# CODIFIED ORDINANCES OF WEST MAYFIELD PART SIX - GENERAL OFFENSES CODE

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# CODIFIED ORDINANCES OF WEST MAYFIELD

# PART SIX - GENERAL OFFENSES CODE

# CHAPTER 610 Administration, Enforcement and Penalty

610.99 General Code penalty.

#### **CROSS REFERENCES**

Specific corporate powers - see Borough Code \$1202 (53 P.S. \$46202) Enforcement of ordinances - see Borough Code \$\$3301 et seq. (53 P.S. \$\$48301 et seq.)

Actions by and against Boroughs - see Borough Code §§3401 et seq. (53 P.S. §§48401 et seq.)

Police Department - see ADM. Ch. 246

Beaver County Minor Judiciary Magistrates Court - see ADM. Ch. 280

Authority to regulate traffic - see TRAF. 420.02

Compliance with lawful order of police officer - see TRAF. 420.03

Enforcement of Zoning Code - see P. & Z. Ch. 1254

Enforcement of Fire Prevention Code - see F.P. 1604.02

#### 610.99 GENERAL CODE PENALTY.

Whoever violates or fails to comply with any of the provisions of this General Offenses Code, for which no penalty is otherwise provided, shall be fined not more than three hundred dollars (\$300.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

# CHAPTER 620 Animals

620.01 Definitions.

620.06 Barking or howling dogs.

620.02 Responsibility of dog owners.

620.07 Cattle, swine, chickens, etc.

620.03 Dogs at large; impounding.

at large.

620.04 Killing dogs; liability.

620.99 Penalty.

620.05 Quarantine; proclamation;

publication.

#### CROSS REFERENCES

Power to prohibit keeping of hogs - see Borough Code \$1202(12) (53 P.S. \$46202(12))

Power to regulate or prohibit running at large of dogs, cats, other pets; killing, seizure, detention and sale - see Borough Code \$1202(13), (14) (53 P.S. \$46202(13), (14))

Pigeons - see Borough Code \$1202(15) (53 P.S. \$46202(15))

Abatement of health nuisances - see Borough Code §§3106 et seq.

(53 P.S. §§48106 et seq.)

#### 620.01 DEFINITIONS.

As used in this chapter:

- (a) "Owner," when applied to the proprietorship of a dog, means every person having a right of property in such dog and every person who keeps or harbors such dog on or about any premises occupied by him.
- (b) "Police officer" means any person employed by the Borough whose duty it is to preserve peace, to make arrests and to enforce the law.

  (Ord. 180. Passed 2-8-69.)

# 620.02 RESPONSIBILITY OF DOG OWNERS.

No owner of a dog shall fail to keep such dog, at all times, either:

- (a) Confined within an enclosure from which it cannot escape;
- (b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured;
- (c) Under the reasonable control or in the presence of some person; or
- (d) When engaged in lawful hunting, accompanied by an owner or handler. (Ord. 180. Passed 2-8-69.)

## 620.03 DOGS AT LARGE; IMPOUNDING.

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- (a) It shall be the duty of every police officer to seize and detain any dog that is found running at large, either upon the public streets of the Borough or upon the property of a person other than the owner of such dog and unaccompanied by the owner or keeper. It shall be the privilege of every police officer to kill any dog found running at large and deemed, after due consideration by the police officer, to constitute a threat to the public health and welfare.
- (b) Any dog bearing a proper license tag and seized and detained as provided in subsection (a) hereof shall be properly kept and fed by the Borough. Immediate notice, either in person or by registered or certified mail, shall be given to the person in whose name the license was issued, or his agent, to claim such dog within ten days. The owner of a dog so detained shall, in addition to the penalty provided in Section 620.99, pay a penalty of five dollars (\$5.00) and all reasonable expenses for its detention to the Borough. If, after ten days from the giving of such notice, such dog has not been claimed, the police officer shall dispose of such dog by sale to cover the expense of its detention or shall cause it to be destroyed in a humane manner. No dog shall be sold for the purpose of vivisection. No police officer of the Borough shall fail or refuse to perform his duties under the provisions of this chapter, nor shall any person interfere with any officer or agent in the enforcement thereof. (Ord. 180. Passed 2-8-69.)

