

CHAPTER 6

CONDUCT

Part 1

Disorderly Conduct Prohibited

- \$101. Disorderly Conduct Prohibited
- \$102. Penalty for Violation

Part 2

Establishment of Curfew

- \$201. Definitions and Interpretation
- \$202. Purposes
- \$203. Curfew; Exceptions
- \$204. Parents not to Permit Violation
- \$205. Procedure Upon Violation
- \$206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement
- \$207. Police Discretion in Age Determination
- \$208. Penalties

Part 3

Prohibiting Discharge of Firearms or Similar Device

- \$301. Discharge of Firearms Prohibited
- \$302. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted
- \$303. Exceptions
- \$304. Penalties for Violation

Part 4

Halloweening

- \$401. Definitions
- \$402. Unlawful Trick or Treating
- \$403. Penalties
- \$404. Destruction of Property

Part 5

Alcohol Use in Public

- \$501. Definitions
- \$502. Consumption
- \$503. Possession
- \$504. Exceptions
- \$505. Penalty

Part 6

Protection of Public Property

- §601. Definition and Interpretation
- §602. Tampering with Public Property on Streets, Alleys or Public Grounds Prohibited
- §603. Tampering with Stakes, Posts and Monuments Prohibited
- §604. Tampering with Warning Lamps, Signs or Barricades Prohibited
- §605. Removal of Material from Streets, Alleys or Public Grounds Prohibited
- §606. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited
- §607. Exceptions
- §608. Penalties

Part 7

Throwing Objects in Public Throughfares

- §701. Prohibited Acts
- §702. Penalties

Part 1

Disorderly Conduct Prohibited

§101. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa.C.S.A. §5503), is hereby prohibited within the Borough. A person is guilty of disorderly conduct if he:

A. Engages in fighting or in threatening, violent or tumultuous behavior.

B. Makes unreasonable noise.

C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. Provided: as used in this Section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

(Ord. 50, 9/10/1912; as revised by Ord. 288, 8/8/1994)

§102. Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. (Ord. 50, 9/10/1912; as revised by Ord. 288, 8/8/1994)

Part 2

Establishment of Curfew

§201. Definitions and Interpretation. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

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

PARENT - any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one (1) or both parents.

PUBLIC PLACE - any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets for emergencies or ordinary purposes such as mere passage of going home.

In this Part, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

§202. Purposes. This is a curfew ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

§203. Curfew; Exceptions. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of eleven P.M. and six A.M. on the following day. Exceptions to the above are the following:

A. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor.

B. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.

C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

D. Minor on an emergency errand.

E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

(Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

§204. Parents Not to Permit Violation. It is hereby made unlawful for any parent, guardian, or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefor. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

§205. Procedure Upon Violation. Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §202 shall be taken into custody by any duly sworn police officer or law enforcement officer, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §202, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with the offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be cited for the violation. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994; and as amended by Ord. 325, 11/12/2007, §3)

§206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement. Any minor who shall violate this Part more than three (3) times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of §202 of this Part cannot be made effective by the imposition of fines and penalties. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

§207. Police Discretion in Age Determination. Any duly sworn police officer or law enforcement officer who takes a minor into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994; and as amended by Ord. 325, 11/12/2007, §4)

§208. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 212, 10/9/1972; as revised by Ord. 288, 8/8/1994)

Part 3

Prohibiting Discharge of Firearm or Similar Device

§301. Discharge of Firearms Prohibited. Except in necessary defense of person and property and except as provided in §303 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough. (Ord. 157, 8/8/1960; as revised by Ord. 288, 8/8/1994)

§302. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted. It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in §303 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police. (Ord. 157, 8/8/1960; as revised by Ord. 288, 8/8/1994)

§303. Exceptions. This Part shall not apply to:

A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania;

B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization; and,

C. Any law enforcement officers when used in the discharge of their official duties.

(Ord. 157, 8/8/1960; as revised by Ord. 288, 8/8/1994)

