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Part 1

Protection of Public Property

§101. Definition and Interpretation. As used in this Part, the term PERSON shall include any individual, corporation, partnership, association, firm, or other legal entity. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter. (Ord. 4-7-88, §1)

§102. Possession of or Tampering with Public Property on Streets, Alleys or Public Ground Prohibited. No person shall possess, destroy, injure, tamper with or deface any public property of the Township of Logan, or any grass, walk, lamp, ornamental work, building or street light on or in any of the streets, alleys, sidewalks, or public grounds in the Township of Logan. (Ord. 4-7-88, §2)

§103. Tampering With or Possession of Stakes, Posts and Monuments Prohibited. No person shall in any manner possess, interfere or meddle with, or pull, drive, change, alter, or destroy any stake, post, monument, or other marking, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Township of Logan to evidence the location, elevation, line, grade, corner, or angle of any public street, alley, sidewalk, curb, gutter, drain, or other public work, or thing. (Ord. 4-7-88, §3)

§104. Possession of or Tampering with Warning Lamps, Signs or Barricades Prohibited. No person shall possess, destroy, remove, deface, obliterate or cover up any lamp, sign or barricade erected as a warning of danger by the authorities of the Township of Logan or by any person doing work by permission of the authorities of the Township of Logan on any of the streets, alleys, sidewalks, or bridges in the Township of Logan or on any public grounds of the Township of Logan, within or without the Township of Logan. (Ord. 4-7-88, §4)

§105. Possession or Removal of Material from Streets, Alleys or Public Grounds Prohibited. No person shall take, or have in their possession any earth, stone, or other material from any street, alley, or public grounds in the Township of Logan. (Ord. 4-7-88, §5)

§106. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited. No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Township of Logan. (Ord. 4-7-88, §6)

§107. Exceptions. This Part shall not apply to normal activities in connection with construction, maintenance and repair of streets, alleys, sidewalks, and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Township of Logan. (Ord. 4-7-88, §7)

§108. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 (\$100.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars plus the cost of prosecution, and/or be

sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 4-7-88, §8; as amended by Ord. 10-27-88, 10/27/1988; by Ord. 9-19-96, 9/19/96, §1; and by Ord. 12-13-97, 12/13/97, §1)

3. In the event any harmful substance is deposited on any street, alley, sidewalk or public grounds, in the interest of the public health, safety and welfare, the Township may remove or cause to be removed any such harmful substance at the sole cost and expense of any and/or all persons responsible for depositing such harmful substance through any manner available to the Township for collecting such cost and expense. [Ord. 2-13-03]

Part 2

Prohibiting the Consumption and Possession of Alcoholic Beverages in Public Places

§201. Definitions. Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than one-half (½%) of a percent of alcohol volume which is fit for beverage purposes.

CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

PUBLIC PLACE - any way, area or place open to the use of the public or wherein the public has been invited, whether privately or publicly owned, operated or leased.

(Ord. 7-9-87A, 7/9/1987, §1)

§202. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, playground, park, parking lot, or other public place within the Township of Logan, nor shall any person consume any alcoholic beverage within five (5) feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof. (Ord. 7-9-87A, 7/9/1987, §2)

§203. Possession. No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare, playground, park, parking lot or other public place within the Township of Logan, nor shall any person possess any container or alcoholic beverage within five (5) feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof. (Ord. 7-9-87A, 7/9/1987, §3)

§204. Exceptions. Provided, however, that the provisions of §202 and §203 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §101 hereof; and provided further that the provisions of said §202 and §203 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said license. Furthermore, the provisions of §202 and §203 above shall not apply to those public places whereby express permission has been granted by the owner, his agent or other party in lawful possession of those areas, and all other necessary lawful requirements have been met, to hold or conduct fairs, bazaars, picnics, fund raisers or other seasonal activities; provided that, in order to protect the public's health, safety and welfare, the said public places are cordoned or barricaded in such a manner as to define those specific areas within which such owner's express permission has been given. (Ord. 7-9-87A, 7/9/1987, §4)

§205. Enforcement and Penalty.

