

CHAPTER 6

CONDUCT

PART 1

CURFEW

- §6-101. Definitions and Interpretation
- §6-102. Purposes and Findings
- §6-103. Curfew Offenses; Exceptions
- §6-104. Procedures for Violation
- §6-105. Procedure in Case of Repeated Violations or Other Factors Interfering With Enforcement
- §6-106. Police Discretion in Age Determination
- §6-107. Penalties

PART 2

POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

- §6-201. Possession or Consumption Prohibited; Permits for Recreational Areas
- §6-202. Discarding Alcoholic or Beverage Containers on Public Property
- §6-203. Penalties

PART 3

DISCHARGE OF FIREARMS

- §6-301. Discharge of Firearms Prohibited
- §6-302. Use of Blank Cartridges Prohibited
- §6-303. Exceptions
- §6-304. Copy of Borough Regulations to be Issued with Weapons Sale
- §6-305. Penalties

PART 4

TAMPERING WITH PUBLIC PROPERTY

- §6-401. Definition and Interpretation
- §6-402. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited
- §6-403. Tampering with Stakes, Posts and Monuments Prohibited

- §6-404. Tampering with Warning Lamps, Signs or Barricades Prohibited
- §6-405. Removal of Material from Streets, Alleys or Public Grounds Prohibited
- §6-406. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited
- §6-407. Exceptions
- §6-408. Penalties

PART 5

PROHIBITED CONDUCT

- §6-501. Disorderly Conduct
- §6-502. Failure of Disorderly Persons to Disperse Upon Official Order
- §6-503. Public Drunkenness and Similar Misconduct
- §6-504. Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages
- §6-505. Carrying a False Identification Card
- §6-506. Misrepresentation of Age to Secure Liquor or Brewed Beverages
- §6-507. Violation

PART 6

FIREWORKS

- §6-601. Prohibited Use, Possession, and Display of Fireworks
- §6-602. Violation Penalties

PART 7

PUBLIC MEETINGS AND GATHERINGS

- §6-701. Definitions
- §6-702. Basic Clause
- §6-703. Permit Requirement
- §6-704. Application
- §6-705. Bond of Indemnity, Insurance
- §6-706. Conditions of Approval
- §6-707. Structures
- §6-708. Conduct of Public Assembly
- §6-709. Penalties
- §6-710. Conformance With Other Law

PART 8

GRAFFITI

- §6-801. Graffiti Abatement

§6-802. Violations and Penalties

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:

CURFEW HOURS - the hours of 11:00 p.m. on Sunday through Thursday until 5:00 a.m. of the following day; and 12:01 a.m. until 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 - refers to 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, skating rink, bowling alley or similar amusement establishment as defined by §6-701 of this Code. 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 corporation (and the officers thereof) conducting or managing that establishment.

MINOR - any person under 17 years of age who has not been emancipated as an adult under Pennsylvania law.

PARENT - any person who is:

- (1) 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) The biological or adoptive parent with whom a minor regularly resides.
- (3) A minor's court appointed guardian.
- (4) At least 21 years of age and authorized by a parent or court appointed guardian to have the care and custody of a minor.

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 common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

CONDUCT

REMAIN - refers to the following actions:

- (1) To linger or stay at or upon a place.
 - (2) To fail to leave a place when requested to do so by a police officer or by the owner, operator or other person in control of that place.
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. 995, 12/10/2003)

§6-102. Purpose and Findings.

1. The purpose of this Part is to:
 - A. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough.
 - B. Promote the safety and well being of the Borough's younger children, persons under the age of 17, whose inexperience and immaturity renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime.
 - C. Prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough from each other and from other persons on the streets during nighttime hours.
 - D. Foster and enforce parental control and responsibility for their children.
 - E. Further family responsibility.
2. Based upon criminal statistics and information of the Borough and various surrounding communities, the Council finds that curfew regulations for minors under the age of 17 are necessary to promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough; promote the safety and well being of the Borough's younger children, person under the age of 17, whose inexperience and immaturity renders them particularly vulnerable to becoming participants in unlawful activities and to being victimized by older perpetrators of crime; protect younger children in the Borough from each other and from other persons on the streets during nighttime hours, when the incidents of crime are most significant; foster and enforce parental control and responsibility for their children; and further family responsibility.

(Ord. 995, 12/10/2003)

§6-103 Curfew Offenses; Exceptions.

