

CHAPTER 6

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PART 1

CURFEW

A. Curfew Established for Children Under Age of 18.

§6-101. Curfew Established for Children Under Age of 18.

It shall be unlawful for any child under the age of 18 years to be or remain in or upon any public street or alley or public place in the Borough at any time between the hours of 10 p.m. and 6 a.m., unless such child is accompanied by a parent, guardian or other person having legal custody of such child. Provided, the time for the beginning of the curfew period may be extended by order of the Mayor on any evening when there shall be an official school function, in which case the curfew shall take effect ½ hour after the conclusion of such function and the curfew warning signal shall be sounded 15 minutes after the conclusion of such function.

(Ord. 1980-4, 12/4/1980, §1; as amended by A.O.)

§6-102. Unlawful for Parents, Guardians and Legal Custodians of Children to Permit Curfew Violations.

It shall be unlawful for any parent, guardian or legal custodian of any child under the age of 18 years to allow or permit such child to be or remain in or upon any of the public streets or alleys or public places in the Borough in violation of §6-101 of this Part.

(Ord 1980-4, 12/4/1980, §2)

§6-103. Enforcement.

Any child as above designated, found in or upon any street or alley or public place in the Borough in violation of §6-101 of this Part shall be taken into custody by any member of the Borough Police Force and delivered to his or her parents, guardian or person having the legal custody of such child and report thereof shall be made by such policeman immediately to the Mayor. If such parent, guardian or person having the legal custody of said child shall again allow such child to be in or upon any of the streets or alleys or public places in the Borough in violation of §6-101 of this Part, such parent, guardian or legal custodian shall, upon conviction thereof, be sentenced to pay 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. 1980-4, 12/4/1980, §3; as amended by A.O.)

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§6-104. Authority of Police Officers to Use Discretion in Determining Age of Children.

The Police Officers of the Borough, in taking children into custody under this Part, shall use their discretion in determining age and in doubtful cases may require positive proof and until such proof is furnished, the officer's judgment shall prevail.

(Ord. 1980-4, 12/4/1980, §4)

B. Motor Vehicular Races.

§6-111. Definitions and Interpretation.

1. As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

MOTOR VEHICULAR RACES - all manner and form of races including, but not limited to, motorcycle, big car, midget car, racing car, stock car, sport car, modified car, jalopy, hot rod and all other forms of racing whereby the vehicle is propelled by a motor.

PERSON - every natural person, firm, partnership, association, other form of unincorporated enterprise owned by two or more persons or corporations. Whenever used in any clause prescribing and/or imposing a penalty, or both, the terms person, when applied to firms, partnerships or associations shall mean the partners or the officers/members of the associations/firms thereof and when applied to corporations, the officers thereof.

PRODUCER - any person, as herein defined, conducting or holding any motor vehicular race as herein defined, when the general public or a limited or selected number thereof may attend upon the payment of an admission price.

2. The use of the singular herein shall include the plural and the use of the masculine shall include the feminine and neuter.

(Ord. 1988-1, 8/4/1988, §1)

§6-112. Purpose.

This Curfew Ordinance amendment prescribes, in accordance with prevailing community standards, a regulation limiting the time after which motor vehicular races shall be commenced within the Borough for the furtherance of the public good, safety and welfare.

(Ord. 1988-1, 8/4/1988, §2)

§6-113. Curfew.

No person and/or producer shall commence a motor vehicular race before 1 p.m. nor after 12 a.m. prevailing time within the Port Royal Borough limits. All racing activities and related activities must cease no later than 12:30 a.m. on any given day.

(Ord. 1988-1, 8/4/1988, §3; as amended by A.O.)

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§6-114. Penalty.

Any person and/or producer who shall violate the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$1,000 per hour, or part thereof, per violation, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 1988-1, 8/4/1988, §4; as amended by A.O.

PART 2

LOITERING AND OTHER OFFENSES

§6-201. Loitering.

1. In order to protect the safety of the public and the safety of property it shall be unlawful for any person to loiter, either alone or with others, on any public street, public road, public alley, public mall, public common, public municipal parking lot or other public ground within the Borough or in or about any building or structure used, in whole or in part, for dwelling or rooming or boarding purposes or for business, amusement, commercial, mercantile, manufacturing, industrial, storage, educational or recreational purposes.
 - A. So as to hinder or obstruct or tend to hinder or obstruct, the free passage of pedestrians or vehicles or the free passage of persons or property to or from any entrance or exit of a building, structure or vehicle and to fail or refuse to move or disperse when asked to do so by a police officer.
 - B. So as to warrant concern for the safety of persons or the security of property in the vicinity.
 - (1) To fail or refuse to identify himself and explain his presence or conduct when asked to do so by a police officer.
 - (2) To fail or dispel the concern.
2. Any person who shall loiter shall, upon conviction thereof, be sentenced to pay a fine of not less 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. [A.O.]
3. **Definition and Interpretation.**
 - A. **Definition.** For the purposes of this Section the term "loiter" shall include any of the following types of conduct:
 - (1) Loafing.
 - (2) Lingerin~~g~~.
 - (3) Hanging around.
 - (4) Idly spending time.