1. Enforcement. Any police officer and/or other person authorized by the Board of Supervisors may enforce the provisions of this Part.

2. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and no/100 (\$100.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

(Ord. 7-9-8/A, 7/9/1987, §5; as amended by Ord. 10-27-88, 10/27/1988; by Ord. 9-19-96, 9/19/96, §1; and by Ord. 2-13-97, 2/13/97, §1)

Part 3

Curfew

§301. Definitions. As used in this Part, the terms hereinafter stated shall have the following meaning unless otherwise noted:

CURFEW HOURS

A. 11:00 p.m. until 6:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday; and

B. 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

EMERGENCY - an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT - any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

GUARDIAN -

A. a person who, under court order, is the guardian of the person of a minor; or

B. a public or private agency with whom a minor has been placed by a court.

MINOR - any person under eighteen (18) years of age.

OPERATOR - any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes, but is not limited to, the members or partners of an association or partnership and the officers of a corporation.

PARENT - a person who is:

A. a natural parent, adoptive parent, or step-parent of another person; or

B. at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE - any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops and malls.

REMAIN -

A. linger or stay; or

B. fail to leave an establishment and/or public place when requested to do so by a police officer or the owner, operator, or other person in control of the establishment and/or public place.

SERIOUS BODILY INJURY - bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

TOWNSHIP - the Township of Logan.

(Ord. 12-21-95, 12/21/95, §1)

§302. Offenses.

1. A minor commits an offense if he remains (whether in or out of any vehicle) in any public place or on the premises of any establishment within the Township during curfew hours.

2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, a minor to remain (whether in or out of any vehicle) in any public place or on the premises of any establishment within the Township during curfew hours after having received notice from the Township Police Department of a prior violation. A conviction before a District Justice shall not be required to constitute notice of a prior violation for purposes of this Ordinance.

3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 12-21-95, 12/21/95, §2)

§303. Defenses.

1. It is a defense to prosecution under Section 2 that the minor was:

A. accompanied by the minor's parent or guardian;

B. on an errand at the direction of the minor's parent or guardian, without any detour or stop;

C. in a motor vehicle involved in interstate travel;

D. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

E. involved in an emergency;

F. on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor permitted the minor's presence;

G. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Township, Altoona Area School District, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults, a civil organization, or another similar entity that takes responsibility for the minor.

H. exercising rights protected by the United States and/or Pennsylvania Constitution and not otherwise prohibited by law, such as the free exercise of religion, freedom of speech, and the right of assembly; or

I. married or had been married or had disabilities of minority removed in accordance with Pennsylvania law.

2. It is a defense to prosecution under Section 2 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. 12-21-95, 12/21/95, §3)

§304. Enforcement. The Township Board of Supervisors may, from time to time, adopt by resolution policies for enforcement of this Part. (Ord. 12-21-95, 12/21/95, §4)

§305. Penalties.

1. Any person who violates Section 302, Subsection 1, of this Ordinance shall upon conviction before a District Justice be guilty of a summary offense punishable by a fine of not less than Twenty-five and no/100 (\$25.00) Dollars and not to exceed Six Hundred and no/100 (\$600.00) Dollars and upon failure to pay said fine and costs be subject to imprisonment up to thirty (30) days. Each time that a violation is committed shall constitute a separate offense.

2. Any parent or guardian who shall violate Section 302, Subsection 2 of this Ordinance after having received notice of the prior violation from the Logan Township Police Department shall upon conviction before a District Justice be guilty of a summary offense punishable by a fine of not less than Twenty-five and no/100 (\$25.00) Dollars and no more than Six Hundred and no/100 (\$600.00) Dollars for each violation, and upon failure to pay said fine and costs, be subject to imprisonment up to ten (10) days. Each time that a violation is committed shall constitute a separate offense.

3. Any person who violates Section 302, Subsection 3 of this Ordinance shall upon conviction before a District Justice be guilty of a summary offense punishable by a fine of not less than Twenty-five and no/100 (\$25.00) Dollars and no more than Six Hundred and no/100 (\$600.00) Dollars for each violation, and upon failure to pay said fine and costs, be subject to imprisonment up to ten (10) days. Each time that a violation is committed shall constitute a separate offense.