1. It shall be unlawful for any 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. Exceptions to the above are the following:
 - A. Minor is accompanied by a parent.
 - B. Minor is involved in an emergency.
 - C. Minor is on an errand at the direction of a parent, and the minor has in his or her possession a written statement dated that day and signed by parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the necessity for the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand.
 - D. Minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop.
 - E. Minor is on the sidewalk directly abutting a place where he or she resides with a parent.
 - F. Minor is attending an official civic, school or religious activity, or is going to or returning from such an activity without detour or stop.
 - G. Minor is involved in interstate travel through, or beginning or terminating in, the Borough.
 - H. Minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
2. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate subsection (1) above.
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) above.
4. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the police department that a minor was present at the establishment after curfew hours and refused to leave.

CONDUCT

5. It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any police officer investigating a possible violation of this Section.

(Ord. 995, 12/10/2003)

§6-104. Procedures for Violation.

1. **Minors.** Any minor found in a public place, motor vehicle and/or establishment within the Borough in violation of §6-103 above shall be:
 - A. Issued a warning, which shall be followed by a written warning mailed by the Police Department to the minor and his or her parent(s).
 - B. If the minor has previously been issued a warning for any such violation or if the police officer determines that a warning would not prevent further violations of the law, then the minor shall be charged with a violation of this Part and, as soon as practical, the Police Department shall:
 - (1) Release the minor from custody to his or her parent(s).
 - (2) Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor.
 - (3) If a minor refuses to give a police officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a juvenile shelter and/or juvenile court facility.
2. **Others.** Any person, other than a minor, that violates §6-103 shall be issued a warning, which shall be followed by a written warning mailed by the Police Department to that person and to the owner and operator of an establishment if the violator is an employee of that establishment. If the person has previously been issued a warning for any such violation, then the person shall be charged with a violation of this Part.

(Ord. 995, 12/10/2003)

§6-105. 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 governmental agency and/or private society or organization which takes 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 §6-103 of this Part cannot be made effective by the imposition of fines and penalties.

(Ord. 995, 12/10/2003)

§6-106. Police Discretion in Age Determination.

In taking minors into custody, police officers 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. 995, 12/10/2003)

§6-107. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 2

**POSSESSION OR CONSUMPTION OF
ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

§6-201. Possession or Consumption Prohibited; Permits for Recreational Areas.

1. No person shall have, possess, carry or transport any liquor, wine, beer or other alcoholic beverages in open bottle or other open container in or upon any public sidewalk, street, lane, highway, building, parking lot, park or recreation area, or other public property, or in any vehicle upon such area, within the Borough of Aspinwall.
2. No person shall consume any liquor, wine, beer or other alcoholic beverage in or upon any park or recreation area without a permit issued by the Borough Manager.

(*Ord. 736, 6/4/1980, §4605; as amended by Ord. 806, 6/11/1986*)

§6-202. Discarding Alcoholic or Beverage Containers on Public Property.

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area, or other public building or property within the Borough of Aspinwall.

(*Ord. 736, 6/4/1980, §4606; as amended by Ord. 806, 6/11/1986*)

§6-203. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 736, 6/4/1980, §4607; as amended by Ord. 806, 6/11/1986; and by Ord. 995,*

CONDUCT

12/10/2003)

PART 3

DISCHARGE OF FIREARMS

§6-301. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §6-303 of this Part, the use or discharge of any rifle, revolver, shotgun, air gun, slingshot, beanie, or any implement which impales by force any object of any kind, is prohibited within the limits of the Borough.

(Ord. 995, 12/10/2003)

§6-302. Use of Blank Cartridges Prohibited.

The use or discharge of any blank cartridge in any rifle, revolver, shotgun, pistol, flobert rifle, miniature cannon, or any facsimile of a firearm is prohibited within the limits of the Borough.

(Ord. 995, 12/10/2003)

§6-303. Exceptions.

This Part shall not apply to:

- A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- B. 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.
- C. Any law enforcement officer when used in the discharge of his official duties or training activities.

(Ord. 995, 12/10/2003)

§6-304. Copy of Borough Regulations to be Issued with Weapons Sale.

Every person, firm or corporation engaged in selling or offering for sale within the limits of the Borough any rifle, shotgun, revolver, flobert rifle or air gun shall issue a copy of this Part with each sale.

(Ord. 995, 12/10/2003)

CONDUCT

§6-305. Penalties.

1. Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this Chapter, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each Section of this Chapter found to have been violated. In addition to any other remedy available under law, the Borough may enforce this Chapter by an action in equity. All fines and penalties collected for violation of this Chapter shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, Police Chief, Code Enforcement Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.
2. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 4

TAMPERING WITH PUBLIC PROPERTY

§6-401. Definition and Interpretation.

As used in this Part, 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. 995, 12/10/2003)

§6-402. 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 Aspinwall, 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 of Aspinwall.

(Ord. 995, 12/10/2003)

§6-403. 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 of Aspinwall 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. 995, 12/10/2003)

§6-404 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.

(Ord. 995, 12/10/2003)

§6-405. Removal of Material from Streets, Alleys or Public Grounds Prohibited.

CONDUCT

No person shall take any earth, stone or other material from any street, alley or public grounds in the Borough of Aspinwall.

(Ord. 995, 12/10/2003)

§6-406. 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 of Aspinwall.

(Ord. 995, 12/10/2003)

§6-407. Exceptions.

This Part 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 of Aspinwall.

(Ord. 995, 12/10/2003)

§6-408. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 5

PROHIBITED CONDUCT

§6-501. Disorderly Conduct.

1. **Offense Defined.** A person commits a summary offense 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.
 - C. Uses obscene language, or makes an obscene gesture.
 - D. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
2. **Definition.** 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 highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

(Ord. 995, 12/10/2003)

§6-502. Failure of Disorderly Persons to Disperse Upon Official Order.

A person commits a summary offense where three or more persons are participating in a course of disorderly conduct which causes or may reasonably be expected to cause substantial harm or serious inconvenience, annoyance or alarm, and a peace officer or other public servant engaged in executing or enforcing the law orders the participants and others in the immediate vicinity to disperse, and the person fails to do so.

(Ord. 995, 12/10/2003)

§6-503. Public Drunkenness and Similar Misconduct.

A person commits a summary offense if he or she appears in any public place manifestly under the influence of alcohol or a controlled substance, as defined in the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101 *et seq.*, except those taken pursuant to the lawful order of a practitioner, as defined in the Controlled Substance, Drug, Device and Cosmetic Act, to the degree that he or she may endanger himself or herself or other persons or property, or annoy persons in his or her vicinity.

CONDUCT

(Ord. 995, 12/10/2003)

§6-504. Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages.

1. **Offense Defined.** A person commits a summary offense if he or she, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages. For the purposes of this Section, it shall not be a defense that the liquor or malt or brewed beverage was consumed in a jurisdiction other than the Borough.
2. Malt or brewed beverages shall mean any beer, lager beer, ale, porter or similar fermented malt beverage containing 0.50% or more of alcohol by volume, by whatever name such beverage may be called.
3. **Notification.** The police shall notify the parents or guardian of the minor charged with suspected violation of subsection (1).

(Ord. 995, 12/10/2003)

§6-505. Carrying a False Identification Card.

1. **Offense Defined.** A person commits a summary offense if he or she, being under 21 years of age, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years of age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.
2. **Notification.** The police shall notify the parent or guardian of the minor charged with suspected violation of subsection (1).

(Ord. 995, 12/10/2003)

§6-506. Misrepresentation of Age to Secure Liquor or Brewed Beverages.

1. **Offense Defined.** A person commits a summary offense if he or she, being under the age of 21 years, knowingly and falsely represents himself or herself to be 21 years of age or older to any licensed dealer, distributor or other person, for the purpose of procuring or having furnished to him or her, any liquor or malt or brewed beverages.
2. **Notification.** The police shall notify the parent or guardian of the minor charged with suspected violation of subsection (1).

(Ord. 995, 12/10/2003)

§6-507. Violation.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 6

FIREWORKS

§6-601. Prohibited Use, Possession, and Display of Fireworks.

The use, possession, discharge and/or display of fireworks is prohibited in the Borough of Aspinwall unless a permit has been obtained from the Borough pursuant the applicable Borough Fire Code, or Part 1 of Chapter 5 of the Code of Ordinances of the Borough of Aspinwall, Building Code, until such adoption of the Borough Fire Code. For the purposes of this Chapter, fireworks shall be defined pursuant to the definition contained in the applicable Borough Fire Code, once adopted, or the BOCA National Fire Prevention Code, 1999 Edition, until such adoption of the Borough Fire Code.

(Ord. 995, 12/10/2003)

§6-602. Violation Penalties.

