

CHAPTER 6

CONDUCT

PART 1

LOITERING

- §6-101. Title
- §6-102. Definitions
- §6-103. Public Places; Annoyance
- §6-104. Penalty

PART 2

CURFEW

- §6-201. Short Title
- §6-202. Purposes and Findings
- §6-203. Definitions
- §6-204. Curfew for Minors
- §6-205. Exceptions
- §6-206. Parental Responsibility
- §6-207. Police Procedures
- §6-208. Penalty

PART 3

ALCOHOLIC BEVERAGES

- §6-301. Definitions
- §6-302. Unlawful to Drink Liquor, Malt or Brewed Beverages
- §6-303. Unlawful to Possess Open Container of Liquor, Malt or Brewed Beverages
- §6-304. Penalty

PART 4

FIREARMS AND OTHER WEAPONS

- §6-401. Discharge of Firearms Prohibited
- §6-402. Use of Air Rifles, Bows and Arrows or Similar Devices Regulated
- §6-403. Exception
- §6-404. Penalty

PART 5

LITTERING

§6-501. Unlawful Deposits Upon Streets

§6-502. Exceptions and Penalty

PART 1

LOITERING

§6-101. Title.

This Part shall be known and cited as the "Lock Haven Loitering Ordinance."

(*Ord. 495B, 9/11/1996, §I*)

§6-102. Definitions.

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

LOITERING - remaining idle essentially in one location; lingering; spending time idly; loafing or walking aimlessly in one vicinity or neighborhood; or hanging around.

PUBLIC PLACE - any place to which the public has access, including any public street or public sidewalk, the front of or the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business, and also public grounds, areas or parks.

(*Ord. 495B, 9/11/1996, §II*)

§6-103. Public Places; Annoyance.

It shall be unlawful for any person :

- A. To loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such a manner so as to obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- B. Commit in or upon any public place, public highway, public sidewalk or any other public place or building an act of which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon, facing or fronting on any such public street, public highway, public sidewalk or other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
- C. Create or cause to be created any annoyance to any person or persons.

(*Ord. 495B, 9/11/1996, §III*)

CONDUCT

§6-104. Penalty.

Any person who causes or commits any of the conditions above, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 495B, 9/11/1996, §IV; as amended by Ord. 670, 2/24/2003, §1)

PART 2

CURFEW

§6-201. Short Title.

This Part shall be known and may be cited as the "Curfew Ordinance."

(Ord. 117B, 10/20/1980, §1)

§6-202. Purposes and Findings.

This Part prescribes the conduct of minors on streets at night for the public good, safety and welfare.

(Ord. 117B, 10/20/1980, §2)

§6-203. Definitions.

For the purposes of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

MINOR - any person under the age of 17, in equivalent phrasing often herein employed, any person 16 or less years of age.

PARENT - any person having legal custody of a minor (i) as a natural or adoptive parent; (ii) as a legal guardian; (iii) as a person who stands in the place of a parent; or (iv) as a person to whom legal custody has been given by order of court.

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 ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, exceptions are expressly defined in §6-205 so that this is not a mere prohibitory or presence type curfew ordinance.

STREET - a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of the sidewalk thereof, for pedestrian travel. The term street includes the legal right-of-way including, but not

CONDUCT

limited to, the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applies irrespective of what it be called or normally named, whether alley, avenue, court, road or otherwise.

TIME OF NIGHT - referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the City, prima facie the time then observed in the city administrative offices and police station.

YEARS OF AGE - continues from one birthday, such as the sixteenth to, but not including, the day of the next, such as the seventeenth birthday, making it clear that 16 or less years of age is herein treated as equivalent to the phrase "under 17 years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 17 year olds might be involved.

(Ord. 117B, 10/20/1980, §3)

§6-204. Curfew for Minors.

It shall be unlawful for any person 16 or less years of age (under 17) to be or remain in or upon the streets within the City of Lock Haven at night during the period ending at 6 a.m. and beginning:

- A. 10:30 p.m., Mondays to Fridays and Sundays.
- B. 11:15 p.m. on Saturdays.

(Ord. 117B, 10/20/1980, §4)

§6-205. Exceptions.

In the following exceptional cases, a minor on a City street during the nocturnal hours for which §6-204 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow citizens) shall not, however, be considered in violation of this Part:

- A. When accompanied by a parent of such minor.
- B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

- C. If a legally recognized employment makes it necessary for such child to be in or upon said public streets, highways, alleys, parks or other public places.
- D. If said minor is driving a motor vehicle on some errand at the time (parental errand).
- E. During any evening when a sporting event is being conducted at the local high school or Lock Haven University, or during the period of any such supervised gathering, late compliance with this Part may be allowed, but only if prior notice of such intention is given to the Chief of Police. [*Ord. 670*]

(*Ord. 117B*, 10/20/1980, §5; as amended by *Ord. 670*, 2/24/2003, §1)

§6-206. Parental Responsibility.