4. When required by the Juvenile Act of the Commonwealth of Pennsylvania the magisterial court shall refer the matter to the juvenile court.

5. All fines imposed and collected shall be paid to the Township.

(Ord. 12-21-95, 12/21/95, §5)

§306. Official Title. This Part shall be cited as the Logan Township Curfew Ordinance.

(Ord. 12-21-95, 12/21/95, §6)

Part 4

Disorderly Gatherings

§401. Purpose and Intent. The Township of Logan finds and determines as follows:

- A. That certain private properties require a disproportionate amount of police service with many calls requiring response to maintain order and public peace and safety and to stop public disturbances at parties or other social events so that there is less police personnel and resources available for other locations, emergencies and duties within the Township, thereby placing a disproportionate and unfair burden upon the residents of the Township.
- B. That the host of a disorderly party or other social event and those persons attending such party or event should be held criminally responsible for any public disturbances or other acts of disorderly conduct thereat.
- C. That owners of private properties derive a benefit from the aforesaid police service.
- D. That owners of private properties have a responsibility to manage their properties to minimize required police responses to maintain order and public peace and safety and to stop public disturbances, to minimize the burden upon the residents of the Township and to promote the health, safety and welfare of the public in general.
- E. That owners of private properties can minimize required police responses to maintain order and public peace and safety and to stop public disturbances by diligent and strict management and regulations of their properties.
- F. That assessment of fines for successive police responses as provided in this Part is reasonable and will have a deterrent effect and encourage more responsible management of private properties.
- G. That it is not the intent of this Part to discourage or suppress calls or requests for police service, but rather to encourage and stimulate diligent and strict management and regulation of private properties by the owner thereof and to promote the health, safety and welfare of the residents of the Township.

§402. Definitions. As used in this Part, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

DISORDERLY GATHERING — a gathering at which any public disturbance occurs.

GATHERING — a party or event involving a group of persons who have assembled or are assembling for a social occasion or activity on private property.

HOST — the person who owns, leases or is otherwise in possession and control of the private property where the gathering takes place and/or who organized, sponsored, conducted, hosted or

permitted such gathering, invited persons to attend such gathering or was otherwise in charge of such gathering.

OWNERS — the person, persons, corporation or other entity who holds record title to the private property.

FINE FOR POLICE SERVICE — the cost to the Township for police services rendered in responding to a call at a disorderly gathering or otherwise maintaining order and public peace and safety and stopping public disturbances at a disorderly gathering including, but not limited to, the salaries and other compensation of police officers, appropriate administrative costs allocable thereto, prorated costs of equipment, the cost of repairing damaged Township equipment and property, and the cost of any medical treatment of injured police officers. This cost shall be recouped via a fine of not more than \$1,000 for each offense imposed on the violator of this part, and be fixed from time to time by Township Supervisors of the Township, based upon the average cost for a typical police response.

PERSON – any individual, corporation, partnership, association, firm, or other legal entity.

PRIVATE PROPERTY — any land, building or other structure, including single and multifamily dwellings and commercial and industrial buildings not owned by a public entity.

PUBLIC DISTURBANCE(S) — any act by a host or those persons attending a gathering involving public drunkenness, consumption of an alcoholic beverage in public, the serving of alcoholic beverages to minors, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as disruptive conduct by the Township's Code of Ordinances and/or state and/or federal law or any other conduct which otherwise disturbs, annoys, injures or endangers the health, safety or welfare of the residents of the Township residing in the neighborhood or vicinity of the gathering.

PUBLIC ENTITY — any federal, state or local government, school district or agency, or authority created or organized thereby.

PUBLIC PROPERTY — any land, building or other structure owned by a public entity.

TOWNSHIP – The Township of Logan, Blair County, Pennsylvania.

§403. Violation. No host or person attending a gathering shall commit any act of public disturbance. No host shall hold, conduct or have a gathering where any act of public disturbance occurs or continue a gathering where any act of public disturbance has occurred or is occurring.