1. Any person who violates a provision of this Part, or fails to comply with any of the requirements thereof, shall be, upon conviction thereof in an action brought before the district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus all court costs, and in default of payment of said fines and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Chapter found to have been violated. In addition to any other remedy available under law, the Borough may enforce this Chapter by an action in equity. All fines and penalties collected for violation of this code shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector, Zoning Officer, Code Enforcement Officer, Borough Fire Marshall and their designees and to any other officer or agent that the Borough Manager or the Borough Council deems appropriate.
2. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

PART 7

PUBLIC MEETINGS AND GATHERINGS

§6-701. Definitions.

As used in this Part, unless the context requires otherwise:

BOROUGH COUNCIL - the Council of the Borough of Aspinwall, or its authorized designee.

PERSON IN CHARGE OF PROPERTY - an agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property.

PUBLIC GATHERING - all assemblies of people for the purpose of public amusement reasonably anticipated to number more than 500 for a continuous period of 4 hours or more, more than 10% of whom will assemble outdoors or in structures specially constructed, erected or assembled for the gathering, whether or not an admission fee is charged.

SPONSOR - any natural person, association, partnership firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering.

(Ord. 995, 12/10/2003)

§6-702. Basic Clause.

It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a public gathering, unless a permit has been obtained pursuant to this Part. A separate permit shall be required for each public gathering for the period of time designated by the permit.

(Ord. 995, 12/10/2003)

§6-703. Permit Requirement.

No public gathering may be held within the boundaries of the Borough of Aspinwall unless the sponsor, the owner of property, and the person in charge of property upon which the gathering will be conducted jointly apply for and be granted a permit as herein provided:

- A. No permit shall be available for an extent of more than 48 hours duration unless permit and application specifically allow for an extension of that period.

CONDUCT

- B. No applicant shall be under 21 years of age.
- C. No permit may be transferred or assigned.
- D. In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Borough Manager shall control.

(Ord. 995, 12/10/2003)

§6-704. Application.

1. Written application for each public gathering shall be made to the Borough Council according to the following schedule:
 - A. A gathering numbering 500 - 2,000 persons, 20 days prior to the first day upon which the public gathering is to commence.
 - B. A gathering numbering 2,000 - 3,500 persons, 30 days prior to the first day upon which the public gathering is to commence.
 - C. A gathering numbering 3,500 - 5,000 persons, 45 days prior to the first day upon which the public gathering is to commence.
 - D. A gathering numbering over 5,000 persons, 60 days prior to the first day upon which the public gathering is to commence.
2. Application shall be made on forms specified by the Borough Council and shall contain at least the following information:
 - A. The full legal name, address and telephone number of all sponsors.
 - B. The full legal name and address of the owner and person in charge of the property to be utilized for the public gathering.
 - C. If the sponsor-applicant is a partnership or joint venture, then all parties thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, bylaws and resolution authorizing the application may be required.
 - D. The location and address of the property to be utilized for the public gathering.
 - E. The program for the public gathering, or if no program is prepared, a narrative statement as to the purpose, date or dates for or during which the public gathering is to be conducted.
 - F. A diagrammatic sketch plan of the proposed site of the mass gathering

showing the locations and dimensions of the proposed service roads, portable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, distribution of security personnel, and provisions for food storage, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

- G. Evidence that all permits and licenses as required by State and County statutes and rules and regulations enacted thereunder have been obtained, or will be obtained.
 - H. A statement of the number of persons expected to attend such event and the duration of such attendance.
 - I. The specific details relating to:
 - (1) Food and drink.
 - (2) Sanitary facilities.
 - (3) Transportation and parking facilities.
 - (4) Security and protection of surrounding areas, including specific reference to the number of marshals assisting in the control of traffic and supervision of those attending.
 - (5) Onsite medical facilities and hospital care.
 - (6) Janitorial services and post gathering trash removal.
 - J. A certified copy of the bond or verified evidence of other suitable financial arrangements, as hereinafter required, must be attached to the application.
 - K. A statement containing the names and addresses of licensed ticket printers to be used and the plans for assuring the return of monies upon the termination or cancellation of the event as well as the means of notifying potential and existing ticket holders of such cancellation, where the anticipated number of people attending is over 5,000 persons.
 - L. Examples of proposed advertising of the event, if any.
 - M. Applicants' statement that they shall abide by the terms and provisions of this Part, and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Allegheny and the Borough of Aspinwall.
3. Each application shall be accompanied with a cash fee to cover the cost of inspection, investigation, issuance, and administration of the permit in an amount as established from time to time by resolution of the Borough Council. No part of the permit fee is refundable.

