

CHAPTER 6

CONDUCT

Part 1

General Provisions

- §1. Discharge of Firearms Prohibited; Exception**
- §2. Use of Air Rifles, Bows and Arrows or Similar Devices Regulated**
- §3. Penalty for Prohibited Use of Firearms, Air Rifles, Bows, and Arrows or Similar Devices**
- §4. Tampering with Public Property on Streets, Alleys, or Public Ground Prohibited**
- §5. Tampering with Stakes, Posts and Monuments Prohibited**
- §6. Tampering with Warning Lamps, Signs or Barricades Prohibited**
- §7. Removal of Material from Streets, Alleys or Public Grounds Prohibit**
- §8. Certain Acts not Unlawful**
- §9. Penalty for Tampering with, Injuring or Removing Certain Property**
- §10. Severability**
- §11. Loitering Prohibited**
- §12. Curfew for Minors**
- §13. Definitions**
- §14. Exceptions**
- §15. Parental Responsibility**
- §16. Penalties**

Part 2

Alcoholic Beverages

- §21. Alcoholic Beverages Prohibited**
- §22. Penalties**

Part 3

Disorderly Practices

- §301. Enumeration of Disorderly Practices**
- §302. Definitions**
- §303. Violations and Penalties**

Part 1

General Provisions

§1. Discharge of Firearms Prohibited; Exception.

Except in necessary defense of person or property, it shall be unlawful, within the Borough of Bloomfield for any person to use, fire or discharge any gun or other firearm, unless such person shall first, obtain a permit from the Permit Officer, which permit shall allow the permittee to use a firearm under the conditions specified in the permit for a period of one year. (Ord. 121, 7/8/1975, §1; as amended Ord. 278, July 7, 2009, §1)

§2. Use of Air Rifles, Bows and Arrows or Similar Devices Regulated.

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, 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 in a properly constructed target range. (Ord. 121, 7/8/1975, §2)

§3. Penalty for Prohibited Use of Firearms, Air Rifles, Bows and Arrows or Similar Devices.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. (Ord. 121, 7/8/1975, §3)

§4. Tampering with Public Property or Property on Streets, Alleys, or Public Ground Prohibited.¹

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Bloomfield, within or without the Borough, or any grass, walk, lamp, ornamental work, building, street light, water stop box or shade trees, on or in any of the streets, alleys, sidewalks or public grounds in the Borough. (Ord. 128, 7/8/1975, §1)

¹ This heading and the headings of Sections 5 to 10 of this chapter are part of this ordinance as enacted.

CONDUCT

§5. Tampering with Stakes, Posts and Monuments Prohibited.

No person or persons shall in any manner interfere with or meddle with or pull, drive change, alter, or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Bloomfield, made, placed or set or hereafter made, placed or set, or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in 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, matter or thing. (Ord 128, 7/8/1975, §2)

§6. Tampering with Warning Lamps, Signs or Barricade Prohibited.

No person or persons shall willfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work with 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, as a warning of danger (Ord 128,7/8/1975, §3)

§7. Removal of Material from Streets, Alleys or Public Grounds Prohibited.

No person or persons shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Borough (Ord 128, 7/8/1975, §4)

§8. Certain Acts not Unlawful.

This ordinance² shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon, of therein or to incidental results of work done thereon or therein upon permit from or by authority of the Borough (Ord 128, 7/8/1975, §5)

§9. Penalty for Tampering with, Injuring or Removing Certain Property.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Provided: the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation (Ord 128 7/8/1975 §6)

² Sections 4 to 10 of this chapter.

§10. Severability

The provisions of this Ordinance shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof. (Ord, 128, 7/8/1975, §7)

§11. Loitering Prohibited

As used in this Section, 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 Borough, school or other public building, recreational area, parking lot, store, restaurant or other place of business,

1. 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 lawfully in any public place as defined in this Section. This shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature of which are calculated to annoy or disturb the person to, or in whose hearing, they are made.
2. 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 Subsection 1 of this Section, 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.

CONDUCT

3. Penalties - Any person, who shall violate any provision of this Section shall, upon conviction thereof be sentenced to pay a fine of not more than \$300, and/or imprisonment for a term not to exceed 90 days.

(Ord 170, 3/4/1986, §§1 to 3)

§12. Curfew for Minors

It shall be unlawful for any person seventeen (17) years of age or less to be or remain in or upon the streets within the Borough of Bloomfield at night during the period beginning at 11:00 p.m. and ending at 6:00 a.m. the following day.

(Ord. 293, 12/7/2010, §3)

§13. Definitions

For the purpose of this ordinance, the following words shall have the following meanings:

- A. Borough:
The Borough of Bloomfield, Perry County, Pennsylvania;
- B. Minor:
Any person under the age of eighteen (18), or, in equivalent phrasing often herein employed, any person seventeen (17) or less years of age;
- C. Parent:
Any person having legal custody of a minor
 - (i) a natural or adoptive parent;
 - (ii) as a legal guardian;
 - (iii) as a person who stands in *loco parentis*; or
 - (iv) as a person to whom legal custody has been given by order of court.
- D. Remain:
To stay behind, to tarry and to stay unnecessarily upon the streets

E. Street:

A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term "street" applies irrespective of what it may be called or formally named, whether alley, avenue, court, road or otherwise.

