

Chapter 6

Conduct

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Part 1**Prohibiting Discharge of Firearms****§6-101. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-102 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough of Carroll Valley.

(Ord. 5-92, 6/8/1992)

§6-102. 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.

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

(Ord. 5-92, 6/8/1992)

§6-103. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 5-92, 6/8/1992; as amended by A.O.)

Part 2**Protection of Public Property****§6-201. 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. 5-92, 6/8/1992)

§6-202. 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 of Carroll Valley, 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. 5-92, 6/8/1992)

§6-203. 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 of Carroll Valley, 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. 5-92, 6/8/1992)

§6-204. 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 of Carroll Valley.

(Ord. 5-92, 6/8/1992)

§6-205. 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 of Carroll Valley.

(Ord. 5-92, 6/8/1992)

§6-206. 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. 5-92, 6/8/1992)

§6-207. 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 Carroll Valley.

(Ord. 5-92, 6/8/1992)

§6-208. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 5-92, 6/8/1992; as amended by A.O.

Part 3**Curfew****§6-301. Definitions.**

In this Part the following definitions shall apply:

Curfew hours - the period of time between the hours of 11 p.m. and 5 a.m., Sunday through Saturday.

Emergency - refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb, or property. The term includes, but is not limited to, fires, natural disaster, automobile accidents, or other similar circumstances.

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

Minor - any person less than 18 years of age who has not been legally emancipated. For the purpose of this Part any person shall be deemed to be 18 years of age on the date of his or her 18 birthday and not before this time.

Operator - any individual, and any firm, association, partnership, or corporation owning, operating, managing, or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.

Parent - the biological or adoptive parent of a minor; a legal guardian; or an adult person 21 years of age or over and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.

Person - refers to an individual, not to any association, corporation, or any other legal entity.

Public place - any public street, highway, road, alley, park, playground, vacant lot, or any private building, structure or area to which the public or a substantial group of the public is invited, has access, or in which the public is allowed to remain.

Remain - to linger or stay at a place; and/or to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of the place.

(Ord. 3-03, 4/15/2003)

§6-302. Unlawful Acts of Minors.

1. It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon any establishment in Carroll Valley Borough during curfew hours, except as follows:

- A. The minor is accompanied by a parent.
- B. The minor is involved in an emergency.
- C. The minor is engaged in an activity, related to his or her employment, or is going to or returning home from such activity, without detour or stop.
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.
- E. The minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop.
- F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a written statement signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand.
- G. The minor is involved in interstate travel through or beginning or terminating in Carroll Valley Borough.
- H. The minor is exercising first amendment rights protected by the United States Constitution such as free exercise of religion, freedom of speech, and the right of assembly.

2. It shall be unlawful for any person (including a minor) to give a false name, address or telephone number to any officer investigating a violation of this Section and it is unlawful for any person to falsify any statement required by subsection .1.F.

(Ord. 3-03, 4/15/2003)

§6-303. Unlawful Acts of Parents.

No parent shall knowingly permit any minor to remain in or upon any public place or establishment during curfew hours unless the minor is engaged in an activity permitted under §6-302 of this Part. "Knowingly" shall mean knows or has reason to know.

(Ord. 3-03, 4/15/2003)

§6-304. Unlawful Acts of Operators of Establishments.

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment during curfew hours.

(Ord. 3-03, 4/15/2003)

§6-305. Unlawful Acts of Vehicle Owners and Operators.

No person who is the owner or operator of any motor vehicle shall knowingly permit, allow or encourage a violation of §6-302. "Knowingly" shall mean knows or has reason to know.

(Ord. 3-03, 4/15/2003)

§6-306. Offenses.

Each violation under the provisions of this Part shall constitute a separate offense.
(Ord. 3-03, 4/15/2003)

§6-307. Enforcement.

1. *Minors.* Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the Borough during curfew hours is in violation of §6-302.

A. If such investigation reveals that the presence of such minor is in violation of such §6-302, then:

(1) If the minor has not previously been issued a warning for any such violation, then the officer may issue a verbal warning to the minor, which shall be followed by a written warning mailed by the Police Department to the minor and his or her parents(s).

(2) If the minor has previously been issued a warning for any such violation, then the officer may charge the minor with a violation of this Part and may issue a summons requiring the minor to appear in court.

B. As soon as practicable, the officer shall:

(1) Release the minor to his or her parent(s).

(2) Take the minor into temporary custody; in which case, his or her parents, legal guardian, or a brother or sister 18 years of age or older or other appropriate person shall be notified and the minor shall be released into the custody of said parents, legal guardian, other appropriate person or to a brother or sister 18 years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare.

(3) If a minor refuses to give an officer his name or address, refuses to give the name and address of his or her parent(s), legal guardians or adult relatives or if no parent, legal guardian or adult relatives can be located prior to the end of the applicable curfew hours, or if located, no parent, legal guardian or adult relative appears to accept custody of the minor, the minor may be taken to a non-secure crisis center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.

2. *Others.* If an investigation by an officer reveals that a person has violated above §§6-303, 6-304, 6-305, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the Police Department to the person; however, if any such warning has been previously issued to that person then the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

(Ord. 3-03, 4/15/2003)

§6-308. Penalties.

1. Any minor or parent who violates any provision of this Part is guilty of a summary offense and, upon conviction thereof, shall be subject to a fine or imprisonment as follows:

A. *First Offense*. Pay a fine of not less than \$25 or more than \$200 and costs; Second offense. Pay a fine of not less than \$50 or more than \$400 and costs.

B. *Third and Subsequent Offenses*. Pay a fine of not less than \$100 or more than \$1,000 and costs. [A.O.]

2. Any operator or vehicle owner or operator convicted for violating provisions of this Part for the first time shall pay a fine of \$50. Any operator or vehicle owner or operator convicted of violating the provisions of this Part for the second or subsequent time shall be fined \$300 and shall be subject to imprisonment for a term not to exceed 30 days.

(Ord. 3-03, 4/15/2003; as amended by A.O.)

§6-309. Effectiveness of Part.

1. Within 1 year after the effective date of this Part, the Chief of Police, together with the Mayor and Borough Manager shall review this Part and report and make recommendations to the Borough Council concerning the effectiveness of and the continuing need of this Part. The report shall specifically include the following information:

A. The practicality of enforcing this Part and any problems with enforcement identified by the Police Department.

B. The impact and cost of this Part.

C. Other data and information which the Police Department believes to be relevant in assessing the effectiveness of this Part.

D. Information from citizens regarding whether this Part has been administered and enforced fairly, including information regarding the age, gender and race of those charged or detained under the Part.

2. This Part shall be effective on April 16, 2003, at 12:01 a.m.

(Ord. 3-03, 4/15/2003)