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Part 1

Alcoholic Beverages

§101. Legislative Findings. It is hereby found by the Borough Council that the consumption of alcoholic beverages on or in public streets, sidewalks, parks, alleys or other public places constitutes a public nuisance and threatens the public health, safety and welfare. The purpose of this Part is to promote public safety and convenience, prevent accidents, reduce littering, preserve the character of the Borough and promote the general peace, good order, comfort and welfare of the Borough inhabitants. (Ord. 265, 8/10/87, §1)

§102. Definitions. For the purpose of this Part the following term, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

BOROUGH - the Borough of Everett, County of Bedford, Commonwealth of Pennsylvania, with its administrative office at Mechanic Street, Everett, Pennsylvania.

ALCOHOLIC BEVERAGE - any Liquor, spirituous, vinous, fermented or otherwise alcoholic beverage. The term includes any beer, lager beer, ales, porter or similar fermented beverage by whatsoever name such beverage may be called. (Ord. 265, 8/10/87, §2)

§103. Prohibited Activities.

1. It shall be unlawful for any person, whether inside or outside of a motor vehicle, to consume an alcoholic beverage or portion thereof on or in any public street, sidewalk, park, alley or other public place within the Borough.

2. It shall be unlawful for any person, whether inside or outside of a motor vehicle, to transport, possess or have physical control over an alcoholic beverage in an open bottle, can, glass or other container on or in any public street, sidewalk, park, alley or other public place within the Borough. (Ord. 265, 8/10/87, §3)

§104. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. (Ord. 265, 8/10/87, §4; as amended by Ord. 271, 6/8/1992)

Part 2

Disorderly Conduct

§201. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pennsylvania Crime Code of 1972, 18 Pa.C.S.A. §5503, is hereby prohibited within the Borough. A person is guilty of disorderly conduct if they:

1. engage in fighting or in threatening, violent or tumultuous behavior;
2. make unreasonable noise; or
3. create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

Provided: as used in this Section, the work "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. 218, 4/7/69; as revised by Ord. 271, 6/8/1992)

§202. Penalty for Disorderly Conduct. 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 thereof, to a term of imprisonment for a term not to exceed thirty (30) days. (Ord. 218, 4/7/69; as revised by Ord. 271, 6/8/1992)

Part 3

Firearms

§301. Discharge of Firearms Prohibited. Except in necessary defense of person and property and except as provided in 303, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough. (Ord. 219, 4/7/69; as revised by Ord. 271, 6/8/1992)

§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 reasonable 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. 219, 4/7/69; as revised by Ord. 271, 6/8/1992)

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

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

2. 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

3. Any law enforcement officers when used in the discharge of their official duties. (Ord. 219, 4-7-69; as revised by Ord. 271, 6/8/1992)

§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, or in default of payment thereof, shall be subject 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. 219, 4/7/69; as revised by Ord. 271, 6/8/1992)

Part 4

Throwing of Objects Into Streets

§401. 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. 220, 4/7/69; as revised by Ord. 271, 6/8/1992)

§402. 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, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. (Ord. 220, 4/7/69; as revised by Ord. 271, 6/8/1992)

Part 5

Protection of Public Property

§501. 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. 221, 4/7/69, §1; as revised by Ord. 271, 6/8/1992)

§502. Tampering with Public Property on Streets, Alleys or Public Grounds, 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. 221, 4/7/69, §2; as revised by Ord. 271, 6/8/1992)

§503. 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. 221, 4/7/69, §3; as revised by Ord. 271, 6/8/1992)

§504. 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. 221, 4/7/69, §4; as revised by Ord. 271, 6/8/1992)

§505. 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. 221, 4/7/69, §5; as revised by Ord. 271, 6/8/1992)

§506. 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. 221, 4/7/69, §6; as revised by Ord. 271, 6/8/1992)

§507. 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 structure 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. 221, 4/7/69, §7; as revised by Ord. 271, 6/8/1992)

§508. 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, or in default of

payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. every day that a violation of this Part continues shall constitute a separate offense. (Ord. 221, 4/7/69, §8; as revised by Ord. 271, 6/8/1992)

Part 6

Curfew

§601. 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 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. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§602. 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, or 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. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§603. 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 12:00 midnight and 5:00 AM on the following day. Exceptions to the above are the following:

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

2. 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.

3. 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.

4. Minor on an emergency errand.

5. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (2) above. (Ord. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§604. 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 therefore. (Ord. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§605. Procedure upon Violation. Any minor found upon the streets, alleys, parks or public places within the Borough in violation of 602 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of the 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 602, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with the officer 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 remanded to the district justice for disposition. (Ord. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§606. 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, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. (Ord. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§607. 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 602 of this Part cannot be made effective by the imposition of fines and penalties. (Ord. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)

§608. Police Discretion in Age Determination. The police officers of the Borough in taking minors 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. 222, 4/7/69; as revised by Ord. 271, 6/8/1992)