

CHAPTER 6

CONDUCT

PART 1

PUBLIC PROPERTY

- §6-101. Unlawful to Injure or Tamper with Public Property
- §6-102. Unlawful to Interfere with Stakes, Posts and Monuments
- §6-103. Unlawful to Tamper with Warning Lamps, Signs or Barricades
- §6-104. Unlawful to Take Material from Streets, Alleys, Parks or Other Public Grounds
- §6-105. Exceptions
- §6-106. Penalty for Tampering with or Injuring Certain Public Property

PART 2

USE OF FIREARMS

- §6-201. Use of Firearms Restricted

PART 3

LOITERING

- §6-301. Definitions
- §6-302. Certain Types of Loitering Prohibited
- §6-303. Request to Leave
- §6-304. Penalty

PART 4

SEX OFFENDER RESIDENCY PROHIBITION

- §6-401. Definitions
- §6-402. Sexual Offender and Sexual Predator Residence Prohibition
- §6-403. Penalties
- §6-404. Exceptions
- §6-405. Notice to Pennsylvania Board of Probation and Parole

PART 5

CURFEW

- §6-501. Legislative intent**
- §6-502. Definitions**
- §6-503. Curfew; exceptions**
- §6-504. Parents not to permit violation**
- §6-505. Procedure upon violation**
- §6-506. Violations and penalties**
- §6-507. Repeated violations; factors interfering with enforcement**
- §6-508. Review of ordinance**
- §6-509. Effective date**

PART 1

PUBLIC PROPERTY

§6-101. Unlawful to Injure or Tamper with Public 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 Coplay, or any grass, walk, lamp, ornamental work, building, street light, fire hydrant or water or gas stop box on any of the streets, alleys, parks or other public grounds. (Ord. 407, 6/11/1963, §1)

§6-102. Unlawful to Interfere with Stakes, Posts 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 of Coplay 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 elevation, line, grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing. (Ord. 407, 6/11/1963, §2)

§6-103. 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 person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys or sidewalks in the Borough, as a warning of danger. (Ord. 407, 6/11/1963, §3)

§6-104. Unlawful to Take Material from Streets, Alleys, Parks or Other Public Grounds.

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. 407, 6/11/1963, §4)

§6-105. Exceptions.

This Part 1 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 to incidental results of work thereon or therein upon permit from or by authority of the Borough. (Ord. 407, 6/11/1963, §5)

CONDUCT

§6-106. Penalty for Tampering with or Injuring Certain Public Property.

Any person who shall violate any of the provisions of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs of prosecution, and, in default of payment of such fine and costs to imprisonment in the County Jail for not more than thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. Provided, 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. 407, 6/11/1963, §6; as amended by Ord. 623, 2/13/1990)

PART 2

USE OF FIREARMS

§6-201. Use of Firearms Restricted.

No person shall, except in necessary defense of person or property, fire or discharge any gun or other firearm within the Borough of Coplay. Any person who shall violate any of the provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days. (Ord. 406, 6/11/1963; as amended by Ord. 623, 2/13/1990)

PART 3

LOITERING

§6-301. Definitions.

As used in this Section, "loitering" shall mean remaining idle in essentially one (1) location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expressing "hanging around." (Ord. 690, 4/6/1998, §301)

§6-302. Certain Types of Loitering Prohibited.

1. No person(s) shall loiter in a public place in such a manner as to:
 - A. Create or cause to be created a danger of a breach of the peace.
 - B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
 - C. Obstruct the free passage of pedestrians or vehicles on a public sidewalk or street or on private property open to the public.
 - D. Obstruct, molest or interfere with any person lawfully in any public place.
2. This Section shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature, or which are calculated to annoy, harass or disturb the person to, or in whose hearing, they are made.

(Ord. 690, 4/6/1998, §302)

§6-303. Request to Leave.

Whenever the presence of any person in any public place is causing any of the conditions enumerated in §6-302, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section. (Ord. 690, 4/6/1998, §303)

§304. 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 six hundred dollars (\$600.00), plus costs of prosecution, and in default of payment of such fine and costs, to imprisonment in the County jail for not more than thirty (30) days. Each day that a vio-

CONDUCT

lation of this Part continues shall constitute a separate offense. Provided, the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or any other injured party with standing from taking proper legal action to recover damages or seeking equitable or injunctive relief as a result of such violation. (Ord. 690, 4/6/1998, §304; as amended by Ord. 705, 8/8/2000)

PART 4

SEX OFFENDER RESIDENCY PROHIBITION

§6-401. Definitions

As used in this Part, the following terms shall have the meanings indicated:

RESIDENCE — a location where an individual resides or is domiciled or intends to be domiciled for 10 consecutive days or more during a calendar year, or a person's actual place of abode.

SCHOOL — an institution or place for instruction or education of any minor child within the Borough of Coplay or in the communities adjacent to the Borough.

