

## **CHAPTER 6**

### **CONDUCT**

#### **PART 1**

##### **CURFEW**

- §101. Short Title
- §102. Purposes and Findings
- §103. Definitions
- §104. Curfew for Minors
- §105. Parental Responsibility
- §106. Exceptions
- §107. Enforcement
- §108. Penalties
- §109. Construction

#### **PART 2**

##### **ALCOHOLIC BEVERAGES**

- §201. Legislative Findings
- §202. Definitions
- §203. Prohibited Activities
- §204. Penalties
- §205. Construction

#### **PART 3**

##### **DISCHARGE OF FIREARMS**

- §301. Discharge of Firearms Prohibited
- §302. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted
- §303. Exceptions
- §304. Penalties for Violation

#### **PART 4**

##### **THROWING OF SNOWBALLS, STONES OR OTHER MISSILES**

- §401. Prohibited Acts
- §402. Penalties

## **PART 5**

### **PROTECTION OF PUBLIC PROPERTY**

§501. Definition and Interpretation

§502. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited

§503. Tampering with Stakes, Posts and Monuments Prohibited

§504. Tampering with Warning Lamps, Signs or Barricades Prohibited

§505. Removal of Material from Streets, Alleys or Public Grounds Prohibited

§506. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited

§507. Exceptions

§508. Penalties

## **PART 6**

### **CONDUCT WITHIN DESIGNATED AREAS DURING FESTIVALS**

§601. Intent and Purpose

§602. Definitions

§603. Prohibited Conduct

§604. Exceptions

§605. Penalties

**PART 1**  
**CURFEW**

**§101. SHORT TITLE.**

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

(Ord. 2-86, 7/7/1986, §1)

**§102. PURPOSE AND FINDINGS.**

This is an updating of the Borough Curfew Ordinance of August 1, 1966. It prescribes, in accordance with prevailing community standards, regulations for the conduct of minors on streets and in other public places at night, all for the good of minors, furtherance of parental responsibility and the public good, safety and welfare.

- A. Council finds that the curfew meets a very real local need, has been over the years a significant factor in minimizing juvenile delinquency and should be updated and amplified in light of the Borough's local situation.
- B. The community sense of the proper time for cessation of outdoor activities by minors on streets and other public places is reflected in the curfew hours declared by this Part which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident to their immaturity.
- C. Parental responsibility for the whereabouts of their children is the norm; legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years; as parental control increases, likelihood of juvenile delinquency decreases, and there is a continuing need for nocturnal curfew for minors which has achieved, and will continue to achieve under local conditions, the purposes hereinbefore stated.

(Ord. 2-86, 7/7/1986, §2)

**§103. 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 singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

## CONDUCT

**BOROUGH** - the Borough of Bedford, Bedford County, Pennsylvania, with administrative offices at 244 West Penn Street, Bedford, Pennsylvania 15522.

**MINOR** - any person under the age of 18 years.

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

(Ord. 2-86, 7/7/1986, §3)

### **§104. CURFEW FOR MINORS.**

Except as provided in §106 hereof, it shall be unlawful for any person under the age of 18 years to be, or remain in or upon any of the streets, alleys, parks or other public places in the Borough of Bedford between the hours of 11:30 p.m. and 5 a.m.

(Ord. 2-86, 7/7/1986, §4)

### **§105. PARENTAL RESPONSIBILITY.**

Except as provided in §106 hereof, it shall be unlawful for any parent, as defined in this Part, to knowingly permit, or by inefficient control to allow, any minor to be or remain in or upon any of the streets, alleys, parks or other public places in the Borough of Bedford between the hours of 11:30 p.m. and 5 a.m. 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 or control. 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 be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(Ord. 2-86, 7/7/1986, §5)

### **§106. EXCEPTIONS.**

In the following exceptional cases, a minor shall not be considered in violation of this Part:

- A. When accompanied by a parent of such minor.
- B. When going to or returning home from such minor's place of gainful employment; provided, that such minor uses a direct route and proceeds with reasonable diligence.
- C. When going to or returning home from attendance at a school of instruction, a function sponsored by a religious or civic organization or a school athletic

event; provided, that such minor uses a direct route and proceeds with reasonable diligence.

- D. When an emergency arises making it a reasonable necessity that a minor be on or in the Borough streets, alleys, parks or other public places; provided that (i) the minor shall have in his possession a note signed by such minor's parent stating the nature of the emergency, the place to which the minor is to go, the time and date such note was issued and the time required therefor or (ii) such minor's parent shall have communicated in advance to the Borough police station personnel fact establishing such emergency, the place to which the minor is to go and the time required therefor.
- E. When authorized by special permit from the Mayor, carried on the person of the minor thus authorized, as follows:
  - (1) When reasonably necessary nighttime activities of a minor may be inadequately provided for by other provisions of this Part, recourse may be had to the Mayor for a special permit. Upon the Mayor's finding of reasonable necessity, the Mayor may grant a permit in writing for the use by such minor of such streets or other public places at such hours as in the Mayor's opinion may reasonably be necessary.
- F. When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, adopted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Such regulation shall define the activity, the scope of the use of streets or other public places permitted, the period of time involved and a statement that the regulation is reasonably necessary and is consistent with the purposes of the this Part.

