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Part 1

Possession and Use of Tobacco by Minors

§101. Authority, Intent and Purpose.

Pursuant to §1202(6) of the Borough Code (53 P.S. §45101 et seq.), the Borough has the power to enact such ordinances as are necessary for the protection of the health, safety, morals and general welfare of the citizens of the Borough. It is the intent and purpose of this Part to promote and protect the health, safety, morals and general welfare of the public and to eliminate the public health hazards from the use of tobacco in the Borough by persons under the age of 18, when these persons are prohibited from the lawful purchase of tobacco and persons 18 years of age and older are prohibited from lawfully providing tobacco to persons under the age of 18. (Ord. 817, 10/12/2006, §1)

§102. Unlawful to Possess or Use Tobacco.

It shall be unlawful for any person under the age of 18 years to use or possess tobacco, in any form, within the Borough of Hollidaysburg. (Ord. 817, 10/12/2006, §2)

§103. Definition of Tobacco.

Tobacco shall be defined as any product or thing containing tobacco leaf, including but not limited to lighted or unlighted cigarettes, lighted or unlighted cigars, any other smoking product containing tobacco leaf, smokeless tobacco in any form and a tobacco pipe containing pipe tobacco whether lit or unlit. (Ord. 817, 10/12/2006, §3)

§104. Penalty.

A violation of this Part shall be a summary offense, and any person who violates this Part shall, upon conviction, be sentenced to pay a fine of up to \$300. (Ord. 817, 10/12/2006, §4)

Part 2

Curfew for Minors

§201. Purpose.

The purpose of this Part, entitled “Curfew for Minors,” is to protect minors from night-time crimes. (Ord. 768, 4/6/2000, §4)

§202. Definitions.

As used within this Part, the following words and phrases shall have the meanings ascribed to them below:

CURFEW — curfew for minors ordinance.

CURFEW HOURS — time period from 11:00 p.m. through 5:00 a.m. on the following day starting on Sunday at 11:00 p.m. and ending on Friday at 5:00 a.m. (e.g., Sunday 11:00 p.m. to Monday 5:00 a.m., Thursday 11:00 p.m. to Friday 5:00 a.m.) and 12:01 a.m. through 5:00 a.m. on Saturday and Sunday.

EMERGENCY — 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 disasters, automobile accidents or other similar circumstances.

ESTABLISHMENT — any privately owned place of business within the Borough operated for a profit, to which the public is invited including, but not limited to, any place of amusement or entertainment. With respect to such establishment, the term “operator” shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that establishment.

MINOR — any person 16 years of age or younger who has not been emancipated by court order.

OFFICER — a police department or other law enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Pennsylvania and/or the ordinances of the Borough of Hollidaysburg.

ORDINANCE — curfew for minors ordinance.

PARENT —

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- (1) A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement).
- (2) A person who is the biological or adoptive parent with whom a minor regularly resides.
- (3) A person judicially appointed as a legal guardian of the minor.
- (4) A person 18 years of age or older standing in loco parentis (as indicated by the authorization of an individual in subsections (1), (2) or (3) of this definition above for the person to assume the care or physical custody of the minor.)

PERSON — an individual (an association, corporation or any other legal entity).

PUBLIC PLACE — any place to which the public or a substantial group of the public has access including, but not limited to, streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, apartment houses, office buildings, transportation facilities and shops.

REMAIN — refers to the following actions:

- (1) To linger or stay at or upon a public place.
- (2) To fail to leave a public place when requested to do so by an officer or by the owner, operator or other person in control of that place.

(Ord. 768, 4/6/2000, §5)

§203. Unlawful Activities.

1. It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the Borough, to remain in any motor vehicle operating or parked therein or thereon or to remain in or upon the premises of any establishment within the Borough, unless:
 - A. The minor is accompanied by a parent.
 - B. The minor is accompanied by an adult other than a parent, as authorized by a parent.
 - C. The minor is involved in an emergency.
 - D. The minor is engaged in an employment activity, or is going to or returning home from such activity without detour or stop.

- E. The minor is on the sidewalk directly abutting a place where he/she resides with a parent.
 - F. The minor is attending an activity sponsored by a school, religious or civic organization, which activity is supervised by adults, and/or the minor is going to or returning home from such an activity without detour or stop.
 - G. The minor is on an errand at the direction of a parent.
 - H. The minor is involved in interstate travel through, or beginning or terminating in, the Borough of Hollidaysburg.
- 2. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate subsection (1) of this Section.
 - 3. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of subsection (1) of this Section.
 - 4. It shall be unlawful for any person (including any minor) to give a false name, address or telephone number to any officer investigating a possible violation of subsection (1) of this Section.

(Ord. 768, 4/6/2000, §6)

§204. Enforcement.

- 1. Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation of 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 §203(1) of this Part.
 - A. If such investigation reveals that the presence of such minor is in violation of §203(1) of this Part, then:
 - (1) If the minor has not previously been issued a warning for any such violation, the officer shall 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/her parent(s).
 - (2) If the minor has previously been issued a warning for any such violation, the officer shall charge the minor with a violation of this Part and shall issue a summons requiring the minor to appear in court.
 - B. As soon as practicable, the officer shall:
 - (1) Release the minor to his/her parent(s).