§404. Arrest of Violators. In addition to the right to file a citation against violators under and pursuant to the Pennsylvania Rules of Criminal Procedure, police officers may also arrest a host or person attending a gathering who violates this Part, provided that the police officer views the public disturbance and in the case of the host, the host is in attendance at the gathering at the time of such

public disturbance, although nothing herein shall prevent a host from being cited for violation of this Part, whether or not any person attending the gathering is arrested or cited for a violation.

§405. Violation by Owners Required to Pay Fine for Police Service. No owner who, after receiving the notice set forth in this Part shall permit, cause, encourage and/or be complicit in any disorderly gathering in excess of one such Disorderly Gathering during any Ninety (90) day period of time occurring on said owners private property.

§406. Notice to Owners of Disorderly Gathering. Whenever the police are called to respond to a disorderly gathering for the purpose of maintaining order and public peace and safety and stopping public disturbances, the Chief of Police or the Chief's duly authorized designee shall notify the owner of the private property where the disorderly gathering took place and/or also the agent of such property by regular mail at the last known address of such owner and operator, that the police were called to respond to a disorderly gathering at the owner's property for the purpose of maintaining order and public peace and safety and stopping public disturbances and that if the police are again called to respond to a disorderly gathering at such property within Ninety (90) days after their initial response, such owner shall be in violation of this Part and may be required to pay a fine of not more than \$1,000 for each violation of this Part.

§407. Penalties. Any host or person who violates this Part shall be guilty of the offense of disorderly gathering and upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than \$1,000 and/or be imprisoned for a period not to exceed 90 days.

(Ord. 04-24-08; 04/24/08)

Part 5

Loitering

§501. Purpose and Intent. The Township of Logan finds and determines as follows:

- A. Certain individuals, whether under or over the age of 18 years, require a disproportionate amount of police responses with many calls requiring response to maintain order and public peace and safety and to stop loitering at public places and/or business property so that there is less police personnel and resources available for other locations, emergencies and duties within the Township, thereby placing a disproportionate and unfair burden upon the residents of the Township.
- B. In many instances, the Parents/Guardians and/or Persons standing in Loco Parentis to individuals violating this Part are aware of and/or indifferent to such individuals under the age of 18 years participating in loitering at public places and/or on business properties such as shopping malls and other commercial establishments.
- C. Parents/Guardians and/or Persons standing in Loco Parentis of individuals under age 18 years have a responsibility to oversee and control the actions of such individuals under 18 years to minimize required police service to maintain order and public peace and safety and to stop such loitering and/or unreasonable noise, tumultuous behavior, profane language and/or physically offensive condition that causes or is likely to cause public inconvenience, annoyance or alarm, to minimize the burden upon the residents of the Township and to promote the health, safety and welfare of the public in general.
- D. Parents/Guardians and/or Persons standing in Loco Parentis can minimize required police responses to maintain order and public peace and safety and to stop such loitering and public inconvenience by diligent and careful oversight of such individuals under the age of 18 years.
- E. Individuals over the age of 18 years participating in loitering and/or creating a physically offensive condition in public places and/or on business properties also have the duty to minimize required police responses by not participating in such behavior and thereby minimize the burden upon the residents of the Township and to promote the health, safety and welfare of the public in general.
- F. Assessment of a fine for subsequent police responses as provided in this Part is reasonable and will have a deterrent effect and encourage more responsible behavior on the part of those committing violations of this Part as well as Parents/Guardians and/or Persons standing in Loco Parentis to individuals under the age of 18 years.
- G. It is not the intent of this Part to discourage or suppress calls or requests for police service, but rather to encourage and stimulate diligent and strict oversight of behavior from those persons violating this Part and by the Parents/Guardians and Persons standing

in Loco Parentis to individuals under 18 years of age violating this Part and to promote the health, safety and welfare of the residents of the Township.

