

CHAPTER 6

CONDUCT

PART 1

PROHIBITING DISORDERLY CONDUCT

- §101. Disorderly Conduct Prohibited
- §102. Disturbance of the Peace Prohibited
- §102. Penalty for Violation

PART 2

PROHIBITING THE DISCHARGE OF FIREARMS

- §201. Discharge of Firearms Prohibited
- §202. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted
- §203. Exception
- §204. Penalties for Violation

PART 3

PROTECTION OF PUBLIC PROPERTY

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

PART 4

CURFEW

- §401. Definitions and Interpretations
- §402. Purposes

- §403. Curfew; Exceptions
- §404. Parents not to Permit Violation
- §405. Procedure Upon Violation

- §406. Procedure in Case of Repeated Violations or Other Factors
Interfering with Enforcement
- §407. Police Discretion in Age Determination
- §408. Penalties

PART 5

ALCOHOLIC BEVERAGES

- §501. Definitions
- §502. Unlawful to Have Alcoholic Beverages on the Streets
- §503. Unlawful to Have Alcoholic Beverages in Vehicles
- §504. Penalties
- §505. Exceptions

PART 1

PROHIBITING DISORDERLY CONDUCT

§101. DISORDERLY CONDUCT PROHIBITED.

Disorderly conduct is hereby prohibited within the Borough. Any person who willfully makes or causes to be made any loud, boisterous and unseemly noise or disturbance, to the annoyance of the peaceable residents nearby or near to any public street or alley or public ground in the Borough, whereby the public peace is broken or disturbed or the traveling public annoyed, shall be guilty of disorderly conduct.

(Ord. 247, 12/6/1971, §1)

§102. DISTURBANCE OF THE PEACE PROHIBITED.

Disturbance of the peace is hereby prohibited within the Borough. Any person who shall be guilty of any willful act causing or tending to cause a disturbance of the peace and good order of the Borough or causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough or to users of any of the public streets or alleys in the Borough; or who shall fight or quarrel in public or incite others so to fight or quarrel or who shall publicly make use of obscene, profane or indecent language; or who shall loaf, loiter or congregate upon any of the public streets or alleys or public grounds in the Borough, to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any of the public grounds in the Borough, whereby the public peace is broken or disturbed or the traveling public annoyed, shall be guilty of disturbance of the peace.

(Ord. 247, 12/6/1971, §2)

§103. 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 \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 247, 12/6/1971; as amended by Ord. 98-4, 9/14/1998)

PART 2

PROHIBITING DISCHARGE OF FIREARMS

§201. DISCHARGE OF FIREARMS PROHIBITED.

Except in necessary defense of person and property and except as provided in §203 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough.

(Ord. 248, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§202. 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 §203 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. 248, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§203. EXCEPTIONS.

This Part shall not apply to any law enforcement officers when used in the discharge of their official duties.

(Ord. 248, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§204. 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 \$600 and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 248, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

PART 3

PROTECTION OF 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§302. 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§303. 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§304. 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§305. REMOVAL OF MATERIAL FROM STREETS, ALLEYS OR PUBLIC GROUNDS PROHIBITED.

CONDUCT

No person shall take any earth, stone, or other material from any street, alley, or public grounds in the Borough.

(Ord. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§306. 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§307. ANIMAL DEFECATION.

1. Animal Defecation on Public and Private Property Restricted. No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.
2. Disposal of Animal Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in subsection (1), shall be required to immediately remove any feces from such surface and either:
 - A. Carry same away for disposal in a toilet.
 - B. Place same in a nonleaking container for deposit in a trash or litter receptacle.
3. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of subsections (1) and (2) hereof shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

(Ord. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§308. 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. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§309. 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 \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 249, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

PART 4

CURFEW

§401. 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 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 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§402. 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§403. 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 11:00 P.M. and 6:00 A.M. on the following day. Exceptions to the above are the following:

CONDUCT

- 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§404. 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

405. PROCEDURE UPON VIOLATION.

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §403 shall be taken into custody by the Borough police and released to his or her parent, guardian or person having legal custody of said minor. The parent, guardian or person having legal custody shall be advised of the circumstances by which minor was apprehended and such information shall become part of the police report and juvenile record. Additionally, such person shall also be advised that any subsequent violations under this Part shall result in the parent, guardian or person having legal custody being cited and such person shall be cited for any subsequent violation.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998; and as amended by Ord. 99-6, 3/1/1999, §1)

§406. 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

§407. 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 of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

PART 5

ALCOHOLIC BEVERAGES

§501. DEFINITIONS.

The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section:

LIQUOR, MALT or BREWED BEVERAGES, CONTAINER and OFFICIAL SEAL - the same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania, 47 P.S. §1-101 *et seq.*

OPEN - when used in connection with a container shall mean any container which has been perforated in the case of a can or similar container or a container in which the cap has been loosened or the cork displaced and the official seal torn or mutilated.

(Ord. 81-3, 6/1/1981, §1)

§502. UNLAWFUL TO HAVE ALCOHOLIC BEVERAGES ON THE STREETS.

It shall be unlawful, within the Borough of Wrightsville, for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park or in any vehicle being operated or parked thereon.

(Ord. 81-3, 6/1/1981, §2)

§503. UNLAWFUL TO HAVE ALCOHOLIC BEVERAGES IN VEHICLES.

It shall be unlawful, within the Borough of Wrightsville, for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park.

(Ord. 81-3, 6/1/1981, §3)

§504. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 81-3, 6/1/1981, §5; as amended by Ord. 86-4, 11/17/1986, §2; and by Ord. 98-4, 9/14/1998)

CONDUCT

§505. EXCEPTIONS.

The provisions of this Part shall not apply to times and areas when and where an organized group or entity has been licensed or permitted by the Borough or other governmental unit:

- A. To hold a fund-raising event.
- B. From which all or a portion of the net proceeds are pledged to charitable purposes.
- C. Liquor, malt or brewed beverages are offered or sold as a part of the event.

(Ord. 81-3, 6/1/1981, §7; as added by Ord. 84-1, 3/5/1984, §1)