CONDUCT

4. The Borough Council, or its designee, shall either grant or deny the application for permit according to the following schedule:
 - A. A gathering numbering 500 - 2,000 persons, 5 days prior to the first day upon which the public gathering is to commence.
 - B. A gathering numbering 2,000 - 3,500 persons, 10 days prior to the first day upon which the public gathering is to commence.
 - C. A gathering numbering 3,500 - 5,000 persons, 15 days prior to the first day upon which the public gathering is to commence.
 - D. A gathering numbering over 5,000 persons, 20 days prior to the first day upon which the public gathering is to commence.

(Ord. 995, 12/10/2003)

§6-705. Bond of Indemnity, Insurance.

The applicants shall submit with their application financial security in a form and amount acceptable to the Borough Solicitor and in compliance with the requirements of Chapter 1, Part 7, "Financial Security," to save and protect Borough streets, pavements, bridges, road signs and all other Borough property from any and all damage that might be caused by vehicles, employees, or participants in the public gathering, and to be used, if necessary, to restore the premises where such public gathering is held to a sanitary and neat condition and pay all charges and losses to the Borough for damages to the streets, pavements, bridges and all other Borough property.

- A. Should the permitted public gathering necessitate that the Borough deploy or employ additional personnel as a direct result of the public gathering, such added expense shall be recoverable from the principals and/or their indemnitor. Any cash deposit or its balance provided as financial security will be returned to the applicants upon final audit of the Borough as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessitated.
- B. The property owner or person in charge of the property making application shall sign as an additional indemnitor, to insure against damage to streets, pavements, bridges, road signs, and all other Borough property, to meet costs of the Borough for deploying or employing personnel directly attributable to the conduct of the public gathering, and to insure that the property will be restored to a sanitary condition.

(Ord. 995, 12/10/2003)

§6-706. Conditions of Approval.

1. No permits shall be issued by the Borough Council, or its designee, unless all of the conditions recited herein have been satisfactorily concluded according to the following schedule:
 - A. A gathering numbering 1,000 - 2,000 persons, 6 days prior to the first day upon which the public gathering is to commence.
 - B. A gathering numbering 2,000 - 3,500 persons, 11 days prior to the first day upon which the public gathering is to commence.
 - C. A gathering numbering 3,500 to 5,000 persons, 16 days prior to the first day upon which the public gathering is to commence.
 - D. A gathering numbering over 5,000 persons, 21 days prior to the first day upon which the public gathering is to commence.
2. **Sanitary Facilities.** Written approval of the Pennsylvania Department of Health and the Pennsylvania Department of Environmental Protection, indicating that applicant's plan for water supply, toilet facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable State and County laws, rules and regulations relating to the public health.
3. **Public Safety.** Written statement of the Pennsylvania State Police indicating that plans have been made to meet the following conditions:
 - A. Applicants have provided for adequate traffic control and crowd control personnel, i.e., one marshal for every 50 motor vehicles reasonably anticipated to be at the location and one marshal for each 150 persons reasonably anticipated to be in attendance.
 - B. Applicants have completely enclosed the ground where the public gathering is to be held with snow fencing or other similar material of equivalent strength of not less than 4 feet in height.
 - C. Adequate lighting must be provided subject to approval of the Borough Council.
4. **Medical Services.** Written approval by the Pennsylvania Department of Health and the Allegheny County Medical Society that sufficient medical service has been provided by the applicant. Each public gathering shall have as a minimum one ambulance staffed by two adult individuals trained in the first-aid techniques in attendance at all times.
5. **Parking Facilities.** Proof that parking is available within or adjacent to the premises upon which the public gathering is to be conducted as herein provided:
 - A. Such parking facilities shall provide parking space for one vehicle for every four persons reasonably anticipated to be in attendance at the public

CONDUCT

gathering.

- B. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area; provided, however, that should buses be used to transport the public to the public gathering, it shall be shown that public parking, as described above, is available at any site from which buses are scheduled to pick up persons to transport them to the public gathering.

(Ord. 995, 12/10/2003)

§6-707. Structures.

All facilities, including stage, to be specially assembled constructed, or erected for the public gathering must be in place at least 24 hours before the commencement of the public gathering and be approved by the Code Official/Building Inspector.

(Ord. 995, 12/10/2003)

§6-708. Conduct of Public Assembly.