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or, by inefficient control, to allow, such minor to be or remain upon any City street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Part. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(*Ord. 117B*, 10/20/1980, §6)

§6-207. Police Procedures.

A policeman of the City, upon finding or having attention called to any minor on the streets in prima facie violation of this Part, normally shall take the minor to the City Police Department where a parent shall immediately be notified to come for such minor, whereupon they shall be interviewed. This is intended to permit ascertainment, under constitutional safeguards or relevant facts, and to centralize responsibility in the officer in charge there and then on duty for accurate, effective, fair, impartial and uniform enforcement and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as birth certificate, a policeman on the street shall in the first instance use his best judgment in determining age.

- A. Police procedures shall constantly be refined in the light of experience and may provide, among other things, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example, a minor of tender age near home whose identity and address may readily be ascertained or are known.

CONDUCT

- B. In any event, such policeman shall, within 24 hours, file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible in the preparation by himself and the sergeant involved in such case and in the filing of such report within 24 hours.
- C. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- D. In the case of a first violation by a minor, the Chief of Police shall, by certified mail, send to a parent written notice of said violation with a warning or said notice may be delivered by a police officer, that any subsequent violation will result in full enforcement of this Part, including enforcement of parental responsibility and of applicable penalties.

(Ord. 117B, 10/20/1980, §7)

§6-208. 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 \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each violation of this Part shall constitute a separate offense.

(Ord. 117B, 10/20/1980, §8; as amended by Ord. 670, 2/24/2003, §1)

PART 3

ALCOHOLIC BEVERAGES

§6-301. Definitions.

The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section:

LIQUOR and MALT OR BREWED BEVERAGES and CONTAINER and OFFICIAL SEAL - shall mean the same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

Open - when used in connection with a container shall mean any container which has been perforated, in the case of a can or similar container, or a container on which the cap has been removed.

(Ord. 116B, 10/6/1980, §1)

§6-302. Unlawful to Drink Liquor, Malt or Brewed Beverages.

It shall be unlawful, within the City of Lock Haven, for any person to drink liquor or malt or brewed beverages upon any public street, public sidewalk, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon.

(Ord. 116B, 10/6/1980, §2)

§6-303. Unlawful to Possess Open Container of Liquor, Malt or Brewed Beverages.

It shall be unlawful, within the City of Lock Haven, for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public sidewalk, public municipal parking lot, private parking lot open to public use or public park.

(Ord. 116B, 10/6/1980, §3)

§6-304. Penalty.

Any person who shall violate the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

(Ord. 116B, 10/6/1980, §5; as amended by Ord. 670, 2/24/2003, §1)

PART 4

FIREARMS AND OTHER WEAPONS

§6-401. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in §6-403, it shall be unlawful, within the City of Lock Haven, for any person to use, fire or discharge any gun or other firearm.

(*Ord. 30B, 3/7/1977, §1*)

§6-402. Use of Air Rifles, Bows and Arrows or Similar Devices Regulated.

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 which impels a pellet of any kind, at any place within the City of Lock Haven, except on a properly constructed target range or no closer than 500 feet to any dwelling or public building, and except as provided in §6-403.

(*Ord. 30B, 3/7/1977, §2*)

§6-403. Exception.

Nothing in this Part shall be deemed to prohibit the proper use of firearms, bows and arrows or similar devices where their lawful use is permitted in hunting as provided for by the Game and Wildlife Code, 34 Pa.C.S.A. §101 *et seq.*, and the rules and regulations of the Pennsylvania Game Commission.

(*Ord. 30B, 3/7/1977, §3; as amended by Ord. 670, 2/24/2003, §1*)

§6-404. 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 \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each violation of any provision of this Part and each day the same is continued shall be deemed a separate offense.

(*Ord. 30B, 3/7/1977, §4; as amended by Ord. 670, 2/24/2003, §1*)

PART 5

LITTERING

§6-501. Unlawful Deposits Upon Streets.

No person shall deposit, or permit to be deposited, dump or place any leaves, grass cuttings, snow or refuse of any kind or nature whatsoever, in, on or along the streets and alleys of the City of Lock Haven, excepting leaves or snow falling on the public sidewalks.

(*Ord. 673A, 10/2/1968, §1*)

§6-502. Exceptions and Penalty.

1. Nothing in this Part shall be construed to prohibit the Council of the City of Lock Haven from establishing dates and periods of time in emergencies and occasions which may arise, for allowing such placing of refuse in or along the streets of the City of Lock Haven.
2. **Penalty.** Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 670*]

(*Ord. 673A, 10/2/1968, §1; as amended by Ord. 9B, 3/7/1977, §1; and by Ord. 670, 2/24/2003, §1*)

