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PART 1

FIREARMS

§6-101. Use and Discharge of Certain Weapons Restricted.

It shall be unlawful for any person, except in defense of person or except in a building leased or owned by him wherein a permit has been granted by the Mayor for a shooting range, to use or discharge any firearm, flobert rifle, air gun, spring gun, paint ball gun, or bow and arrow or any other implement which impels with force a projectile capable of harm or destruction within the limits of the Borough of Mechanicsburg.

(Ord. 508, 10/12/1951, §1; as amended by Ord. 753, 10/23/1967, §1; and by Ord. 1014, 12/21/1999, §1)

§6-102. Transportation of Certain Weapons not Prohibited.

The provisions of §6-101 shall not prohibit any person from merely transporting the guns outlined in §6-101 of this Part in the Borough of Mechanicsburg, Pennsylvania.

(Ord. 508, 10/12/1951, §2)

§6-103. Penalty.

Any person violating the provisions of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$300 and costs or to imprisonment for a term not to exceed 30 days.

(Ord. 508, 10/12/1951, §3; as amended by Ord. 925, 4/19/1983)

PART 2

PUBLIC PROPERTY

§6-201. Unlawful to Tamper with Certain Property.

No person or persons shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Borough of Mechanicsburg or any grass, walk, lamp, ornamental work, building, streetlight, fire hydrant or water or gas stop box on any of the streets or alleys or in any of the parks or other public grounds in the Borough.

(Ord. 765, 10/23/1967, §1)

§6-202. Unlawful to Tamper with Stakes and Monuments.

No person or persons 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 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 elevation, line, grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing.

(Ord. 765, 10/23/1967, §2)

§6-203. Unlawful to Tamper with Warning Lamps, Signs or Barricades.

No person or persons shall willfully or maliciously 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 other person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or bridges in the Borough, as a warning of danger.

(Ord. 765, 10/23/1967, §3)

§6-204. Unlawful to Walk or Drive upon Closed Streets and Alleys.

No person or persons shall walk upon or drive in any vehicle whatsoever upon any street or alley in the Borough which shall have been closed by barricades, signs, flares or by any other means whatever to indicate that such street or alley is not open to public travel.

(Ord. 765, 10/23/1967, §4)

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§6-205. Unlawful to Remove Certain Materials from Certain Places.

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

(Ord. 765, 10/23/1967, §5)

§6-206. Certain Activities not Prohibited.

This Part 2 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 nor to incidental results of work thereon or therein upon permit from or by authority of the Borough.

(Ord. 765, 10/23/1967, §6)

§6-207. Penalty.

Any person who shall violate any of the provisions of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and costs or to undergo imprisonment for a term not to exceed 30 days; provided that the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other insured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 765, 10/23/1967, §7; as amended by Ord. 925, 4/19/1983)

PART 3

PROHIBITED ACTIVITIES

§6-301. Restrictions; Penalty.

Ball playing, including the throwing, kicking or knocking of any ball, snowballing and the throwing of any stone or other missile of any kind upon or onto any of the streets, alleys or sidewalks in the Borough of Mechanicsburg, is hereby prohibited. Any person who shall violate any of the provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and costs or to undergo imprisonment for a term not to exceed 30 days.

(Ord. 766, 10/23/1967; as amended by Ord. 925, 4/19/1983)

PART 4

ALCOHOLIC BEVERAGES

§6-401. Definitions.

The following words and phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

LIQUOR and MALT OR BREWED BEVERAGES and CONTAINER and OFFICIAL SEAL – the same as those words and phrases are defined in the Liquor Code 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 loosened or the cork displaced and the official seal torn or mutilated.

(Ord. 897, 11/20/1979, §1)

§6-402. Prohibited in Certain Locations.

It shall be unlawful, within the Borough of Mechanicsburg, for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park.

(Ord. 897, 11/20/1979, §2)

§6-403. Open Containers Prohibited in Certain Locations.

It shall be unlawful, within the Borough of Mechanicsburg, 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 municipal parking lot, private parking lot open to public use or public park.

(Ord. 897, 11/20/1979, §3)

§6-404. Severability.

The provisions of this Part 4 shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Part. It is hereby declared as a legislative intent that this Part would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

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(Ord. 897, 11/20/1979, §4)

§6-405. Penalty.

Any person who shall violate the provisions of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and costs or to imprisonment for a term not to exceed 30 days.

(Ord. 897, 11/20/1979, §5; as amended by Ord. 925, 4/19/1983)

PART 5
CURFEW

§6-501. Short Title.

This Part 5 shall be known and may be cited as the “Curfew Ordinance.”

(Ord. 1105, 12/16/2008)

§6-502. Legislative Intent.

The background of this Part and the legislative intention of the Borough Council in enacting it are as follows:

- A. To promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough.
- B. To promote the safety and well-being of the Borough’s youngest citizens, persons 17 years of age and under, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, including but not limited to unlawful drug activities, and to being victimized by older perpetrators of crime.
- C. To foster and strengthen parental responsibility for children.

(Ord. 1105, 12/16/2008)

§6-503. Definitions.

For the purposes of this Part 5, the following terms, phrases, words and their derivations shall have the meanings 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.

ADULT – a person 18 years of age or older.

BOROUGH – the Borough of Mechanicsburg, Cumberland County, Pennsylvania.

CURFEW HOURS – the hours of 10:00 p.m. through 5:00 a.m., prevailing time, on Sunday through Thursday, and 12:00 midnight through 5:00 a.m., prevailing time, on Friday and Saturday.

