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Part 1
Disorderly Conduct

§101. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pa. Crime Code of 1972 [18 C.S.A. §§5503], is hereby prohibited within the Borough of Millheim. A person is guilty of disorderly conduct if they:

1. engage in fighting or in threatening, violent or tumultuous behavior;
2. make unreasonable noise;
3. use obscene language, or makes an obscene gesture; or
4. create 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.

(Ord. 151, 11/12/1984)

§102. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 2

Discharge of Firearms

§201. Discharge of Firearms Prohibited. Except in necessary defense of person and property and except as provided in §203 of this Part 2, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough of Millheim. (Ord. 151, 11/12/1984)

§202. 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 as provided in §203 of this Part. (Ord. 151, 11/12/1984)

§203. Exceptions. This Part 2 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. the use of target ranges which are properly constructed to trap or stop the projectile as ascertained by the Mayor or Borough Council.
4. any law enforcement officers when used in the discharge of their official duties.

(Ord. 151, 11/12/1984)

§204. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 3

Public Consumption of Alcoholic Beverages

§301. 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.

(Ord. 151, 11/12/1984)

§302. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Borough of Millheim, nor shall any person consume any alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof. (Ord. 151, 11/12/1984)

§303. 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 of Millheim, nor shall any person possess any container or alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent or other person in lawful possession thereof. (Ord. 151, 11/12/1984)

§304. Exceptions. Provided, however, that the provisions of §§302 and 303 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §301 hereof; and provided further that the provisions of said §§302 and 303 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ord. 151, 11/12/1984)

§305. Penalty. Whosoever violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 4

Protecting Public Property

§401. Definition and Interpretation. As used in this Part 4, 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. 151, 11/12/1984)

§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 Millheim, 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 Millheim. (Ord. 151, 11/12/1984)

§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, 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. 151, 11/12/1984)

§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 of Millheim 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 of Millheim or on any public grounds of the Borough within or without the Borough. (Ord. 151, 11/12/1984)

§405. 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. (Ord. 151, 11/12/1984)

§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 Millheim. (Ord. 151, 11/12/1984)

§407. Exceptions. This Part 4 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 Millheim. (Ord. 151, 11/12/1984)

§408. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 5

Throwing of Missiles

§501. Prohibited Acts. The throwing of snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough of Millheim is hereby prohibited. (Ord. 151, 11/12/1984)

§502. Penalty. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 6

Curfew

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

BOROUGH - the Borough of Millheim, Centre County, Pennsylvania.

CURFEW HOURS - the hours of 11:00 p.m. through 5:00 a.m.

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 - 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. 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 any corporation (and the officers thereof) conducting or managing that establishment.

MINOR - any person under eighteen (18) years of age who has not been emancipated by court order.

OFFICER - a police or other code enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Pennsylvania and/or ordinances of the Borough.

PARENT -

(1) A person who is 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) A person who is the biological or adoptive parent with whom a minor regularly resides.

(3) A person judicially appointed as a legal guardian of the minor.

(4) A person eighteen (18) years of age or older standing in loco parentis (as indicated by the authorization of an individual listed in paragraph(s) (1), (2) or (3) of this definition, above, for the person to assume the care or physical custody of the child, or as indicated by any other circumstances).

PERSON - refers to an individual, not to any association, corporation, or any other legal entity.

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

REMAIN - the following actions:

(1) To linger or stay at or upon a place; and/or

(2) To fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

(Ord. 216, 4/13/2004, §1)

§602. Purposes. The purposes of this Part are 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 youngest citizens, persons under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime.

C. Foster and strengthen parental responsibility for children.

(Ord. 216, 4/13/2004, §2)

§603. Curfew; Exceptions. It shall be unlawful for a 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, unless:

A. The minor is accompanied by a parent.

B. The minor is involved in an emergency.

C. The minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop.

D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.

E. The minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop.

F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the 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 minor's destination(s) and the hours the minor is authorized to be engaged in the errand.

G. The minor is involved in interstate travel through, or beginning or terminating in, the Borough.

H. The 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.

(Ord. 216, 4/13/2004, §3)

§604. Parents Not to Permit Violation. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate this Part. (Ord. 216, 4/13/2004, §4)

§605. Owner or Operator of Motor Vehicle Not to Permit Violation. 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 this Part. (Ord. 216, 4/13/2004, §5)

§606. Operator of Establishment Not to Permit Violation. 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 Section that the operator or employee of an establishment promptly notified the Penns Valley Code Enforcement Agency that a minor was present at the establishment after curfew hours and refused to leave. (Ord. 216, 4/13/2004, §6)

§607. Violation to Furnish False Information. It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any officer investigating a possible violation of this Section. (Ord. 216, 4/13/2004, §7)

§608. Procedure upon Violation.

1. Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the Borough during curfew hours is in violation of this Part.

A. If such investigation reveals that the presence of such minor is in violation of this Part, then:

(1) If the minor has not previously been issued a warning for any such violation, the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the Penns Valley Code Enforcement Agency to the minor and his or her parent(s); or,

(2) If the minor has previously been issued a warning for any such violation, the officer shall charge the minor with a violation of this Part and shall issue a citation for violation of this Part; and

2. Others. If an investigation by an officer reveals that a person has violated §§603, 604, 605, 606 or 607 of this Part, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the Penns Valley Code Enforcement Agency to the person; however, if any such warning has been previously issued to that person then the officer shall charge the person with a violation and shall issue a citation to the person for violation of this Part.

(Ord. 216, 4/13/2004, §8)

§609. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof before the District Justice, be sentenced to a pay a fine of not more than six hundred dollars (\$600.00) plus court costs and in default of payment to imprisonment not to exceed 30 days. (Ord. 216, 4/13/2004, §9)