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Part 1
Disorderly Conduct

§101. Disorderly Conduct Prohibited. Disorderly conduct is hereby prohibited within the Borough of Stroudsburg. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

1. engages in fighting or in threatening, violent or tumultuous behavior;
2. makes unreasonable noise;
3. uses obscene language, or makes an obscene gesture; or
4. creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

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.

(Ordinance 599, December 19, 1983)

§102. Penalty for Disorderly Conduct. Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) together with costs of prosecution, or, to imprisonment for a term not to exceed thirty (30) days. (Ordinance 599, December 19, 1983)

Part 2
Alcoholic Beverages

§201. 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 one-half of a percent (1/2%) of alcohol by volume which is fit for beverage purposes.

CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

(Ordinance 599, December 19, 1983)

§202. Consumption. No person, including those in vehicles, shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Borough, nor shall any person consume any alcoholic beverage within five (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. (Ordinance 599, December 19, 1983)

§203. 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 five (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. (Ordinance 599, December 19, 1983)

§204. Exceptions. Provided however, that the provisions of §§202 and 203 above shall not apply to interior portions of any private dwelling, habitat, building or firehouse, 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 §201 hereof; and provided further that the provisions of said §§202 and 203 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ordinance 599, December 19, 1983)

§205. Penalties. Whosoever violates any of the provisions of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) plus costs of prosecution, or to be imprisoned for a period not to exceed thirty (30) days. (Ordinance 599, December 19, 1983)

Part 3
Loitering

§301. Definitions. As used in this Part 3, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING - remaining idle essentially in one location; spending time idly; loafing or walking about aimlessly; 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.

(Ordinance 599, December 19, 1983)

§302. Certain Types of Loitering Prohibited. No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any disturbance or annoyance to the comfort of any person.
3. Obstruct the free passage of pedestrians or vehicles.
4. Obstruct, molest or interfere with any person lawfully in any public place as defined in §301 of this Part 3. 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.

(Ordinance 599, December 19, 1983)

§303. 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 §302 of this Part 3, 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 Part. (Ordinance 599, December 19, 1983)

§304. Penalties. 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 three hundred dollars (\$300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days.

(Ordinance 599, December 19, 1983)

Part 4

Use of Shopping Carts

§401. Definitions. As used in this Part 4, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

SHOPPING CART - means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

STORE OR OTHER RETAIL MERCANTILE ESTABLISHMENT - means a place where merchandise is displayed, held, stored or sold or offered to the public for sale.

MERCHANT - means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or proprietor.

PREMISES OF A STORE OR RETAIL MERCANTILE ESTABLISHMENT - means the retail mercantile establishment, any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

PERSON - shall include any natural person, co-partnership, association, firm or corporation. Whenever used in any clause prescribing and imposing a penalty, or both, the term "person" as applied to a co-partnership or association, shall mean the partnership or members thereof, and as applied to a corporation, shall be the officers thereof.

(Ordinance 593, September 8, 1982, §1; as amended by Ordinance 599, December 19, 1983)

§402. Merchants to Identify Shopping Carts. It shall be unlawful for a merchant to provide shopping carts to be used on or off the premises of a store or retail mercantile establishment without first providing the identity of the premises of the store or retail mercantile establishment and its phone number. Said identification shall be in the form of a tag, sign, or plate located conspicuously on the shopping cart. Further, the merchant providing the shopping cart shall at all times hereafter maintain accurate records reflecting the date, time and name of any person who is authorized or who has given consent to remove the shopping cart from the premises of the store or retail mercantile establishment. (Ordinance 593, September 8, 1982, §2)

§403. Unlawful to Remove Shopping Carts from Premises of Store Without Authorization. It shall be unlawful for a person without the expressed written consent of a merchant or other person authorized to give such consent, to remove a shopping cart from the premises of a store or

retail mercantile establishment. It shall not be a defense to prosecution under this section that such person reasonably believed that the merchant or his agent would have consented to the removal of the shopping cart. Further, the absence of any record maintained by the merchant as required by §1002 hereof shall raise a rebuttable presumption that no such consent was given. (Ordinance 593, September 8, 1982, §3)