(Ord. 757, 10/10/2006, §1)

§6-402. Sexual Offender and Sexual Predator Residence Prohibition.

It is unlawful for any person who has been convicted of a violation of Section 9795.1 of Megan's Law II, 42 Pa.C.S.A. § 9795.1 (relating to registration), in which the victim of the offense was less than 16 years of age, to establish a permanent or temporary residence within 500 feet of any school, child-care facility, park or playground. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, child-care facility, park or playground.

(Ord. 757, 10/10/2006, §2)

§6-403. Penalties.

A person who violates this Part shall be punished by a fine not exceeding \$500 or by imprisonment for a term not to exceed 90 days, or both. The Borough shall have the right to take any and all other necessary actions against a party who violates this Part, including, but not limited to, seeking equitable or injunctive relief. Each day shall be considered a separate offense.

(Ord. 757, 10/10/2006, §3)

§6-404. Exceptions.

A person residing within 500 feet of any school, child-care facility, park or playground does not commit a violation of this Part if any of the following apply:

CONDUCT

- A. The person established the permanent residence prior to the date of adoption of this Part.¹
- B. The person was a minor when he or she committed the offense and was not convicted as an adult.
- C. The person is a minor.
- D. The school, child-care facility, park or playground within 500 feet of the person's permanent or temporary residence was opened after the person established the residence.

(Ord. 757, 10/10/2006, §4)

§6-405. Notice to Pennsylvania Board of Probation and Parole.

The Borough of Coplay shall supply or cause to be supplied to the Pennsylvania Board of Probation and Parole a duly certified copy of this Part to inform the State and County Prison and Probation and Parole personnel about the limitations on residence as set forth in this Part.

(Ord. 757, 10/10/2006, §5)

¹ Editor's Note: Ordinance No. 757, appearing in this Part, was adopted 10/10/2006.

PART 5

CURFEW

§6-501. Legislative intent.

The purpose of this Ordinance is to: (i) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough; (ii) promote the safety and well-being of the Borough's minors, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and (iii) foster and strengthen parental responsibility for children.

(Ord. 820, 9/8/2015)

§6-502. Definitions.

- A. As used in this §6-502, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

MINOR - any person under the age of 18 years.

PARENT - any natural parent of a child, as herein defined, or a guardian, or any adult person responsible for the care and custody of a child; when used in this chapter, the term "parent" shall mean one or both parents.

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

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 of going home.

- B. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 820, 9/8/2015)

CONDUCT

§6-503. 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 Coplay, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough of Coplay, between the hours of 12:01 a.m. and 5:00 a.m. prevailing time during the days of Monday through Friday and between the hours of 1:00 a.m. and 5:00 a.m. prevailing time during the days of Saturday and Sunday. Exceptions to the above are:

- 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, signed by parent, guardian, or other person having the legal care of custody of such minor, which statement specifies the time, place, purpose and necessity of the minor's being in a public place contrary to this chapter.
- 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.
- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in Subsection B above.
- F. Minor 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.

(Ord. 820, 9/8/2015)

§6-504. 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 chapter without legal justification therefor.

(Ord. 820, 9/8/2015)

§6-505. Procedure upon violation.

Any minor as designated in §6-503, found upon the Borough of Coplay streets, alleys, parks or public places within the Borough of Coplay in violation of §6-503 shall be taken into custody by the Borough of Coplay police, or legally deputized individual, and delivered to his or her parents, guardian, or person having the legal custody of said minor and be given a copy of this chapter, and a report filed for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him or her to be on said streets, alleys, parks or public places in violations of §6-503, 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 chapter; and that upon the third violation, said parent, guardian or person will be remanded to the Magisterial District Judge for disposition.

(Ord. 820, 9/8/2015)

§6-506. Violations and penalties.

Any parent who violates §6-504 of this chapter shall, when convicted thereof, be sentenced to pay a fine of not less than \$100 or more than \$1,000 and costs of prosecution, or to imprisonment for a period not to exceed 30 days.

(Ord. 820, 9/8/2015)

§6-507. Repeated violations; factors interfering with enforcement.

Any minor who shall violate this chapter more than three times may, at the discretion of the proper Borough officials, 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 §6-503 of this chapter cannot be made effective by the imposition of fines and penalties.

(Ord. 820, 9/8/2015)

§6-508. Review of ordinance.

Within one year after the effective date of this ordinance, the Coplay Borough Police Chief shall review this ordinance and report and make recommendations to the Borough Council concerning the effectiveness of and continued need for the ordinance. The Police Chief report

CONDUCT

shall specifically include the following information: (a) the practicality of enforcing the ordinance and any problems with enforcement by the Police Department; (b) the impact of the enforcement; and (c) other data and information which the Police Chief believes to be relevant in assessing the effectiveness of the ordinance.

(Ord. 820, 9/8/2015)

§6-509. Effective date.

This ordinance shall be effective within five days after enactment.

(Ord. 820, 9/8/2015)