

CHAPTER 6

CONDUCT

Part 1

Prohibition of Disorderly Conduct

- §101. Disorderly Conduct Prohibited
- §102. Penalty for Disorderly Conduct

Part 2

Loitering

- §201. Definitions
- §202. Certain Types of Loitering Prohibited
- §203. Request to Leave
- §204. Penalties

Part 3

Tampering with Public Property

- §301. Definition and Interpretation
- §302. Tampering with Public Property on Streets, Alleys or Public Ground
- §303. Tampering with Stakes, Posts and Monuments
- §304. Tampering with Warning Lamps, Signs or Barricades
- §305. Removal of Material from Streets, Alleys or Public Grounds
- §306. Deposit of Harmful Substances
- §307. Exceptions
- §308. Penalties

Part 4

Littering

- §401. Littering Prohibited
- §402. Penalties

Part 5

Alcoholic Beverages

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

Part 6

Use of Firearms and Air Guns

- §601. Discharge of Firearms Prohibited
- §602. Use of Air Rifles or Similar Devices Restricted
- §603. Exceptions
- §604. Penalties for Violation

Part 7

Curfew

- §701. Definitions and Interpretations
- §702. Purposes
- §703. Curfew Hours and Exceptions
- §704. Parents not to Permit Violation
- §705. Procedure Upon Violation
- §706. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement
- §707. Police Discretion in Age Determination
- §708. Penalties
- §709. State Police

Part 1

Prohibition of Disorderly Conduct

§101. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pa. Crime Code of 1972 [18 CP S.A. §5503], is hereby prohibited within the Borough of Halifax. 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 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. 69, 6/14/1950, §1; as revised by Ord. 153, 2/2/1987)

§102. 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 three hundred dollars (\$300.00) and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 69, 6/14/1950, §2; as revised by Ord. 153, 2/2/1987)

Part 2
Loitering

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

LOITERING - remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or "hanging around."

PUBLIC PLACE - any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 153, 2/2/1987)

§202. Certain Types of Loitering Prohibited. No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any annoyance to any person or persons.
3. Obstruct the free passage of pedestrians or vehicles.
4. Obstruct, molest or interfere with any person lawfully in any public place as defined in §201 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 153, 2/2/1987)

§203. Request to Leave. Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §202 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section. (Ord. 153, 2/2/1987)

§204. 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 three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 153, 2/2/1987)

Part 3

Tampering with Public Property

§301. 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. 153, 2/2/1987)

§302. Tampering with Public Property on Streets, Alleys or Public Ground. No person shall destroy, injure, tamper with or deface any public property of the Borough of Halifax, 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 of Halifax. (Ord. 153, 2/2/1987)

§303. Tampering with Stakes, Posts and Monuments. 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. 153, 2/2/1987)

§304. Tampering with Warning Lamps, Signs or Barricades. 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 of Halifax 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. 153, 2/2/1987)

§305. Removal of Material from Streets, Alleys or Public Grounds. No person shall take any earth, stone, or other material from any street, alley, or public grounds in the Borough of Halifax. (Ord. 153, 2/2/1987)

§306. Deposit of Harmful Substances. 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. 153, 2/2/1987)

§307. 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 of Halifax. (Ord. 153, 2/2/1987)

§308. 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 three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 153, 2/2/1987)

Part 4

Littering

§401. Littering Prohibited. It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough of Halifax or on or near any alley, highway or stream located in said Borough, except in accordance with any Borough ordinance dealing with the collection of garbage, refuse, trash, or solid waste. (Ord. 153, 2/2/1987)

§402. 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 three hundred dollars (\$300.00), and/or, to imprisonment for a term not to exceed ninety (90) days. (Ord. 153, 2/2/1987)

Part 7

Curfew

§701. Definitions and Interpretations.

1. 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 of Halifax.

REMAIN - for one (1) or more minors to stay behind, linger, tarry and to stay unnecessarily upon the streets in which any minor involved would not be using the streets for emergencies or ordinary purposes such as mere passage of going home.

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

(Ord. 165, 12/5/1994, §1)

§702. 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. 165, 12/5/1994, §2)

§703. Curfew Hours and 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 11:00 p.m. and 6:00 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 or the preceding 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 returning home by a direct route from and within thirty (30) minutes of the termination of a school activity or an activity of a religious or other voluntary association.

F. Minor on the sidewalk of the place where such minor resides.

(Ord. 165, 12/5/1994, §3)

§704. 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. 165, 12/5/1994, §4)

§705. Procedure Upon Violation.

1. Any minor found upon the streets, alleys, parks or public places in violation of this Part shall be detained until Borough Police attain the proper identification of the minor and the address and phone number of the parent. In all cases of violation the Borough Police shall issue a written warning that the minor is in violation of §702 of this Part, after which, in the discretion of the Borough Police, any one or more of the following action(s) will be taken:

- A. The minor will be sent home or delivered to the parent.
- B. The parent will be called to the police station.
- C. The parent will be sent a letter about the violation.
- D. The parent will be called by Borough Police about the violation.
- E. The minor will be cited for violation of this Part.
- F. The parent and/or minor will be cited for violation of this Part.

2. The Borough Police Officer shall, within seventy-two (72) hours after finding a minor in violation of §702 of this Part, file a written report on the incident.

(Ord. 165, 12/5/1994, §5)

§706. 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, in the discretion of the Borough Police, be reported to a society or organization the purpose of which is to take charge of incorrigible 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 this Part cannot be made effective by the imposition of fines and penalties. (Ord. 165, 12/5/1994, §6)

§707. Police Discretion in Age Determination. The Police Officers of the Borough of Halifax, 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 officers's judgment shall prevail. (Ord. 165, 12/5/1994, §7)

§708. 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 \$600 plus costs and, in default of payment, shall be sentenced to imprisonment for a term not to exceed 30 days. (Ord. 165, 12/5/1994, §8)

§709. State Police. If there would be no Halifax Borough Police available, then the Pennsylvania State Police would have the authority as vested in the Halifax Borough Police in accordance with this Part. (Ord. 165, 12/5/1994, §9)