1. No permittee, or persons having control of the public gathering shall condone the presence of intoxicating liquor or the consumption of intoxicating liquor on the property and no person during the public gathering shall take or carry onto the property, or drink thereon, intoxicating liquor, except as licensed or permitted by State law.
2. The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this ordinance, or other ordinances of Allegheny County or of Aspinwall Borough of the permit granted hereunder may be cause for immediate revocation of the permit by the Borough Council upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.
3. The Borough Council, its authorized designees and representatives, and the representative of the County and Borough departments having responsibility for approval under this Part shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.
4. No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than 500 feet from any school house, church, dwelling unit, or any other place of permanent human

- habitation, and there will be no programmed entertainment provided between the hours of 11p.m. and 10 a.m.
5. If at any time during the conduct of the public gathering the number of persons in attendance exceeds by 10% the number of persons represented by the applicants for the permit anticipated to be in attendance, the Borough Council of Aspinwall Borough, the Pennsylvania Department of Health, the Pennsylvania Department of Environmental Protection, or the Pennsylvania State Police have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.
 6. Any applicant with more than a 10% proprietary interest, if any, in the public gathering, and the owner of property or person in charge of the property, or their designated agents or representatives, shall be required to be in attendance at the public gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any State, County or Borough laws, rules or regulations or any provision of this Part.
 7. Public gatherings operating without a permit under this Part based on a reasonable anticipation of less than 500 persons in attendance, shall limit attendance therein to 499 persons, and printed tickets, if utilized, cannot number more than 499.
 8. The permit under this Part shall be conditioned upon an inspection by the Borough Code Official/Building Inspector, or his duly appointed representative, the Borough Emergency Management Coordinator and/or the Borough Fire Marshall to determine the suitability of the site and facilities thereon for the proposed use. In the event of such inspection, a record shall be made indicating the time and date of the inspection, the findings of the Borough official authorized to conduct the inspection in regard to conformance with this Part and other Borough ordinances, and the opinion of such Borough official in regard to the suitability of the site for the proposed use. After such inspection, if the Borough official determines that the site and any facilities thereon are unsuitable for the particular use, such determination shall be grounds for the revocation of the permit.

(Ord. 995, 12/10/2003)

§6-709. Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough

CONDUCT

Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(Ord. 995, 12/10/2003)

§6-710. Conformance With Other Law.

This Part shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all State laws, rules and regulations, County and Borough ordinances which are now, or may in the future be, in effect which pertain to the conduct of public gatherings.

(Ord. 995, 12/10/2003)

PART 8

GRAFFITI

§6-801. Graffiti Abatement.

1. **Definitions.** For the purpose of this Part certain terms and words used herein shall be interpreted or defined as follows:

GRAFFITI - any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface or public or private property by any graffiti implement, to the extent the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by Borough Council.

GRAFFITI IMPLEMENT - an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or other device capable of scarring or leaving a visible mark on any natural or man-made surface.

2. **Graffiti Prohibited.** No person, persons, firm or corporation shall apply graffiti to any natural or man-made surface on any public or private property, without the permission of the owner or occupant.

3. **Graffiti as Nuisance.**

- A. The existence of graffiti on public or private property in violation of this Part is expressly declared to be a public nuisance and, therefore is subject to the removal and abatement provisions specified in this Part.

- B. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

4. **Removal and Abatement of Graffiti.** It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the Borough to permit property that is defaced with graffiti to remain defaced for a period of 10 days after service of notice of defacement. Such notice shall be served on the property owner by the Borough Code Official/Building Inspector via first class mail or hand delivery. The notice shall contain the following information: [*Ord. 995*]

- A. The street address and legal description of the affected property sufficient for identification of the property.

- B. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to this finding.

- C. A statement that the graffiti must be removed within 10 days after receipt

CONDUCT

of the notice and that if the graffiti is not abated within that time the Borough will declare the property to be a public nuisance, subject to the abatement procedures set forth in this Part.

(*Ord. 979, 8/8/2001, §8812; as amended by Ord. 995, 12/10/2003*)

§6-802. Violations and Penalties.

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.
4. In addition to any penalties or fines which may be imposed above, the Borough may give notice to the owner or occupant to abate or eliminate the nuisance, objectionable act or violation of this Chapter, or correct same, and collect the cost of same, together with 10% of said cost. The Borough may file a municipal claim against the premises to recover said cost plus 10% or bring an action in assumpsit.

(*Ord. 979, 8/8/2001, §8813; as amended by Ord. 995, 12/10/2003*)