§502. Definitions. For the purposes of this Part, the following words shall have the meaning ascribed thereto:

- A. LOITERING - to loaf, linger, remaining idle in essentially one location or lingering or standing around without purpose either alone or in concert with others.
- B. PUBLIC PLACE - any place to which the public has access including any public street or alley, or public sidewalk, as well as in front of and the area immediately adjacent to any parking lot, store, restaurant, school, tavern or other places of business.
- C. PARENT/GUARDIAN/PERSON STANDING IN LOCO PARENTIS – Any person who is a parent, court appointed guardian and/or a person standing in loco parentis to any person under 18 years of age who violates any provision of this Part.
- D. PERSON – any individual, corporation, partnership, association, firm, or other legal entity.
- E. TOWNSHIP – The Township of Logan, Blair County, Pennsylvania.

§503. Obstruction of Public Places.

- A. No person shall loiter in a public place, as defined above, in such a manner so as to obstruct any public street, public sidewalk, public bridge (foot or vehicle) or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.
- B. Nothing in this section shall be construed to prohibit peaceful picketing or free speech, provided that such picketing does not obstruct free and uninterrupted passage of vehicles or pedestrians. Marches and protests are required by the Township to obtain a parade permit in advance of the march and/or protest pursuant to Chapter 15, Part 1 of the Township of Logan Code of Ordinances.
- C. No person shall create or cause to be created any annoyance in a public place as defined above to any person or persons.

§504. Loitering on Business Property. No person shall at any time loiter on private property that is customarily used by the public as an integral part of a commercial business in such a manner so as to:

- A. Obstruct the free, unadulterated passage of vehicles.
- B. Obstruct or interfere with any person lawfully seeking access to use of the commercial business.

- C. Make unreasonable noise, engage in tumultuous behavior, use profane language or create a physically offensive condition that causes or is likely to cause public inconvenience, annoyance or alarm.

§505. Violation by Parents/Guardians and/or Persons Standing in Loco Parentis. Parents/Guardians and/or persons standing in loco parentis to a person who has violated this Part for a second or subsequent time during any Ninety (90) day period of time, shall be in violation of this Part if said Parents/Guardians and/or Persons standing in loco parentis shall have received written notice, as provided in Section 506 of this Part and, thereafter, permits, causes and/or provides the means for and/or is complicit with said person violating this Part for a second and/or subsequent time within any Ninety (90) day period.

§506. Notice to Persons Violating this Part and/or Parents/Guardian and/or Persons in Loco Parentis of Fine for Subsequent Police Responses. Whenever the police are called to respond for the purpose of maintaining order and public peace and safety and stopping violations of this Part, the Chief of Police or the Chief's duly authorized designee shall notify the Person violating this Part and any Parent/Guardian and/or Person standing in loco parentis for any such person involved in such violation, by regular mail at the last known address of such person violating this Part and any such Parent/Guardian and/or Person in loco parentis of such person, that the police were called to and/or responded to a violation of this Part for the purpose of maintaining order and public peace and safety and stopping such violation and that if the police are again called to respond to any violation of this Part involving the person violating this Part within Ninety (90) days after their initial response, such person violating this Part and any Parent/Guardian and/or Person in loco parentis of such person shall be required to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars to the Township for each such violation.

§507. Signs or Notice Required. No person shall be guilty of a violation of this Part unless:

- A. The private property owner, tenant or other responsible and authorized person posts the property with "No Loitering" signs or other notices of like meaning at the entrance or entrances to the property and at intervals of a maximum of 75 feet measured from the side of the building which contains the entrance(s). Property of 75 feet or less measured on the entrance side may contain only one sign; or
- B. The person to be charged with loitering has been asked by the property owner, tenant, police officer or other responsible and authorized person to leave the property and has failed to leave.

§508. Penalty. Any person who violates any provision of this Part, upon conviction in a summary proceeding, shall, in addition to any other penalty provided herein, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars to be paid to the Township, together with costs of prosecution, or to be sentenced to be imprisoned for not more than 10 days or both.

§509. Enforcement. The Township of Logan Police Department shall have the authority to enforce this Part.

(Ord. 04-24-08A; 04/24/08)