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- (5) Prowling.
- (6) Wandering.
- (7) Standing or remaining idle.
- (8) Sauntering or moving slowly about where the conduct is not due to physical condition or defects, but irrespective of whether the conduct is on foot or in, on or by way of a parked or moving vehicle.

B. **Interpretation.** Among the circumstances which are to be considered under subsection (1)(A) in determining whether there is warrant for the concern for the safety of persons or the security of property is:

- (1) The time of day when, or the place where, the loitering occurs.
- (2) The systematic checking by the actor of doors, windows or other means of ingress or egress to a building, structure or vehicle.
- (3) Recurrent activity by the actor which outwardly manifests no useful purpose or reasonably explicable purpose and is not usual for a law abiding or peace abiding person.
- (4) The continuous or repeated presence of the actor in close proximity to a building, structure, vehicle or other property or in close proximity to another person, for a period of time not usual under the circumstances then existing. Among the circumstances which are to be considered in determining whether the actor has failed to dispel the concern is whether:
 - (a) The actor takes flight upon the appearance of a police officer.
 - (b) The actor attempts to conceal himself or any object.
 - (c) The actor's explanation to the police officer of his presence or conduct is untrue or is such as would not at the time be reasonably sufficient to dispel the concern in the minds of ordinary men of common intelligence.

4. **Intent.** No person shall be convicted of the offense of loitering under subsection (1)(A) of this Section if it appears at trial that the actor's explanation of his presence and the conduct is in fact true and, has it been made known to the police officer at the time and had it been believed by the police officer at the time, would have dispelled the concern. It is not intended that this Section be used by a particular complainant as a catch-all against person whose ideas, dress, lifestyle or physical appearance is annoying to the sensibility of the complainant. Nor is it intended that this Section be used as a form of preventive detention or as an excuse for search and

seizure. It is the intent of this Section; however, to recognize that there are conditions and circumstances which warrant a police officer making a judgment in the field or on the spot that the time has arrived when, giving due consideration to the delicate balance of the right of free assembly, free association, free speech or free movement, some action is called for in order to ensure that the safety of the public and the safety of property be protected.

(Ord. 1980-5, 12/4/1980, §1; as amended by A.O.)

§6-202. Wilful or Malicious Throwing of Objects and Missiles Prohibited.

It shall be unlawful for any person wilfully or maliciously to throw any metal, stone, brick or other object or missile within the Borough of Port Royal and upon conviction thereof be sentenced to pay 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 Section continues shall constitute a separate offense.

(Ord. 1980-5, 12/4/1980, §5; as amended by A.O.)

§6-203. Tampering with Certain Property Prohibited.

No person or persons shall destroy or injure, in any way whatsoever, or tamper with or deface any public property of the Borough of Port Royal or any grass, walk, lamp, ornamental work, building, street light, fire hydrant or water or gas stop box on any of the streets, alleys, parks or other public grounds in the Borough and upon conviction thereof, be sentenced to pay a fine of \$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 Section continues shall constitute a separate offense.

(Ord. 1980-5, 12/4/1980, §6; as amended by A.O.)

§6-204. Consumption, Possession or Transportation of Alcoholic or Malt or Brewed Beverages Unlawful in Certain Places.

It shall be unlawful for any person to consume, possess or transport any alcoholic or malt or brewed beverage in any park, public playground, parking lot, recreation area or similar areas which are under the direct control and supervision of the Borough of Port Royal and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$50 for the first such offense plus costs and \$100 for the second offense, if within 1 year of the first offense,

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plus costs and not more than \$1,000 for the third and all subsequent offenses, 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 Section continues shall constitute a separate offense.

(Ord. 1980-5, 12/4/1980, §7; as amended by A.O.

PART 3

DISORDERLY CONDUCT

§6-301. 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 of Port Royal. 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.

(A.O.)

§6-301. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay 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 no 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.

(A.O.)

PART 4

INTERFERENCE WITH BOROUGH OFFICERS AND EMPLOYEES

§6-401. Interference with Borough Officers and Employees Prohibited.

It shall be unlawful for any person to obstruct, resist, oppose or in any way interfere with any officer or employee of the Borough while in the performance of any of the duties of his office or employment.

(Ord. 1980-5, 12/4/1980, §3)

§6-402. Penalty for Interfering with Borough Officer or Employee.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay 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 Section continues shall constitute a separate offense.

(Ord. 1980-5, 12/4/1980, §4; as amended by A.O.)