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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, wars, automobile accidents, or other similar circumstances.

ESTABLISHMENT – any place within the Borough 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 or corporation (and the members, officers or partners thereof) conducting or managing that establishment.

MINOR – any person under the age of 18, in equivalent phrasing often herein employed, any person 17 or less years of age, which person has not been emancipated by a final order of a court of competent jurisdiction.

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

OPERATOR – any person and any firm, association, partnership or corporation (and the members, officers or partners thereof) conducting or managing an establishment.

PARENT – any person having legal custody of a minor, including but not limited to:

- A. A person who is a minor’s biological or adoptive parent, including either parent if custody is shared under a court order or agreement.
- B. A person who is the biological or adoptive parent with whom a minor regularly resides.
- C. A person appointed as a legal guardian of the minor by a final order of a court of competent jurisdiction or who has been granted custody of the minor by a final order of a court of competent jurisdiction.
- D. A person 18 years of age or older standing in loco parentis to assume the care or physical custody of the child as authorized by an individual listed in Subsections A through C, inclusive, of this definition or as circumstances otherwise indicate.

PERSON – an individual or entity charged with care or custody of the minor, including but not limited to a county children and youth agency, halfway house, treatment facility, etc.

PUBLIC PLACE – any place to which the public or a substantial group of the public has access, including but not limited to streets, rights-of-way, highways, roads,

sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and establishments.

REMAIN – includes the following:

- A. To linger, stay behind, tarry, be or remain, or stay at or upon a place;
- B. 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.

TEMPORARY CARE FACILITY – a nonlocked, nonrestrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

YEARS OF AGE – continues from one birthday, such as the 17th, to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or less years of age is equivalent to the phrase “under 18 years of age.”

(Ord. 1105, 12/16/2008)

§6-504. Curfew for Minors Established; Exceptions; Culpability; False Information.

- 1. Curfew established. It shall be unlawful for a minor to remain in, on or upon any public place within the Borough, to remain in any motor vehicle operating or parked therein or thereon, or to remain in, on or upon the premises of any establishment within the Borough during curfew hours.
- 2. Exceptions. It shall not be a violation of the prohibitions of Subsection A if:
 - A. The minor is accompanied by a parent;
 - B. The minor is involved in an emergency;
 - C. The minor is engaged in a bona-fide 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, with parental permission, an activity sponsored by a school, religious, or civic organization, or other public organization or public agency, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop;

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- 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. Such minor shall evidence the bona fides of such exercise by first delivering to the Police Department at its main address a written communication, signed by such minor and countersigned by a parent, which includes their home address, telephone number, and the right to be exercised, such communication to be addressed to the Mayor, and further specifying when, where and in what manner said minor will be exercising such right during curfew hours.
3. Culpability. It shall be unlawful for any of the following persons to violate, permit or cause a violation of this Part, by intent or neglect, and they may be charged with such violation:
- A. The minor.
 - B. The parent or parents of the minor.
 - C. The owner or operator of any motor vehicle in which the minor is a driver or passenger.
 - D. The owner, operator, employee or person in control of an establishment. It shall be a defense to prosecution under this subsection that such person promptly notified the Police Department that a minor was present at, in or upon the establishment during curfew hours and refused to leave.
4. False information. It shall be unlawful for any person, including any minor, to give a false name, address, age or telephone number to any officer investigating a possible violation of this Part.

Ord. 1105, 12/16/2008)

§6-505. Enforcement.

- 1. Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not there is a

violation of the provisions of this Part. If such investigation reveals that a minor has violated any of the provisions of this Part, then:

- A. If the minor has not previously been issued a warning for a violation, then the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the officer by certified mail, restricted delivery, return receipt requested, to the minor and his or her parent(s); or
 - B. If the minor has previously been issued a warning for a violation, then the officer shall charge the minor with a violation of this Part. In addition, as soon as practicable, the officer shall:
 - (1) Release the minor to his or her parent(s);
 - (2) Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so a parent may retrieve the minor; or
 - (3) If the minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.
2. Other persons. If an investigation by an officer reveals that a person has violated any provision of this Part and if the person has not previously been issued a warning with respect to any such violation, the officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the officer by certified mail, restricted delivery, return receipt requested, to the person; provided, however, that if any such warning has been previously issued to that person, then the officer shall charge the person with a violation.

(Ord. 1105, 12/16/2008)

§6-506. Penalties.

Any person violating this Part shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$300, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days.

(Ord. 1105, 12/16/2008)

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§6-507. Reports.

From time to time upon its request, the Borough Council may require reports from the Chief of Police as to the effectiveness of the provisions of this Part. Such report shall include the following matters at a minimum:

- A. The practicality of enforcing the provisions of this Part and any problems with enforcement identified by the Police Department;
- B. The impact and cost of enforcing the provisions of this Part;
- C. Other data and information which the Police Department believes to be relevant in assessing the effectiveness of the provisions of this Part; and
- D. Information from citizens regarding whether the provisions of this Part have been administered and enforced fairly, including information regarding the age, gender and race of those charged or detained.

(Ord. 1105, 12/16/2008)

§6-508. Severability.

The provisions of this Part are severable, and if any paragraph, subparagraph, clause, section, subsection, sentence, phrase or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the paragraph, subparagraph, clause, section, subsection, sentence, phrase or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this Part would have been adopted if such illegal, invalid or unconstitutional paragraph, subparagraph, clause, section, subsection, sentence, phrase or part thereof had not been included herein.

(Ord. 1105, 12/16/2008)