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- (2) If a minor refuses to give an officer his/her name and address, refuses to give the name and address of his/her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor shall be placed with the Blair County Children and Youth Services Agency.
2. Others. If an investigation by an officer reveals that a person has violated §203(1), (3) and/or (4), 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 previously been issued to that person, the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

(Ord. 768, 4/6/2000, §7)

§205. Penalties.

1. Minors.
 - A. A first infraction of the curfew results in a warning in accordance with §204(1)(A)(1) of this Part. A report is maintained by the Borough Police Department.
 - B. Upon subsequent violation(s) of the curfew, any minor convicted thereof may be subject to pay a fine of not more than \$600 and/or subject to imprisonment for a term not to exceed 30 days.
2. Others.
 - A. A first infraction of the curfew results in a warning in accordance with §204(2) of this Part.
 - B. Upon subsequent violation(s) of the curfew, any person convicted thereof may be subject to pay a fine of not more than \$600 and/or subject to imprisonment for a term not to exceed 30 days.

(Ord. 768, 4/6/2000, §8)

§206. Review Period.

Within one year after the effective date of this Part, the Borough Manager shall review this Part and report and make recommendations to the Borough Council concerning the effectiveness of and the continuing need for this Part. The Borough Manager's 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 this Part.

(Ord. 768, 4/6/2000, §9)

Part 3

Firearms and Similar Weapons

§301. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §303 of this Part 3, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough of Hollidaysburg. (Ord. 317, 6/9/1958; as revised by Ord. 626, 4/13/1987)

§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 reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in §303 of this Part 3, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police. (Ord. 317, 6/9/1958; as revised by Ord. 626, 4/13/1987)

§303. Exceptions.

This Part 3 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. 317, 6/9/1958; as revised by Ord. 626, 4/13/1987)

§304. Penalties for Violation.

Any person who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or be subject to imprisonment for a term not to exceed 30 days. (Ord. 317, 6/9/1958; as revised by Ord. 626, 4/13/1987; and amended by Ord. 640, 4/10/1989, §7)

Part 4

Ball Playing; Sledding on Public Thoroughfares

§401. Ball Playing, Snowballing, Throwing of Missiles and Playing Games on Streets, Alleys and Sidewalks Prohibited.

Ball playing, including the throwing, kicking, or knocking of any ball, snowballing, and the throwing of any stone or other missile of any kind upon any of the public streets, alleys or sidewalks in the Borough of Hollidaysburg, or the playing of any game upon any such public street, alley or sidewalk, is hereby prohibited. (Ord. 365, 12/8/1960)

§402. Sledding Prohibited on Sidewalks; Restricted on Streets.

No person or persons shall coast or ride upon any sled on any of the sidewalks in the Borough of Hollidaysburg, or on any street or alley in the Borough, unless such street or alley shall have been especially set apart as a play highway and shall have been blocked off or adequately protected from vehicular traffic. (Ord. 372, 12/8/1960)

§403. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or be subject to imprisonment for a term not to exceed 30 days. (Ord. 365, 12/8/1960; and Ord. 372, 12/8/1960; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §8)

Part 5

Protection of Public Property

§501. Definition and Interpretation.

As used in this Part 5, 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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

§502. 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 of Hollidaysburg, 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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

§503. 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 of Hollidaysburg, 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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

§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 of Hollidaysburg 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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

§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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

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§506. Exceptions.

This Part 5 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. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987)

§507. Penalties.

Any person who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or be subject to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 5 continues shall constitute a separate offense. (Ord. 366, 12/8/1960; as revised by Ord. 626, 4/13/1987; and amended by Ord. 640, 4/10/1989, §9)

Part 6

Depositing Materials on Thoroughfares

§601. General Rule.

No person shall throw or deposit any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance, nor shall any person throw, deposit, dump, rake, sweep, or otherwise deposit any leaves, grass clippings, brush, weeds, other organic material or any other form of material of any kind or nature, upon any highway, street or alley in the Borough of Hollidaysburg. (Ord. 582, 1/7/1980, §1)

§602. Removal of Deposited Material.

Any person who drops, or permits to be dropped or thrown, or dumps, rakes, sweeps, or otherwise deposits upon any highway, street or alley in the Borough of Hollidaysburg any of the substances prohibited under §601 herein above, shall immediately remove the same or cause it to be removed. (Ord. 582, 1/7/1980, §2)

§603. Removal of Material Following Accident.

Any person removing a wrecked, damaged or disabled vehicle from a highway, street or alley in the Borough of Hollidaysburg shall remove from the highway, street or alley, or neutralize, any glass, oil or any injurious substance resulting from the accident or disablement. (Ord. 582, 1/7/1980, §3)

§604. Penalty.

Any person violating any of the provisions of this Part is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300, payable to the Borough of Hollidaysburg, or to imprisonment in the Blair County Jail for not more than 90 days, or both, and prosecution for every such violation shall be according to the practice in the case of summary convictions. (Ord. 582, 1/7/1980, §4; as amended by Ord. 626, 4/13/1987)

§605. Penalty for Persons Ordering Unlawful Acts.

Any person or any officer of any association, corporation, organization, or other entity who shall order, instruct, or direct one of his, her or its employees or minor relatives to perform any act in violation of this Part, and as a result the person so ordered, instructed or directed does perform an act in violation of this Part, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$600,

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payable to the Borough of Hollidaysburg, or to imprisonment in the Blair County Jail for not more than 30 days, or both, and prosecution for every such violation shall be according to the practice in the case of summary convictions. (Ord. 582, 1/7/1980; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §10)