#### 620.04 KILLING DOGS; LIABILITY.

Any person may kill a dog that he sees in the act of pursuing or wounding any livestock, wounding or killing poultry or attacking a human being, whether or not such a dog bears the license tag required by State law. There shall be no liability on such person for damages or otherwise for such killing. Any person who has been attacked by a dog, or a representative of such person, may make a complaint before the Mayor, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged. The official shall order such owner or keeper to henceforth keep such dog securely confined. No owner or keeper shall fail to comply with such an order. (Ord. 180. Passed 2-8-69.)

### 620.05 QUARANTINE; PROCLAMATION; PUBLICATION.

- (a) Council and the Mayor are hereby authorized, at their discretion, as they may deem it necessary for the public health, safety or welfare, to issue a proclamation quarantining dogs and requiring all owners of dogs or persons in charge of dogs within the limits of the Borough either to confine such dogs or to keep them securely muzzled and on leash. No person shall fail to comply with such proclamation.
- (b) Such proclamation shall be advertised by publication one time in a newspaper of general circulation in the Borough and by the posting of written or printed copies thereof in ten public places at or near public streets. Such advertising and posting shall be done not less than three calendar days prior to the commencement of the quarantine. The proclamation may, at the discretion of Council or the Mayor, provide a time of termination of the quarantine; in the absence of such provision for termination, such quarantine shall

automatically expire 100 days after its commencement, unless sooner terminated by advertising and posting a termination date in the manner provided for notice of the quarantine. (Ord. 180. Passed 2-8-69.)

620.06 BARKING OR HOWLING DOGS.

No person shall keep or harbor any dog within the Borough which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Borough or any of its residents. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered to be harboring such dog.

620.07 CATTLE, SWINE, CHICKENS, ETC. AT LARGE.

- (a) No person shall allow any cattle, swine, chickens, livestock or pet animals to run at large within the limits of the Borough.
- (b) Any such animal so running at large within the Borough, whose owner cannot, after a reasonable inquiry, be ascertained by any police officer of the Borough, shall be taken by such police officer and detained or kept by him for a period of twenty-four hours, after which such animal shall be sold by the Mayor or, in the event that a sale could not, in his judgment, be made at a profit, such animal shall be killed or otherwise disposed of at the expense of the Borough. However, if at any time before such sale or disposal the owner of such stray animal discloses his owernship thereof to the officer or Mayor and pays any fine which may, after due hearing, be levied upon such owner, together with the costs of the hearing and the maintenance of such animal, the animal shall be released to such owner.
- (c) It shall be lawful for the Mayor of the Borough or the District Magistrate, upon complaint, on oath of some competent person, to issue his warrant to any constable or public officer of the Borough commanding him to arrest and bring before him any person violating or disobeying the provisions of this section.

  (Ord. 14. Passed 4-3-25.)

# CHAPTER 630 Health, Safety and Sanitation

630.01 Filthy accumulations; polluting and diverting watercourses.

630.04 Sidewalk obstructions; damage or injury.

630.02 Littering.

630.99 Penalty.

050.02 Littering.

630.03 Barricades and warning lights.

#### CROSS REFERENCES

Health and cleanliness regulations - see Borough Code \$1202(6) (53 P.S. \$46202(6)) Authority to prohibit accumulations of garbage and refuse - see Borough Code \$1202(10) (53 P.S. \$46202(10))

Care and removal of garbage and refuse - see Borough Code \$1202(11) (53 P.S. \$46202(11))

Facilities for disposal of garbage and refuse - see Borough Code \$1202(45) (53 P.S. \$46202(45))

Health and sanitation - see Borough Code §§3101 et seq. (53 P.S. §§48101 et seq.) Open burning - see GEN. OFF. Ch. 660

Pointing and discharging firearms - see GEN. OFF. 680.01

Transporting garbage from one zoning district into another prohibited - see P. & Z. 1286.03(b)

Storage of flammable liquids - see F.P. 1604.04

- 630.01 FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.
- (a) As used in this section "garbage" means all animal and vegetable waste, including offal, carcasses, fat, bone, swill and vegetable and animal refuse resulting from the storage, handling, preparation and consumption of food.
- (b) No person shall keep or permit to remain on his premises or on any private property any garbage, carcass, offal, putrid meat, nauseous liquor or other offensive or unwholesome matter or cast the same upon any lot or public ground, on any street or other public way or upon the shores or margins of any stream within the Borough or so near the limits thereof as to be offensive to any inhabitant of the Borough. Any violation of this subsection is hereby declared to be a public nuisance and any person violating the same shall, in addition to paying the fine and costs imposed, pay the cost incurred by the Borough to remove the offensive material. (Ord. 59. Passed 11-16-34.)
- (c) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome of offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

#### 630.02 LITTERING.

No person shall, without lawful authority, place or dispose of in any manner, upon any public property or upon the premises of another, any paper, trash, garbage, waste, rubbish, refuse, junk or any substance or material which is or may become noxious, offensive, injurious or dangerous to the public health, comfort or safety.

