not a license or privilege to enter or remain in any part of the property which is not open to the public. (12004 §3 4/18/73)

#### **733.04 ORDERS NOT TO ENTER OR REMAIN**

The person in charge of property or his designee shall further have the right to order any person that is a disruptive influence, or whose actions are inconsistent with the purposes for which the property is opened, or who is a threat to the safety of

other persons on the property or the property itself, not to enter or remain on said property. Any person ordered not to enter or remain on such property that enters or remains on said property enters or remains without license and privilege. (12004 §4 4/18/73)

#### **733.05 VIOLATIONS**

Any person who enters or remains upon the property as set forth in this article without license and privilege violates the provisions of this article. (12004 §5 4/18/73)

#### **733.99 PENALTY**

Any person violating any provisions of this article or section shall upon conviction be fined not more than Three Hundred (\$300) Dollars or imprisoned not more than ninety (90) days or both. (12004 §6 4/18/73)

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