§304. Penalties for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 157, 8/8/1960; as revised by Ord. 288, 8/8/1994)

Part 4
Halloweening

§401. Definitions. As used in this Part:

HALLOWEENING - any activity or practice generally associated with the celebration of the holiday Halloween, October 31st, and shall include but not be limited to: the ringing of doorbells and knocking on doors and departing therefrom, the throwing of corn or other objects at doors, houses, buildings, windows, or motor vehicles; the use of chalk, wax, soap, crayon, or other materials to mark, stain or discolor any window, building, motor vehicle, or other real or personal property; the playing of pranks upon residents, pedestrians or travelers in the Borough, and the creation of unusual, unpleasant or loud noises on any street or in any building in the Borough.

TRICKS or TREATS - the practice of calling upon residents of the Borough, requesting, asking or in expectation of a gift, or handout of money, food or any other personal property, or the calling upon residents of the Borough in costume or disguise.

(Ord. 167, 10/9/1961, §1)

§402. Unlawful Trick or Treating. It shall be unlawful for any person to engage in halloweening or tricks or treats within the Borough of Elizabethville at any time except during the period between October 25 and October 31, inclusive, of each year, Sundays excepted. (Ord. 167, 10/9/1961, §2)

§403. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 167, 10/9/1961, §3; as amended by Ord. 288, 8/8/1994)

§404. Destruction of Property. Nothing herein contained shall be deemed to authorize or excuse the destruction of real or personal property within the Borough of Elizabethville, or to excuse or exempt from prosecution any person for violation of any ordinance or statute of the Commonwealth of Pennsylvania for disorderly conduct, breach of the peace, malicious mischief, or any other activity in violation of any Borough ordinance or statute of the Commonwealth of Pennsylvania. (Ord. 167, 10/9/1961, §4)

Part 5

Alcohol Use in Public

§501. 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 (1/2) of one (1) percent of alcohol by volume which is fit for beverage purposes.

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

(Ord. 288, 8/8/1994)

§502. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare or other public property within the Borough, 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. 288, 8/8/1994)

§503. 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 or other public property within the Borough, nor shall any person possess any container of 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. 288, 8/8/1994)

§504. Exceptions. Provided however, that the provisions of §§502 and 503 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 §501 hereof; and, provided further, that the provisions of said §§502 and 503 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ord. 288, 8/8/1994)

§505. Penalty. Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to be imprisoned for a period not to exceed thirty (30) days. (Ord. 288, 8/8/1994)

Part 6

Protection of Public Property

§601. 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. 288, 8/8/1994)

§602. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited. No person shall destroy, injure, tamper with or deface any public property of the Borough, 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 Borough. (Ord. 288, 8/8/1994)

§603. Tampering with Stakes, Posts and Monuments Prohibited. No person shall in any manner 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 Borough, 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. 288, 8/8/1994)

§604. Tampering with Warning Lamps, Signs or Barricades Prohibited. No person shall destroy, remove, deface, obliterate or cover up any lamp, sign or barricade erected as a warning of danger by the authorities of the Borough or by any person doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or bridges in the Borough or on any public grounds of the Borough, within or without the Borough. (Ord. 288, 8/8/1994)

§605. Removal of Material from Streets, Alleys or Public Grounds Prohibited. No person shall take any earth, stone or other material from any street, alley or public grounds in the Borough. (Ord. 288, 8/8/1994)

§606. 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 Borough. (Ord. 288, 8/8/1994)

§607. 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 Borough. (Ord. 288, 8/8/1994)

§608. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 288, 8/8/1994)

Part 7

Throwing Objects in Public Throughfares

§701. Prohibited Acts. The throwing, kicking or knocking of any ball, snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough is hereby prohibited. (Ord. 288, 8/8/1994)

§702. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. (Ord. 288, 8/8/1994)

