

## CHAPTER 6

### CONDUCT

#### PART 1

##### DISORDERLY CONDUCT

- §101. Disorderly Conduct; Definition
- §102. Penalties

#### PART 2

##### CURFEW

- §201. Definitions and Interpretation
- §202. Purposes
- §203. Curfew; Exceptions
- §204. Parents Not to Permit Violation
- §205. Procedure Upon Violation
- §206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement
- §207. Police Discretion in Age Determination
- §208. Penalties

#### PART 3

##### DISCHARGE OF FIREARMS

- §301. Discharge of Firearms Prohibited
- §302. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted
- §303. Exceptions
- §304. Penalties for Violation

#### PART 4

##### FAILURE TO DISPERSE

- §401. Failure to Disperse
- §402. Penalties for Violation



**PART 1**

**DISORDERLY CONDUCT**

**§101. DISORDERLY CONDUCT; DEFINITION.**

A person is guilty of disorderly conduct 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.

(Ord. 291, 8/5/2013, §5)

**§102. PENALTIES.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$75 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 291, 8/5/2013, §5)



**PART 2**

**CURFEW**

**§201. 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:

**MINOR** - person under the age of 18 years.

**PARENT** - any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

**PUBLIC PLACE** - any public street, alley, sidewalk, park, playground, public building, retention pond or vacant lot in the Borough of Cleona.

**REMAIN** - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

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. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)

**§202. PURPOSES.**

This is a curfew ordinance prescribing, 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 of Cleona from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)

## CONDUCT

### §203. CURFEW; EXCEPTIONS.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough of Cleona, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough of Cleona, between the hours of 11 p.m. and 5 a.m., on the following day. Exceptions to the above are the following: [Ord. 291]

- A. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.
- B. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
- C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1; and as amended by Ord. 291, 8/5/2013, §6)

### §204. PARENTS NOT TO PERMIT VIOLATION.

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefor.

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)

### §205. PROCEDURE UPON VIOLATION.

Any minor found upon the streets, alleys, parks or public places within the Borough of Cleona in violation of §202 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor, and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §202, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be cited for the violation.

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)

**§206. PROCEDURE IN CASE OF REPEATED VIOLATIONS OR OTHER FACTORS INTERFERING WITH ENFORCEMENT.**

Any minor who violates this Part more than three times shall, or any minor who violates this Part less than three times at the discretion of the proper Borough officials may be reported to a society or organization the purpose of which is to take 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 §202 of this Part cannot be made effective by the imposition of fines and penalties.

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1; and as amended by Ord. 291, 8/5/2013, §6)

**§207. POLICE DISCRETION IN AGE DETERMINATION.**

The police officers of the Borough of Cleona, in taking minors into custody, 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. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)

**§208. PENALTIES.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 149, 8/3/1970; as revised by Ord. 261, 7/1/2002, §1)





**PART 3**

**DISCHARGE OF FIREARMS**

**§301. DISCHARGE OF FIREARMS PROHIBITED.**

Except in necessary defense of person and property and except as provided in §303 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Cleona.

(Ord. 165, 11/1/1971; as revised by Ord. 261, 7/1/2002, §1)

**§302. 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 of Cleona.

(Ord. 165, 11 /1/1971; as revised by Ord. 261, 7/1/2002, §1; and as amended by Ord. 291, 8/5/2013, §7)

**§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 officers when used in the discharge of their official duties.
- D. The discharge of firearms and bows and arrows in the Agricultural Zoning District of the Borough of Cleona, with the owner's permission, for the purpose of animal control, including groundhogs, for the purpose of preventing land damage or crop damage. Use of a shotgun is preferred. When using a center fired rifle one must not be within 150 yards of any occupied residence as required by the Pennsylvania Game Commission. The person firing the weapon will meet all the requirements of the Pennsylvania Game Commission for hunting within the Commonwealth. The owner shall notify the Cleona Police Department on an annual basis prior to the discharge of firearms. [Ord. 282]

## CONDUCT

(Ord. 165, 11/1/1971; as revised by Ord. 261, 7/1/2002, §1; and as amended by Ord. 282, 10/6/2008, §I)

### **§304. PENALTIES FOR VIOLATION.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 165, 11/1/1971; as revised by Ord. 261, 7/1/2002, §1)

**PART 4**

**FAILURE TO DISPERSE**

**§401. FAILURE TO DISPERSE.**

Where any person or person are on public property, including any right-of-way within the Borough of Cleona and are participating in a course of conduct which causes or may reasonably be expected to cause harm or inconvenience, annoyance or alarm to the public or residents of the Borough, a Police Officer or other Borough official, including the members of the Cleona Borough Recreation Board (at the Cleona playground), Mayor, members of Council or the Code Enforcement Officer of the Borough, may order the person or persons in the immediate vicinity to disperse. Any person or persons who refuses or fails to obey such order of dispersment shall be in violation of this Part.

(Ord. 261, 7/1/2002, §1)

**§402. PENALTIES FOR VIOLATION.**

Any person who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 261, 7/1/2002, §1)

