

Chapter 6

Conduct

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Part 1**Curfew****§6-101. Definitions.**

Establishment—any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

Minor—any person under the age of 18 years.

Official Borough time—Eastern Standard Time or Eastern Daylight Saving Time as may be in effect pursuant to 15 U.S.C. §260 *et seq.* [Ord. 178]

Operator—any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; and, whenever used in any clause prescribing a penalty, the term “operator,” as applied to associations or partnerships, shall include the members or partners thereof and, as applied in corporations, shall include the officers thereof.

Parent—any natural parent of a minor, a guardian or any adult person 21 years of age or over responsible for the care and custody of a minor.

Public place—any public street, highway, road, alley, park, playground, public building or vacant lot.

Remain—to loiter, idle, wander, stroll or play in or upon.
(Ord. 91, 10/6/1969, §1; as amended by Ord. 178, 9/15/2009)

§6-102. Unlawful Conduct of Minors.

1. It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of 10 p.m. to 6 a.m. of the following day, official Borough time.

2. The provisions of this Section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful, lawful employment during the curfew hours.

3. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 91, 10/6/1969, §2)

§6-103. Unlawful Conduct of Parents.

1. It shall be unlawful for any parent knowingly to permit any minor to remain in or upon a public place or any establishment between the hours of 10 p.m. and 6 a.m. of the following day, official time of the Borough.

2. The provisions of this Section shall not apply to any parent who directs a minor upon an errand, or other legitimate business, or to any parent of a minor engaged in a gainful, lawful employment during the curfew hours.

3. Each violation of the provisions of the Section shall constitute a separate offense.

(*Ord. 91, 10/6/1969, §3*)

§6-104. Unlawful Conduct of Owners or Operators of Establishments.

1. It shall be unlawful for any operator of any establishment or other agents or employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of 10 p.m. and 6 a.m. of the following day, official Borough time.

2. Each violation of the provisions of this Section shall constitute a separate offense.

(*Ord. 91, 10/6/1969, §4*)

§6-105. Enforcement and Penalties.

1. Any police officer who finds a minor violating the provisions of this Part shall obtain information from such minor as to his name and address, age, and the name and address of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith and if possible shall be accompanied by the police officer. The police officer shall ascertain, if possible, if the parent or parents are at home, and if so, notify them verbally of the violation of both the parent and child. If the parent or parents are not found at home, the police officer shall make such a report to his superior officer. In all cases, whether or not verbal notice has been given, a written notice shall also be mailed to the parent or parents of the minor advising them of the violation of this Part.

2. Any parent who shall permit a minor to violate any provision of this Part, after having received notice of a prior violation, and any operator of an establishment who shall violate any provision of this Part upon conviction thereof, shall be sentenced to a fine of not less than \$10 nor 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 178*]

(*Ord. 91, 10/6/1969, §5; as amended by Ord. 120, 12/27/1979, §VI-5; and by Ord. 178, 9/15/2009*)

§6-106. Special Events.

Where there are any special events, programs or functions by properly organized and supervised organizations, to advance the legitimate recreation, character development or religious training and school activities and the building of good citizenship in young people, the Borough Council will grant special consideration in such cases upon receipt of notice thereof and the children will be permitted to proceed directly from the event to their homes without incident.

(*Ord. 91, 10/6/1969, §6*)

Part 2**Protection of Public Property****§6-201. Definition and Interpretation.**

As used in this Part, the term “person” shall include any individual, corporation, firm, partnership, association, or other legal entity. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

(*Ord. 120, 12/27/1979, §VI-51*)

§6-202. Tampering with Public Property or Property on Streets, Alleys or Public Ground Prohibited.

No person shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Borough of Port Matilda, within or without the Borough, or any grass, walk, lamp, ornamental work, building, street light, or water stop box on or in any of the streets, alleys, sidewalks or public grounds in the Borough.

(*Ord. 120, 12/27/1979, §VI-52*)

§6-203. Tampering with Stakes, Posts and Monuments Prohibited.

No person shall in any manner interfere with or meddle with or pull, drive, change, alter, or destroy any stake, post, monument, or other evidence of any elevation, grade, line, location, corner or angle in the Borough, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Borough in any survey of or in any street, alley, or public ground in 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, matter or thing.

(*Ord. 120, 12/27/1979, §VI-53*)

§6-204. Tampering with Warning Lamps, Signs or Barricades Prohibited.

No person shall destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected 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, as a warning of danger.

(*Ord. 120, 12/27/1979, §VI-54*)

§6-205. Removal of Material from Streets, Alleys or Public Grounds Prohibited.

No person shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Borough.

(*Ord. 120, 12/27/1979, §VI-55*)

§6-206. Exceptions.

This Part shall not apply to normal activities in connection with the 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.

(*Ord. 120, 12/27/1979, §VI-56*)

§6-207. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Provided: each violation of any provision of this Part, and each day the same is continued, shall be deemed a separate offense, and the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation.

(*Ord. 120, 12/27/1979, §VI-57; as amended by Ord. 178, 9/15/2009*)

Part 3**Firearms and Other Weapons****§6-301. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-303 of this Part, it shall be unlawful, within the Borough of Port Matilda, for any person to use, fire, or discharge any gun or other firearm.

(*Ord. 120, 12/27/1979, §VI-101*)

§6-302. 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, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough except on a properly constructed target range or no closer than 500 feet to any dwelling or public building, and except as provided in §6-303 of this Part.

(*Ord. 120, 12/27/1979, §VI-102*)

§6-303. 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 Pennsylvania Game Code, 34 Pa.C.S.A. §101 *et seq.*, and by the rules and regulations of the Pennsylvania Game Commission.

(*Ord. 120, 12/27/1979, §VI-103*)

§6-304. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 120, 12/27/1979, §VI-104; as amended by Ord. 178, 9/15/2009*)

