

Chapter 83
PEACE AND GOOD ORDER

§ 83-1. Purpose.

§ 83-2. Specific offenses and unlawful conduct.

§ 83-3. Enforcement; violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 88-7, as amended through 2000. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 53.

Nuisances — See Ch. 74.

§ 83-1. Purpose.

Defining and designating specific categories of breach of the peace, creation of a disturbance, disorderly conduct, loitering, trespass and breaching the peace within the community, on public roadways, easements, public property and/or within municipal limits of the Borough of Delmont or property owned by the Borough of Delmont, as the case may be. The enactment is to protect the health, safety and welfare of the borough residents and persons within its municipal limits.

§ 83-2. Specific offenses and unlawful conduct.

In order to exercise the borough's policing power to protect persons and property within the borough, the borough enacts this chapter to protect the health, safety and welfare of the community and residents in particular. Therefore, it shall be unlawful to do the following:

- A. To cause a disturbance of the peace and order or to cause any danger, discomfort or annoyance to any persons within the borough where said disturbance is loud, excessive, continuing, harmful and/or serves no useful/legal purpose.
- B. To cause, instigate or to enter into physical fighting, quarrels where there is harm to persons and/or property.
- C. To publicly cause, make or use obscene or indecent language and/or conduct.
- D. Loitering, loafing or congregating is unlawful and shall include, but not be limited to: loitering shall include, but not be limited to, pedestrians, persons in or on motor vehicles or other objects. This violation also includes the conduct of:
 - (1) To loaf, loiter, congregate upon any public street, alley, right-of-way, sidewalk or other public park grounds where said conduct is an annoyance to other residents in close proximity thereto, nearby, therein or thereabout or who may be traversing upon or near the places where said activity is occurring.

- (2) Loafing, loitering or congregating shall also be deemed to have occurred where said person or persons loitered, loafed or congregated on private property and where the owner of said premises or other persons who are acting with the authority of said property owner has asked or directed that said persons disburse and/or leave the premises or person or persons loafing, loitering or congregating upon or about any private property within the borough without the consent of the owners thereof.
 - (3) Loitering or congregating upon any sidewalk, public or private place as in such a manner as to interfere with the free and full passage of pedestrian(s) or vehicles.
- E. Failing to disburse or leave the premises or to obey the direction or signal of a police officer.
- F. To enter upon, over or under any premises owned by the borough that is not open to the public and that is posted "No Trespassing" or "Not Open to the Public - Do Not Enter." The properties falling in this category are:
- (1) Borough Garage and Maintenance Building located at the corner of Bierer Street and School Street.
 - (2) School property located at and fronting on Greensburg Street and abutting School Street.
 - (3) Unimproved property located at and fronting on School Street and Suncrest Drive.
- G. Operating a human- or gravity-propelled vehicle, within said definitions being skateboards, bicycles, roller skates or other similar wheeled devices, sleds, toboggans, saucers or other materials and/or equipment or devices for purposes of moving in a certain direction, is hereby prohibited and/or limited as per the following subsections. This subsection shall apply only to public easements, highways, roadways, alleys, streets, boulevards, borough property, public property, parks, sidewalks or other property considered public and shall be limited and/or controlled as per this section and the following subsections as follows:
- (1) It shall be unlawful for any persons to operate a vehicle as defined in this section in a manner that could cause, or that is likely to cause, bodily injury to the rider of said vehicle, or in a reckless, hazard-creating manner or hazardous or dangerous manner that could cause or is likely to cause injury to other persons or property.
 - (2) It shall be unlawful for any person or operator of said vehicle to cling to any other moving vehicles of any type.
 - (3) It shall be unlawful for any person on or operating a vehicle in such a manner as to interfere, impede or be directed directly toward or to cause a nuisance with any person or property or the orderly flow of pedestrians or vehicle traffic.
 - (4) Any persons upon or operating vehicles referred to in this section shall yield the right-of-way to any other persons or motor vehicles and may not overtake or pass any pedestrians or motor vehicles while using said vehicles.
 - (5) Vehicles referred to in this section are prohibited under any circumstances from being operated on the borough parklets, the borough tennis court located in Newhouse Park, building or parklet stairs, ramps, curbs or walls, or upon or across any other borough

fixtures, including, but not limited to, benches, fencing, decorative walls or any other property not designed for vehicle or pedestrian traffic.

- (6) Any vehicle utilized for jumping as in any wheels leaving the ground (which includes "popping wheelies") shall only be permitted within the borough providing it complies with this section and all of the subsections set forth herein, and that said persons on or operating said vehicles are wearing head protective helmet, pads for each knee and elbow.
- (7) Any night operation of vehicles defined by this section shall only be by person(s):
 - (a) With white or reflective clothing; or
 - (b) Having reflectors on all four sides of said vehicle.
- H. Any use, firing, discharge or shooting of air rifles, BB guns, bows and arrows, numchocks, ninja death stars or any other projectile-producing device, including rifles, pistols, guns, shotguns, rail guns, etc.
- I. The transport of alcoholic or intoxicating beverages or liquor outside of any building and clearly visible while said person is outside any building within the borough limits. This section shall not apply to an organized party or festival or picnic when said activity is on the host person or organization's property and a substantial part of said activities do occur in the open and on the person or entity's own property. In these events, even with these exceptions, alcoholic beverages shall not be transported off the premises.

§ 83-3. Enforcement; violations and penalties.

- A. Any person shall have the authority to enforce the terms of this chapter.
- B. Any person found guilty of violating § 83-2 and its Subsections A through I or subsections thereof shall be guilty of a summary offense and shall be fined in an amount not less than \$25 and not more than \$600, costs of prosecution and/or any restitution required. In the event that the penalty is not paid, the violators shall be imprisoned for a period not exceeding 30 days. All fines imposed and collected shall be paid into the borough treasury for the use of the borough.
- C. For a second offense and subsequent offenses, the penalty shall be not less than three times the first fine, plus other penalties appropriate under this section.
- D. In the event any persons violate Subsection G of § 83-2, and when said violator is a person under 18 years of age, the police officer for the borough is permitted to impound said vehicle for a period not exceeding 30 days unless a parent, guardian or other person having legal custody of said minor shall have claimed said vehicle and related attached equipment and has paid the fine and costs ordered by the District Justice.