# 630.03 BARRICADES AND WARNING LIGHTS.

- (a) No person shall abandon or knowingly permit to remain on public or private property any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.
- (b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

# 630.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

- (a) No person shall place or knowingly drop upon any part of a sidewalk or playground any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.
- (b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.
- (c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.
- (d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across, any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury.
- (e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous conditions.

#### 630.99 PENALTY.



# CHAPTER 640 Junk Cars

640.01 Inoperative or unlicensed motor vehicles.

640.99 Penalty.

#### CROSS REFERENCES

Authority to prohibit and remove junk cars and other nuisances - see Borough Code \$1202(4), (5) (53 P.S. \$46202(4), (5))

Authority to prohibit, regulate and license junk yards - see Borough Code \$1202(29) (53 P.S. \$46202(29))

Repairing vehicles on street - see TRAF. 470.03

Willfully leaving vehicles on private or public property - see TRAF. 470.04

Automobile wrecking yards prohibited in II-2 Commercial Districts.

Automobile wrecking yards prohibited in U-2 Commercial Districts - see P. & Z. 1266.01(f)

Deposit of wrecked automobiles prohibited in any zoning district - see P. & Z. 1286.03(a)

# 640.01 INOPERATIVE OR UNLICENSED MOTOR VEHICLES.

No person shall store or permit to be stored on any lot or premises a motor vehicle which is dismantled, inoperative or unlicensed, for a period of more than ten days, unless the same is kept or stored in a completely enclosed, authorized and permitted building or garage on such lot or premises. Any such motor vehicle shall be deemed inoperative when the lack or failure of the engine, transmission or other mechanical part renders the vehicle unusable for transportation of persons. The Police Department is authorized to serve written notice on property owners or persons in possession of any such lot or land upon which an unlicensed or inoperative motor vehicle is stored contrary to the provisions hereof. Such period of ten days shall commence the day following the service of such notice. No person who has been so notified or who is the owner of or is in charge or possession of any lot or land on which such vehicle is stored shall fail to remove the same after such notice.

The provisions of this section are applicable to all districts of the Borough except those districts in which the storage, repair and rehabilitation of motor vehicles is expressly permitted under the provisions of the Zoning Code.

640.99 PENALTY.

# CHAPTER 650 Minor's Curfew

650.01 Intent.

650.06 Duties of police.

650.02 Definitions.

650.07 Rules and regulations.

650.03 Unlawful conduct of minors.

650.99 Penalty.

650.04 Unlawful conduct of parents.

650.05 Unlawful conduct of operators of establishments.

# CROSS REFERENCES

Authority to regulate disorderly conduct and peace disturbances – see Borough Code §1202(20) (53 P.S. §46202(20))

Disorderly conduct – see GEN. OFF. 670.01

Loitering – see GEN. OFF. 670.02

# 650.01 INTENT.

Council, being cognizant of the problem of juvenile delinquency and believing that such problem can be dealt with more effectively by regulating the hours during which minors under eighteen years of age may remain in public places and certain establishments without adult supervision and by defining more clearly the duties and responsibilities upon those persons who have the custody and responsibility for the care of such minors, hereby directs that in the administration and enforcement of this chapter the fundamental purpose of reducing juvenile delinquency shall be foremost. (Ord. 164. Passed 8-7-64.)

#### 650.02 DEFINITIONS.

As used in this chapter:

(a) "Public place" means any public way and any park, playground, vacant lot, public building, railway station bus terminal or similar place.

(b) "Establishment" means any privately owned place of business, any place of amusement or entertainment to which the public is invited or any similar place.

(c) "Minor" means any person under eighteen years of age. For the purpose of this chapter a person shall be deemed to be eighteen years of age on the date of his eighteenth birthday and not before that time.

(d) "Operator" means any individual, firm, association, partnership or corporation owning, operating, managing or conducting any establishment; whenever used in

any clause prescribing a penalty, the word "operator," as applied to an association or partnership, includes the members, partners, officers and managers thereof, or any of them, and as applied to corporations, includes the officers and managers thereof, or any of them.