F. Time of Night:

The prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Borough *prima facie* the time then observed in the Borough Administrative Offices and police station.

(Ord. 293, 12/7/2010, §2)

§14. Exceptions

A minor on a Borough street during the prohibitive hours as set forth in paragraph 3 above, shall not be in violation of this ordinance under the following conditions:

- A. When accompanied by a parent or legal guardian of such minor.
- B. When accompanied by an adult age 21 or older, authorized in writing by a parent or legal guardian of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- D. When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Borough Enforcement Officer, thus encouraging (here as in other exceptional situations) conduct on the part of a minor involved in such activities and striking a fair balance for any somewhat conflicting interests.

CONDUCT

In an emergency, this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to an authorized representative of the Borough, or if unavailable to the police officer authorized by the authorized representative of the Borough to act on his behalf in an emergency, at the police station.

- E. When a minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than forty-five (45) days previously, signed by and authorized representative of the Borough and briefly identifying the minor, the address of his home and of his hours of employment.
- F. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel.

(Ord. 293, 12/7/2010, §4)

§15. Parental Responsibility

It shall be unlawful for a parent or legal guardian having legal custody of a minor to knowingly permit or be inefficient control to allow such minor to be or remain upon any Borough street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. (Ord. 293, 12/7/2010, §5)

§16. Penalties

Prevailing community standards, and the real internalization thereof or interpersonal sanctions therefore, that in practice count for much as to when minors should be off the streets, reflected in this Curfew Ordinance, are hereby undergirded with the following legal sanctions:

- A. If, after the warning notice as set forth above of a first violation by a minor, a parent or legal guardian violates the provisions of this ordinance shall be fined fifty (\$50.00) dollars, and for each subsequent offense by a parent or legal guardian, the fine shall, be increased by an additional fifty (\$50.00) dollars, not to exceed three hundred (\$300.00) dollars. The magisterial judge, upon finding a parent guilty, shall sentence the parent to pay such fine and the costs of prosecution, and upon refusal to pay such fine and costs, to be imprisoned in the jail of Perry County for a period not exceeding ten (10) days. (Ord. 293, 12/7/2010, §6)

Part 2

Alcoholic Beverages

§21. Alcoholic Beverages Prohibited.

No person shall transport, carry, possess or have on or about his person or in or about any motor vehicle any alcoholic beverage in or upon the streets, alleys, sidewalks, parks or any other municipally owned or leased public facility within the limits of the Borough of Bloomfield, except in the original container with the seal unbroken. (Ord. 188, 8/6/1991. §1)

§22. Penalties.

Any person who violates the provisions of this Part shall, upon conviction before a District Justice, be guilty of a summary offense and shall be subject to a fine of not less than \$25 nor more than \$300 and the costs of prosecution, and in default of payment of said fine and costs shall undergo imprisonment in the Perry County Prison for a period of not less than seven days nor more than 30 days, (Ord, 188, 8/8/1991. §2)

Part 3

Disorderly Practices

§301. Enumeration of Disorderly Practices.

1. A person is guilty of the offense of disorderly practices if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she:
 - A. Engages in fighting or threatening or in violent or tumultuous behavior,
 - B. Makes unreasonable noise or offensive, coarse or lewd utterances or gestures or displays or addresses abusive or lewd language to any person present,
 - C. Makes unreasonable noise by:
 - (1) Vehicle mufflers.
 - (2) Squealing tires.
 - (3) Tape players and radios.
 - D. Appears in public or operates any motor vehicle on any street or highway within the Borough of Bloomfield manifestly under the influence of alcohol, narcotics or other drugs to the degree he may endanger himself or other persons or property or annoy persons in the vicinity.
 - E. Having no legal privilege to do so, intentionally or recklessly obstructs any highway or other public passages, whether alone or with others. No person shall be guilty of violating this subsection solely because of a gathering of persons to hear him speak or otherwise communicate or solely because of being a member of such gathering.
 - F. Refuses to obey a reasonable official request or order to move, to prevent obstruction of a highway, sidewalk or other public passages, or to maintain public safety by dispersing those gathering in dangerous proximity to a fire or other hazards.
2. Any person who shall interfere with the lawful conduct of business on public property; or any persons who shall loaf or loiter or congregate upon any of the 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 of the Borough, whereby the public peace is broken or disturbed; or who shall congregate or loiter on public or private property, not being either a business invitee or guest, in such manner as to inconvenience other persons who are business invitees or guests, shall be guilty of disorderly conduct,

CONDUCT

(Ord 246, 11/1/2005, §1)

§302. Definitions.

For the purpose of this Part 3, the following terms, as used in this Part, shall have the following meanings:

OBSTRUCT - to render impassable without unreasonable inconvenience or hazard

PUBLIC - affecting or likely to affect persons in a place to which the public or a substantial group has access, not limited to but including highways, transport facilities, schools, apartment houses, places of business, places of amusement or any neighborhood,

(Ord 246, 11/1/2005, §2)

§303. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days,

(Ord. 246, 11/1/2005, §3)