

## **Chapter 6**

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**Part 1****Curfew****§6-101. Definitions and Interpretation.**

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 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 of Chalfant.

*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.

2. 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. 328, 12/12/1984, §6-101)

**§6-102. 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 Township 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. 328, 12/12/1984, §6-102)

**§6-103. 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 10 p.m. and 6 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 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 paragraph .B above.

(*Ord. 328, 12/12/1984, §6-103*)

#### **§6-104. 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. 328, 12/12/1984, §6-104*)

#### **§6-105. Procedure upon Violation.**

Any minor found upon the streets, alleys, parks, or public places within the Borough in violation of §6-102 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian, or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks, or public places in violation of §6-102, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian, or person will be cited for a violation of this Part.

(*Ord. 328, 12/12/1980, §6-105; as amended by Ord. 408, 8/11/2011*)

#### **§6-106. 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 shall constitute a separate offense.

(*Ord. 328, 12/12/1984, §6-106; as amended by Ord. 340, 9/14/1988, §2; and by Ord. 408, 8/11/2011*)

#### **§6-107. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement.**

Any minor who shall violate this Part more than three times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles 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 §6-102 of this Part cannot be made effective by the imposition of fines and penalties.

(*Ord. 328, 12/12/1984, §6-107*)

**§6-108. 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. 328, 12/12/1984, §6-108*)



**Part 2****Disorderly Conduct****§6-201. Disorderly Conduct Prohibited.**

1. Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited within the Borough. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

- A. Engages in fighting or threatening, or in violent or tumultuous behavior.
- B. Makes unreasonable noise.
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

2. 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. 408, 8/11/2011)*

**§6-202. 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 shall constitute a separate offense.

*(Ord. 408, 8/11/2011)*





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**Part 3****Discharge of Firearms****§6-301. Short Title.**

This Part shall be known and designated as the “Hunting and Firearms Ordinance” of the Borough of Chalfant.

(*Ord. 262, 3/11/1971, §1.01*)

**§6-302. Definitions.**

*Borough*—the Borough of Chalfant.

*Firearms*—any rifle, air rifle, shotgun, revolver, pistol, or any other weapon or combination thereof.

*Game*—any animal or bird.

*Hunting*—any searching for, stalking, pursuing, killing, or attempting to kill, with firearms, any game.

*Range*—a place for shooting firearms at inanimate targets.

(*Ord. 262, 3/11/1971, §1.02*)

**§6-303. Discharge of Firearms Prohibited; Exceptions.**

After the passage of this Part, the use, shooting, discharge of firearms is prohibited in the Borough, except in strict conformity to the provisions hereof. The foregoing shall not apply to duly appointed law enforcement officers of the Borough or other governmental agencies in the performance of their official duties in the Borough.

(*Ord. 262, 3/11/1971, §1.02*)

**§6-304. Hunting of Game Prohibited.**

The hunting of game within the Borough shall be prohibited and shall be an unlawful act.

(*Ord. 262, 3/11/1971, §2.01*)

**§6-305. Special Permits.**

Upon written application to the Borough by an owner or resident of property within the Borough for a special permit for said person to kill predatory animals or birds which are destroying his property, a special permit may be issued by the Chief of Police, in his sole discretion, which permit shall be good only for a limited duration of time, shall not be transferable by the owner or resident and shall be limited to the property of said owner or resident.

(*Ord. 262, 3/11/1971, §2.02*)

**§6-306. Licensed Target Ranges.**

No firearms shall henceforth be discharged within the Borough except within a duly and lawfully licensed and operated target, skeet, or trap range.

(*Ord. 262*, 3/11/1971, §3.01)

**§6-307. 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 shall constitute a separate offense.

(*Ord. 262*, 3/11/1971, §4.01; as amended by *Ord. 328*, 12/12/1984, §6-307; by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)

**Part 4****Littering****§6-401. Definitions.**

The following words, terms and phrases shall be construed in this Part to have the following meanings except in those instances where the context clearly indicates otherwise:

*Garbage*—all animal and vegetable wastes attending or resulting from the handling, dealing in, storing, preparation, cooking, and consumption of foods; all refuse or animal or vegetable matter which has been used for food of man or which was intended to be so used and excess fruit from trees on residential property but not from trees in orchards or on farms.

*Person*—every natural person, firm, co-partnership, association, or corporation.

*Rubbish*—all paper, cardboard, rags, broken glass, crockery, bottles, tin cans, waste basket debris, grass cuttings, and small household refuse, generally including incinerator ashes and refuse from paper burners and ashes from heating plants and coal stoves and refuse caused by repairs, alterations, and new constructions of building and sidewalks.

*Trash*—any fluid or object other than garbage and rubbish which is abandoned or of no further use of its owner.

(*Ord. 253, 8/13/1970, §1*)

**§6-402. 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 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. 253, 8/13/1970 §5; as amended by Ord. 328, 12/12/1984, §6-402*)

**§6-403. 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 shall constitute a separate offense.

(*Ord. 253, 8/13/1970, §6; as amended by Ord. 328, 12/12/1984, §6-403; by Ord. 340, 9/14/1988, §2; and by Ord. 408, 8/11/2011*)



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**Part 5****Damage to Property****§6-501. Definitions.**

*Mechanized vehicles*—as any conveyance propelled by any engine or power source other than that supplied by the operator and/or occupants of the vehicle.