- (e) "Parent" means a natural parent, a guardian or an adult person twenty-one years of age or over responsible for the custody or care of any minor.
- (f) "Remain" means loiter, idle, wander, stroll, play or be.
- (g) "After hours" means 10:00 p.m. to 6:00 a.m. Eastern Standard Time when that time is in effect in the Borough and Daylight Saving Time when that time is in effect in the Borough. (Ord. 164. Passed 8-7-64.)

# 650.03 UNLAWFUL CONDUCT OF MINORS.

No minor shall remain in or upon any-public place or establishment in the Borough after hours unless accompanied by a parent or upon an errand of legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case such minor shall carry written identification and evidence of employment. (Ord. 164. Passed 8-7-64.)

# 650.04 UNLAWFUL CONDUCT OF PARENTS.

No parent shall knowingly permit a minor to violate any of the provisions of this chapter. (Ord. 164. Passed 8-7-64.)

# 650.05 UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS.

No operator of an establishment shall knowingly permit any minor to remain in or upon the premises of such establishment after hours. (Ord. 164. Passed 8-7-64.)

#### 650.06 DUTIES OF POLICE.

Any police officer who finds a minor violating any provision of this chapter shall endeavor to obtain the name, age, date of birth and address of such minor and the names of his parents. The minor shall thereupon either be brought to the Police Station and his parents notified or shall be taken or instructed to proceed directly to his home. The information obtained from the minor, together with a full report, shall be transmitted to the Chief of Police who shall cause a written notice to be delivered, by mail or otherwise, to the parents of the minor advising them of the violation of this chapter. A record of all violations shall be kept.

A police officer of the Borough, in taking a minor into custody under this chapter, shall use his discretion in determining age. In doubtful cases, such officer may require positive proof of age. Until such proof is furnished, his judgment shall prevail. (Ord. 164. Passed 8-7-64.)

# 650.07 RULES AND REGULATIONS.

The Chief of Police is hereby authorized from time to time to promulgate such rules and regulations, including the extension of hours for special occasions, as, in his sole discretion, are necessary or useful in the enforcement of this chapter. (Ord. 164. Passed 8-7-64.)

EDITOR'S NOTE: Pursuant to Section 630.06, the following rules and regulations pertaining to the curfew for minors have been promulgated:

- (a) Curfew hours may be extended for church, school and recreational activities or for other functions when it is not practical to have such functions concluded before the hours of curfew. Whenever possible, the person responsible for fixing closing hours for such functions shall conform with curfew hours.
- (b) If gatherings are over in compliance with the curfew hours, minors shall be given a reasonable time to reach their homes.
- (c) Persons requesting an extension of hours for a particular date shall make such request in writing to the Chief of Police at least ten days prior to such date.
- (d) No parent who makes an honest effort to control his child but is unable to effect compliance with curfew regulations shall be prosecuted. In lieu of such prosecution, the child will be petitioned into Juvenile Court.
- (e) Work permits will be issued for minors who are engaged in gainful, lawful employment after curfew hours. Permits shall be signed by the parent and employer and shall list the hours of work. Minors shall be given a reasonable time to reach their homes after working hours.

(f) Parents sending minors on errands after hours may do so by giving them a written note describing such errand, with the date and time of leaving home. Only legitimate errands will be permitted.

(g) A minor stopped by a police officer for a curfew violation shall be brought to the Police Station and his parents shall be notified to pick him up. If there is any doubt in the mind of the officer about the violation, the officer shall take the necessary information from the minor and permit him to go to his home. The information shall be checked and any necessary action shall be taken later.

(h) The Police Department will keep all records, issue work permits and be in charge of all prosecutions of violations under this chapter.

(i) These rules and regulations pertain to all minors as defined in Section 630.02, regardless of their place of residence.

(j) Newspaper boys are not required to obtain work permits for early morning selling and/or delivering of newspapers.

#### 650.99 PENALTY.

- (a) Whoever, being a parent, violates any of the provisions of this chapter, after having received notice of a prior violation by his minor child, shall be fined five dollars (\$5.00) and, in default of the payment thereof, shall be imprisoned not more than twenty-four hours; for any subsequent violation, such parent shall be fined not more than twenty-five dollars (\$25.00) and, in default of the payment thereof, shall be imprisoned not more than fifteen days.
- (b) Whoever, being an operator, violates any of the provisions of this chapter shall, for a first offense, be fined ten dollars (\$10.00) and, in default of the payment thereof, shall be imprisoned not more than five days; for any subsequent violation, such operator shall be fined not more than fifty dollars (\$50.00) and, in default of the payment thereof, shall be imprisoned not more than thirty days.