Each of the foregoing exceptions shall constitute a defense to a prosecution under §§104 and 105 of this Part; provided, however, that the burden of proof shall be on the person or persons claiming such exception.

(Ord. 2-86, 7/7/1986, §6)

#### **§107. ENFORCEMENT.**

1. Any police officer, constable, truant officer or special officer duly appointed by the Borough Council or Mayor is hereby authorized and empowered to take into custody any minor in prima facie violation of the this Part. In the absence of convincing evidence of age such officer shall use his/her best judgment in determining the age of the minor.
2. Such officer shall notify a parent of the minor that the minor has been taken into custody. The officer, in his/her discretion, may (i) deliver to a parent thereof a minor whose identity and address may be readily ascertained or are known; (ii) take the

## CONDUCT

minor to the Borough police station and advise a parent to come and take charge of the minor; (iii) release the minor to the juvenile authorities; or (iv) make other appropriate arrangements to return the minor to a parent.

(Ord. 2-86, 7/7/1986, §7)

### **§108. PENALTIES.**

1. Any person convicted of violating §§104 and 105 of this Part shall be sentenced to a fine of not less than \$10 nor 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. Any person under the age of 18 years who fails or refuses to pay such fine and costs shall be subject to further proceedings under the Juvenile Act, 42 Pa.C.S.A. §6301 *et seq.* [Ord. 2-2001]
2. The penalties herein provided shall be in addition to any action filed pursuant to the Juvenile Act, 42 Pa. C.S.A. §6301 *et seq.*, before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.

(Ord. 2-86, 7/7/1986, §8; as amended by Ord. 2-2001, 7/2/2001)

### **§109. CONSTRUCTION.**

Severability is intended throughout and within the provisions of the this Part. If any provision or part thereof is held to be invalid the validity of the this Part in any and all other respects shall not be affected thereby. Borough Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that the this Part be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given.

(Ord. 2-86, 7/7/1986, §9)

**PART 2**

**ALCOHOLIC BEVERAGES**

**§201. LEGISLATIVE FINDINGS.**

It is hereby found by the Borough Council that the consumption of alcoholic beverages on or in public streets, sidewalks, parks, alleys or other public places constitutes a public nuisance and threatens the public health, safety and welfare. The purpose of this Part is to promote public safety and convenience, prevent accidents, reduce littering, preserve the character of the Borough and promote the general peace, good order, comfort and welfare of the Borough inhabitants.

(Ord. 3-86, 9/8/1986, §1)

**§202. DEFINITIONS.**

For the purpose of this Part the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

**ALCOHOLIC BEVERAGES** - any liquor, spirituous, vinous or fermented beverage, or combination of liquors and mixed liquors a part of which is spirituous, vinous, fermented or otherwise alcoholic. The term includes any beer, lager beer, ale, porter or similar fermented beverage by whatsoever name such beverage may be called.

**BOROUGH** - the Borough of Bedford, County of Bedford, Commonwealth of Pennsylvania, with its administrative office at 244 West Penn Street, Bedford, Pennsylvania.

(Ord. 3-86, 9/8/1986, §2)

**§203. PROHIBITED ACTIVITIES.**

1. It shall be unlawful for any person, whether inside or outside of a motor vehicle, to consume an alcoholic beverage or portion thereof on or in any public street, sidewalk, park, alley or other public place within the Borough.
2. It shall be unlawful for any person, whether inside or outside of a motor vehicle, to transport, possess or have physical control over an alcoholic beverage in an open bottle, can, glass or other container on or in any public street, sidewalk, park, alley or other public place within the Borough.

(Ord. 3-86, 9/8/1986, §3)

## CONDUCT

### **§204. PENALTIES.**

Any person, firm or corporation who shall violate §103 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$20 nor 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. 3-86, 9/8/1986, §4; as amended by Ord. 2-2001, 7/2/2001)

### **§205. CONSTRUCTION.**

Severability is intended throughout and within the provisions of this Part. If any provision or part thereof is held to be invalid the validity of this Part in any and all other respects shall not be affected hereby. The Borough does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that this Part be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. Specifically, this Part does not intend to prohibit the consumption or possession of alcoholic beverages on any premises licensed by the Pennsylvania Liquor Control Board.