*Nuisance*—such conduct as is offensive to persons of ordinary sensitivity by reason of noise levels, prolonged maintenance of offensive noise levels, pollution by exhaust of mechanized vehicles which is offensive to persons of ordinary sensitivities and such other conduct which is violative of standards in the community of persons of ordinary sensitivity.

*Private property*—any property in the Borough of Chalfant exclusive of the property defined as public property and property defined as streets, alleys and public ways as defined in the Vehicle Code of Pennsylvania, 75 Pa.C.S.A. §101 *et seq.*

*Public property*—that property owned and/or maintained by a municipal subdivision, corporation or school district, or property used for public purposes, exclusive of streets, alleys, ways, and such areas as are regulated and controlled by the Vehicle Code of Pennsylvania, 75 Pa.C.S.A. §101 *et seq.*

*Vehicle*—any conveyance or apparatus upon which or in which one or more persons can be conveyed by a power source of any nature. This shall include, but not be limited, to automobiles, trucks, bicycles, motorcycles, go-karts, golf carts, mini-bikes, motor vehicles, and all other moving apparatus.

(*Ord. 294, 5/11/1977, §1*)

**§6-502. Regulation of Vehicles on Property.**

It is the intention of Borough Council of the Borough of Chalfant to regulate the use of all vehicles of any nature on all land in the Borough of Chalfant insofar as it is proper to do so and to the extent that it is not regulated by the Vehicle Code of Pennsylvania, 75 Pa.C.S.A. §101 *et seq.*

(*Ord. 294, 5/11/1977, §2*)

**§6-503. Vehicles on Public Property.**

It shall hereinafter be a violation of this Part for any person, to use, ride, operate, drive, propel, or in any manner use a vehicle or cause a vehicle to be upon public property in the Borough of Chalfant without the express prior consent of the municipality, school district or public body maintaining or controlling such property.

(*Ord. 294, 5/11/1977, §3*)

**§6-504. Vehicles on Private Property.**

It shall be a violation of this Part for any person to use, ride, operate, drive, propel, or in any manner cause a mechanized vehicle, other than lawn mowers, to be operated upon private property, in such a manner as to constitute a nuisance as defined herein.

(*Ord. 294, 5/11/1977, §4; as amended by Ord. 408, 8/11/2011*)

**§6-505. Animal Waste Prohibited on Property.**

It shall be a violation of this Part for any person to use or permit to be used, any public property, including streets, alleys, ways, and public roads or private property not belonging to that person, for the purpose of depositing waste material or excrement of his pet or any other domestic animal. Any person who feeds, houses, controls, or otherwise maintains an animal shall be presumed to be the owner of said animal.

(*Ord. 294, 5/11/1977, §5*)

**§6-506. Animals Prohibited in Certain Areas.**

Borough Council, by resolution duly passed, shall hereinafter have authority to proscribe and delineate geographic areas owned or controlled by the Borough as areas where it shall not be lawful to permit the presence of animals, pets, or dogs. The various officers and police shall post said areas with signs which reflect that dogs, pets, or animals are not permitted. Any reasonable form of posting shall be deemed to comply with the mandate of this Part.

(*Ord. 300, 5/11/1977, §2*)

**§6-507. 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 shall constitute a separate offense.

(*Ord. 294, 5/11/1977, §6; as amended by Ord. 328, 12/12/1984, §6-507; by Ord. 340, 9/14/1988, §2; and by Ord. 408, 8/11/2011*)

**Part 6****Loitering****§6-601. 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. 328, 12/12/1984, §6-601)

**§6-602. Certain Types of Loitering Prohibited.**

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any annoyance to any person or persons.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest, or interfere with any person who is lawfully in any public place as defined in §6-601. 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. 328, 12/12/1984, §6-602)

**§6-603. 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 §6-602, 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. 328, 12/12/1984, §6-603)

**§6-604. 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 shall constitute a separate offense.

(Ord. 328, 12/12/1984, §6-604; as amended by Ord. 340, 9/14/1988, §2; and by Ord. 408, 8/11/2011)





**Part 7****Consumption of Alcoholic Beverages****§6-701. Definitions.**

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

*Alcoholic beverages*—any spirits, wine, beer, ale or other liquid containing more than ½ of 1 percent of alcohol by volume which is fit for beverage purposes.

*Container*—any bottle, can, or other vessel in which alcoholic beverages are contained.

(Ord. 328, 12/12/1984, §6-701)

**§6-702. Consumption.**

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Borough of Chalfant, nor shall any person consume any alcoholic beverage within 5 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other party in lawful possession thereof.

(Ord. 328, 12/12/1984, §6-702)

**§6-703. Possession.**

No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare, or other public property within the Borough, nor shall any person possess any container or alcoholic beverage within 5 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

(Ord. 328, 12/12/1984, §6-703)

**§6-704. Exceptions.**

Provided, however, that the provisions of §§6-702 and 6-703 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §6-701 hereof; and, provided further, that the provisions of said §§6-702 and 6-703 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

(Ord. 328, 12/12/1984, §6-704)

**§6-705. Penalty.**

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 shall constitute a separate offense.

(*Ord. 328*, 12/12/1984, §6-705; as amended by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)