- (c) Whoever, being a minor, violates any of the provisions of this chapter more than three times shall be reported to a society, department of government or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall be taken in the Court of Quarter Sessions or the Juvenile Court for his permanent welfare. A like procedure shall be taken in cases where the arrest of the parent or operator is not effective or where, for any reason, the provisions of this chapter cannot be made effective by the fines and penalties imposed hereunder.
- (d) A separate offense shall be deemed committed for each violation of any of the provisions of this chapter. (Ord. 164. Passed 8-7-64.)

# CHAPTER 660 Open Burning

660.01 Purpose.

660.04 Hours of burning; exceptions.

660.02 Proximity of fires to buildings;

660.05 Fire hazard emergencies.

guarding fires.

660.99 Penalty.

660.03 Protection of salamanders.

# CROSS REFERENCES

Authority to prohibit and remove nuisances - see Borough Code \$1202(4), (5) (53 P.S. \$46202(4), (5))

Smoke regulations - see Borough Code \$1202(16) (53 P.S. \$46202(16))

Fire regulations; Fire Prevention Code - see Borough Code §1202(21)

(53 P.S. §46202(21)); F.P. Ch. 1604

Authority to prohibit noxious and offensive businesses - see Borough Code \$1202(28) (53 P.S. \$46202(28))

Smoke-producing uses prohibited in any zoning district - see P. & Z. 1286.03(c)

660.01 PURPOSE.

This chapter is established in the interest of public safety and public health and for the prevention of fires and fire hazards in the Borough.

(Ord. 166. Passed 11-14-64.)

660.02 PROXIMITY OF FIRES TO BUILDINGS; GUARDING FIRES.

No person shall at any time kindle or maintain any bonfire or other open fire or authorize such fire to be kindled or maintained in the Borough unless such fire is at least thirty feet from all adjoining buildings or openings in any buildings. Such open fires shall be guarded at all times and no person shall leave such fires without extinguishing the same. (Ord. 166. Passed 11-14-64.)

# 660.03 PROTECTION OF SALAMANDERS.

Salamanders or receptacles used for the burning of leaves, brush, rubbish, papers and other combustible material shall be placed on the ground or on a noncombustible base or stand and shall be kept at least ten feet from adjoining buildings or openings in any buildings. (Ord. 166. Passed 11-14-64.)

# 660.04 HOURS OF BURNING; EXCEPTIONS.

(a) No person shall burn combustible waste outdoors, either by an open fire or in a salamander, from 6:00 p.m. on Saturday to 6:00 a.m. on the following Tuesday, nor shall any person burn combustible waste outdoors, either by an open fire or in a salamander

on any weekday from 6:00 p.m. to 6:00 a.m. of the following day. No person shall kindle or maintain any fire or authorize such fire to be kindled or maintained during the prohibited hours. However, such restrictions shall not apply to the burning of grass or weeds on farm land and vacant lots, but such fires shall be subject to all other restrictions set forth in this chapter. (Ord. 169. Passed 7-10-65.)

(b) The restrictions as to hours set forth in subsection (a) hereof shall not apply to small fires used in cooking for social functions and not using waste material for fuel. However, such fires shall be subject to the provisions of Section 660.02. (Ord. 166. Passed 11-14-64.)

# 660.05 FIRE HAZARD EMERGENCIES.

In case of a fire hazard emergency caused by dry weather, Council is hereby authorized to ban by proclamation all open and salamander fires within the Borough for the duration of such fire hazard emergency. No person shall kindle or maintain such a fire or authorize such a fire to be kindled or maintained after such proclamation. However, such proclamation shall be publicly announced in a newspaper in the Borough and shall be further publicized by posted handbills in the Borough. (Ord. 166. Passed 11-14-64.)

660.99 PENALTY.

# CHAPTER 670 Peace Disturbances

670.01 Disorderly conduct.

670.99 Penalty.

670.02 Loitering.

#### CROSS REFERENCES

Arrest for breach of the peace - see Borough Code \$1121 (53 P.S. \$46121)

Power to regulate disorderly conduct and peace disturbances - see

Borough Code \$1202(20) (53 P.S. \$46202(20))

Barking or howling dogs - see GEN. OFF. 620.06

Minor's curfew - see GEN. OFF. Ch. 650

Pointing and discharging firearms and other weapons - see GEN. OFF.