(Ord. 3-86, 9/8/1986, §5)

**PART 3**

**DISCHARGE OF FIREARMS**

**§301. DISCHARGE OF FIREARMS PROHIBITED.**

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

(Ord. 322, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§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, B-B gun, bow and arrow or any similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can be reasonably expected to cause bodily harm, at any place within the Borough.

(Ord. 322, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§303. EXCEPTIONS.**

This Part shall not apply to any law enforcement officers when used in the discharge of their official duties.

(Ord. 322, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§304. PENALTIES FOR VIOLATION.**

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 less than \$20 nor 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 day that a violation of this Part continues shall constitute a separate offense.

(Ord. 322, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)



**PART 4**

**THROWING OF SNOWBALLS, STONES OR OTHER MISSILES**

**§401. PROHIBITED ACTS.**

The throwing, kicking or knocking of any snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough is hereby prohibited.

(Ord. 323, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§402. PENALTIES.**

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 less than \$20 nor 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. 323, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)



**PART 5**

**PROTECTION OF PUBLIC PROPERTY**

**§501. DEFINITION AND INTERPRETATION.**

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

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§502. TAMPERING WITH PUBLIC PROPERTY ON STREETS, ALLEYS OR PUBLIC GROUND PROHIBITED.**

No person shall destroy, injure, tamper with or deface any public property of the Borough, or any grass, walk, lamp, ornamental work, building or street light on or in any of the streets, alleys, sidewalks or public grounds in the Borough.

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§503. TAMPERING WITH STAKES, POSTS AND MONUMENTS PROHIBITED.**

No person shall in any manner interfere or meddle with, or pull, drive, change, alter or destroy any stake, post, monument or other marking, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of 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, or thing.

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§504. TAMPERING WITH WARNING LAMPS, SIGNS OR BARRICADES PROHIBITED.**

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

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

CONDUCT

**§505. REMOVAL OF MATERIAL FROM STREETS, ALLEYS OR PUBLIC GROUNDS PROHIBITED.**

No person shall take any earth, stone or other material, excepting litter, from any street, avenue or public ground in the Borough.

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§506. DEPOSIT OF HARMFUL SUBSTANCES ON STREETS, ALLEYS, SIDEWALKS OR PUBLIC GROUNDS PROHIBITED.**

No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Borough.

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§507. EXCEPTIONS.**

This Part shall not apply to normal activities in connection with 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. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**§508. PENALTIES.**

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 less than \$20 nor 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 day that a violation of this Part continues shall constitute a separate offense.

(Ord. 324, 6/4/1973; as revised by Ord. 2-2001, 7/2/2001)

**PART 6**

**CONDUCT WITHIN DESIGNATED AREAS DURING FESTIVALS**

**§601. Intent and Purpose.**

The Council of the Borough of Bedford, finding that certain conduct on public streets, alleys, sidewalks or parks during periods of festivals is detrimental to the physical, mental and social well-being of the people as well as to their comfort, general welfare and safety, hereby provides for greater control and more effective regulation of such conduct during festivals or special events.

(Ord. 2-98, 6/1/1998, §1)

**§602. Definitions.**

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

**ANIMALS** - any domestic animal or fowl, any wild animal or any household pet. This term, however, shall not include a guide dog used by a visually impaired person or a dog used to assist any other physically handicapped person.

**DESIGNATED AREA** - the location or area of a festival, as approved by Borough Council, which may include public streets, alleys, ways, parks or sidewalks. This term shall also include other public property such as County or school buildings, lands or facilities and private properties; provided, that the appropriate public entity or private owner has authorized its use by the festival.

**FESTIVALS** - any event involving the congregating of people on the public streets, alleys, ways, parks or sidewalks for a common purpose specifically including, but not limited to, the Fall Foliage Festival; provided that the date and location of such event is approved by prior action of Borough Council.

(Ord. 2-98, 6/1/1998, §2)

**§603. Prohibited Conduct.**

It shall be unlawful for any person to do any of the following in the designated area during a festival:

- A. Possess, carry or control any animal or permit any animal to run at large.
- B. Use any bicycle, moped or other pedalcycle.

- C. Use any skateboard, roller blades, roller skates or similar items.

(Ord. 2-98, 6/1/1998, §3)

**§604. Exceptions.**

The activities described in §603, hereof, shall not be deemed to be unlawful if done by a person having specific authorization from the Borough Council or the approved sponsor of the festival. Any person claiming such an exception shall have the burden of proving such specific authorization.

(Ord. 2-98, 6/1/1998, §4)

**§605. Penalties.**

1. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$15 for a first offense.
2. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50 for a second or subsequent offense.
3. Any person who shall fail to immediately cease any conduct declared unlawful by this Part after verbal or written warning from any police officer, member of Borough Council, representative of the festival sponsor or private security officer shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [Ord. 2-2001]

(Ord. 2-98, 6/1/1998, §5; as amended by Ord. 2-2001, 7/2/2001)