§404. Unlawful to Store or Allow Storage of Shopping Carts on Private Property; Notice to Owner and Police Regarding Abandoned Shopping Carts. It shall be unlawful for a person who owns, leases, or occupies real property in the Borough of Stroudsburg to permit a shopping cart to remain on any private real property within the Borough for a period of more than twenty-four (24) hours. Any person who owns, leases or occupies real property in the Borough of Stroudsburg and who is not responsible for the removal of a shopping cart from the premises of a store or retail mercantile establishment shall notify the merchant identified on the shopping cart and the Stroud Area Regional Police Department of the location of the shopping cart. (Ordinance 593, September 8, 1982, §4; as amended by Ordinance 784, April 5, 2000, §2)

§405. Actions of Police and Owner Upon Notification. Whenever the Stroud Area Regional Police Department finds or is notified that a shopping cart has been stored or permitted to remain on any real property within the Borough, the Chief of Police or his agent shall personally, by mail, or by telephonic communication, notify the merchant or owner of the shopping cart, if such merchant or owner can be ascertained by the exercise of reasonable diligence of the location of the shopping cart. The merchant or owner of the shopping cart shall remove the shopping cart within one (1) hour thereof to an authorized location or return the shopping cart to the premises of the store or retail mercantile establishment. (Ordinance 593, September 8, 1982, §5; as amended Ordinance 784, April 5, 2000, §2)

§406. 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 three hundred dollars (\$300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. (Ordinance 593, September 8, 1982; as amended by Ordinance 599, December 19, 1983)

Part 5
Littering

§501. 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 of Stroudsburg or on or near any alley, highway or stream located in said Borough. (Ordinance 599, December 19, 1983)

§502. Penalties. Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution, or, to imprisonment for a term not to exceed thirty (30) days. (Ordinance 599, December 19, 1983)

Part 6

Protection of Public Property

§601. Definition and Interpretation. As used in this Part 6, 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. (Ordinance 599, December 19, 1983)

§602. 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, 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. (Ordinance 599, December 19, 1983)

§603. Tampering with Stakes, Posts and Monuments Prohibited. 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, 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. (Ordinance 599, December 19, 1983)

§604. 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 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. (Ordinance 599, December 19, 1983)

§605. 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. (Ordinance 599, December 19, 1983)

§606. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited. No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Borough. (Ordinance 599, December 19, 1983)

§607. Exceptions. This Part 6 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. (Ordinance 599, December 19, 1983)

(6, §608)

(6, §608)

§608. Penalties. Any person who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution, or, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 6 continues shall constitute a separate offense. (Ordinance 599, December 19, 1983)

Part 7

Throwing of Objects on Streets

§701. Prohibited Acts. The throwing of snowballs, stones or any other missile upon or into any of the public streets, alleys, sidewalks or any other public property, in the Borough is hereby prohibited.
(Ordinance 599, December 19, 1983)

§702. Penalties. Any person who shall violate any provision of this Part 7 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution, or, to imprisonment for a term not to exceed thirty (30) days.
(Ordinance 599, December 19, 1983)

Part 8
Firearms

§801. Discharge of Firearms Prohibited. Except in necessary defense of person and property and except as provided in §803 of this Part 8, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough. (Ordinance 599, December 19, 1983)

§802. 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 on a properly constructed target range and except as provided in §803. (Ordinance 599, December 19, 1983)

§803. Exceptions. This Part 8 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.

(Ordinance 599, December 19, 1983)

§804. Penalties for Violation. Any person who shall violate any provision of this Part 8 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) together with costs of prosecution, or, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 8 continues shall constitute a separate offense. (Ordinance 599, December 19, 1983)

Part 9
Public Gatherings

§901. Public Gatherings Regulated; Permit Required. No person, association, firm or corporation shall conduct any street parade, street meeting or public gathering of any nature upon any street or public ground in the Borough of Stroudsburg, Monroe County, Pennsylvania, without first having obtained a permit from the Mayor of said Borough. Such permit shall be issued without payment of any fee. The application for such permit shall be made to the Mayor, in writing at least seven (7) days in advance of the date of such parade, street meeting or other gathering. (Ordinance 448, August 1, 1962, §1)

§902. Exceptions. The provisions of this Part 9 shall not apply to the Military and Naval Forces of the United States, State Militia, or funeral processions. (Ordinance 448, August 1, 1962, §2)

§903. Penalties. Any person, firm or corporation who shall violate any provision of this Part 9 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. (Ordinance 448, August 1, 1962, §3; as amended by Ordinance 599, December 19, 1983)