680.01

# 670.01 DISORDERLY CONDUCT.

- (a) As used in this section "public" means affecting or likely to affect persons in a place to which the public or a substantial group of people has access, such as streets, transport facilities, schools, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.
- (b) No person, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall:
  - (1) Engage in fighting, threatening or violent or tumultuous behavior;
  - (2) Make an unreasonable noise;
  - (3) Use obscene language or make an obscene gesture; or
  - (4) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

    (Ord. 17. Passed 10-12-73.)

# 670.02 LOITERING.

- (a) No person shall loiter or prowl in any public or private place at a time, in a manner or under circumstances which warrant alarm for the safety of persons or security of property in the surrounding area.
- (b) Without limitation, the following circumstances may be considered in determining whether such alarm is warranted:
  - (1) The flight of a person upon the appearance of a police officer;
  - (2) Attempted concealment by a person upon the appearance of a police officer;

- (3) The systematic checking by a person of doors, windows or other means of access to buildings, houses or vehicles.
- (c) Unless flight by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and if believed by the police officer at the time, would have dispelled the alarm.
- (d) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:
  - (1) "Loitering" includes the following activities: lingering, hanging around, delaying, sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.
  - (2) "Private place" means and includes places privately owned but open to the public generally, such as shopping centers, retail stores, transportation terminals, movie theaters, office buildings, restaurants and all distinctly private places such as homes or private residences and apartment houses.
  - (3) "Public place" means and includes public streets and alleyways, public restrooms, public sidewalks, public parks, public buildings and Municipal airports.
  - (4) "Surrounding area" means that area easily and immediately accessible to the person under observation.

670.99 PENALTY.

# CHAPTER 680 Weapons

680.01 Pointing and discharging firearms 680.99 Penalty. and other weapons.

CROSS REFERENCES

Disorderly conduct - see GEN. OFF. 670.01

Storage of explosives and blasting agents - see F. P. 1604.04

# 680.01 POINTING AND DISCHARGING FIREARMS AND OTHER WEAPONS.

- (a) Except as provided in subsections (c) and (d) hereof, no person shall discharge any air gun, air rifle, spring gun, pellet gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the Borough.
- (b) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.
- (c) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.
- (d) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.
- (e) This section shall not prohibit the firing of a military salute or the firing of weapons by men of the Nation's Armed Forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law.

680,99 PENALTY.

# CHAPTER 690 Weeds

690.01 Cutting required.

690.04 Failure to comply; remedy of

690.02 Notice to owner; service.

Borough.

690.03 Fees for service and return.

690.99 Penalty.

# CROSS REFERENCES

Health and cleanliness regulations - see Borough Code \$1202(6) (53 P.S. \$46202(6))

Health and sanitation - see Borough Code §§3101 et seq. (53 P.S. §§48101 et seq.); GEN. OFF. Ch. 630 Open burning - see GEN. OFF. Ch. 660

# 690.01 CUTTING REQUIRED.

No person owning or having charge of land within the Borough shall fail to keep such property free and clear from all noxious weeds and rank vegetation, nor fail to cut all such weeds and vegetation on the lots owned or controlled by him at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

# 690.02 NOTICE TO OWNER; SERVICE.

Upon information that noxious weeds are growing on lands in the Borough and are about to spread or mature seeds, Council shall cause written notice to be served on the owner or person having charge of such land that such weeds must be cut and destroyed within five days after service of such notice. If such owner or person having charge of such land is a nonresident whose address is known, such notice shall be sent to his address by registered or certified mail; if unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the Borough.

# 690.03 FEES FOR SERVICE AND RETURN.

The Chief of Police, any police officer or the Borough Secretary-Treasurer may make service and return of the notice provided for in Section 690.02 and shall be allowed the same fee as that provided for service and return of summons in civil cases.

# 690.04 FAILURE TO COMPLY; REMEDY OF BOROUGH.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the noxious weeds to be cut and destroyed. All expenses and labor costs incurred shall, when approved by Council, be paid out of the Municipal funds not otherwise appropriated. Such expenses and costs shall be a valid lien upon the property in question and shall be collected as a Municipal claim under the provisions of Section 3401 of the Borough Code and other applicable State law.

