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**PART 1**

**DISCHARGE OF FIREARMS**

**§6-101. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-103 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Rockledge

(Ord. 590, 3/14/2005, §1)

**§6-102. Use of Air Rifle, Bow and Arrow or Similar Device 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 but 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 of Rockledge, except as provided in §6-103 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the [Designated Official].

(Ord. 590, 3/14/2005, §1)

**§6-103. Exceptions.**

This Part shall not apply to:

1. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
2. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
3. Any law enforcement officer when used in the discharge of his official duties.

(Ord. 590, 3/14/2005, §1)

**§6-104. Penalties.**

Any person, firm or corporation who shall violate this Part shall, upon conviction thereof, be sentenced to pay 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

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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. 590, 3/14/2005, §1)

**PART 2**  
**CURFEW**

**§6-201. Curfew Hours for Minors.**

1. Definitions.

**CURFEW HOURS –**

- A. 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5 a.m. Eastern Standard Time of the following day; and
- B. 12 a.m. until 5 a.m. Eastern Standard Time on any Friday or Saturday.

**DIRECT ROUTE** — the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

**EMERGENCY** — a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**ESTABLISHMENT** — any privately-owned place of business operated within the Borough of Rockledge for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

**HOLDING LOCATION** — the Rockledge Police Station or a Montgomery County facility to which a minor who is taken into custody for a violation of this Part, will be delivered to await pick up by a parent or juvenile authorities.

**MINOR** — any person under 18 years of age.

**OPERATOR** — any individual, firm, association, partnership or corporation, operating, managing, conducting or employed by any establishment within the Borough of Rockledge. The term includes the members or partners of an association or partnership and the officers of a corporation.

**PARENT** — a person who is:

- A. A natural or adoptive parent of another person.
- B. A court-appointed guardian of another person.
- C. A person who is a court appointed guardian or a person who is at least 21 years of age and who is authorized by a parent to have care and custody of another person.

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**POLICE OFFICER** — the Chief of Police of the Borough of Rockledge or a part time or full-time Rockledge Police Officer.

**PUBLIC PLACE** — any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

**REMAIN** –

- A. To linger or stay unnecessarily; or
  - B. To fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
2. Offenses.
- A. A minor commits an offense of this Part, if he/she remains in any public place or on the premises of any establishment within the Borough of Rockledge during those curfew hours established by this Part.
  - B. A parent of a minor commits an offense of this Part if he/she knowingly permits, or by insufficient control allows, said minor to remain in any public place or on the premises of any establishment within the Borough of Rockledge during those curfew hours established by this Part.
  - C. The owner, operator, or any employee of an establishment commits an offense if he/she/it knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
3. Defenses.
- A. It is a defense to prosecution under subsection (2) of this Part that the minor was:
    - (1) Accompanied by the minor's parent.
    - (2) On an errand at the direction of the minor's parent and was using a direct route.
    - (3) In a motor vehicle involved in interstate travel.
    - (4) Engaged in an employment activity, including, but not limited to, newspaper delivery and was using a direct route.
    - (5) Involved in an emergency as defined by this Part.
    - (6) On the sidewalk abutting the minor's residence or abutting the residence of an immediately adjacent next-door neighbor, if said neighbor did not complain to the police officer about the minor's presence.

- (7) Attending an official school or religious activity or returning home by a direct route from an official school or religious activity.
    - (8) 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.
  - B. It is a defense to prosecution under subsection (2)(C) of this Section that the owner, operator or employee of an establishment promptly notified the Rockledge Police Department or Montgomery County radio dispatch that a minor was present on the premises of the establishment during curfew hours and that he or she refused to leave after having been asked to leave the premises of said establishment.
- 4. Enforcement.
  - A. A police officer, upon finding a minor in violation of subsection (2)(A), shall:
    - (1) Ascertain the name and address of the minor;
    - (2) Order said minor to go promptly home by a direct route.
  - B. Notwithstanding subsection (1)(A) of this Section, a police officer, upon finding a minor in violation of subsection (2)(A) of this Part, may issue a citation for violation of this Part or take the minor into custody and deliver said minor to the holding location if:
    - (1) Reasonable grounds exist to believe that the minor has engaged in delinquent conduct.
  - C. When a minor is taken into custody under this subsection, the Rockledge Police Department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at the holding location and provides the information required by the police officer to prepare and file an incident report, the minor shall be released into the custody of said parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities for further disposition.
  - D. A police officer shall, within 24 hours after finding a minor in violation of subsection (1)(B) of this Part, file a written report of the incident or assist, to the extent possible, in the preparation and filing of said report.
- 5. Penalties.
  - A. Any minor who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of im-

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prisonment 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.

- B. Any parent of a minor who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay 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.
- C. Any owner, operator or employee of an establishment who shall violate subsection (2)(C) of this Part shall, upon conviction thereof, be sentenced to pay 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. 549, 8/9/1999, §1; as amended by Ord. 590, 3/14/2005, §1)



**PART 3**

**RESPONSIBILITY OF PARENTS OR GUARDIANS**

**§6-301. Definitions.**

The following terms, words and phrases when used in this Part shall have the following meanings ascribed to them:

ALLOW, PERMIT or SUFFER — in order for a parent to violate this Part, utilizing the terminology allow, permit or suffer, where a minor is apprehended and convicted of a violation or breach of the public peace, as defined in this Part, on more than one occasion within a 180 day period and such minor shall again be charged and shall he thereafter be subsequently convicted of the same classification of a violation or breach of the public peace, it shall be a rebuttable presumption that the parent allowed, permitted or suffered said minor to commit a violation or breach of the public peace.

BREACHES OF THE PUBLIC PEACE — includes any of the following acts: defacing, damaging or destroying public property or the private property of another, within the Borough of Rockledge; committing an assault, or assault and battery upon another in the Borough; consuming and/or possessing alcoholic beverages in a public place in the Borough; breaking and entering or entering without breaking into the property of another with the intent to steal; threatening another with the intention of extorting money or anything of value; possession and/or use of a controlled dangerous substance as the same shall be classified and defined under the applicable Statutes of the Commonwealth of Pennsylvania.

MINOR — any person under the age of 18 years.

PARENT — includes either or both parents of a minor, the legal guardians of such minor or any other person or persons having the care or custody of the minor committing the violation of the public peace. However, the term parent shall not apply to parents, legal guardians or other persons whose custody and control over such minor has been removed by Court order, decree or judgment or military service or marriage of such minor.

(Ord. 404, 12/11/1978, §1)

**§6-302. Unlawful to Assist, Aid, Abet, Allow or Permit.**

After the effective date of this Part, it shall be unlawful for any parent to assist, aid, abet, allow, permit, suffer or encourage a minor to commit a violation or breach of the public peace, as defined herein, either by overt act, by failure to act, or by lack of supervision and control over such minor.

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(Ord. 404, 12/11/1978, §2)

### **§6-303. Penalties.**

Any parent who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 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. 404, 12/11/1978, §3; as amended by Ord. 590, 3/14/2005, §1)

### **§6-304. Remedy Provisions.**

The remedy provisions of this Part shall be cumulative, not exclusive, and the Borough of Rockledge or any citizen shall have the right to proceed under any other legally available remedies.

(Ord. 404, 12/11/1978, §4)

**PART 4**

**SPRAY PAINT OR INDELIBLE MARKER**

**§6-401. Sale of Spray Paint or Indelible Markers to Minors.**

No person shall sell, offer for sale, transfer or offer to transfer any spray paint container or indelible marker to a minor, unless said minor is accompanied by a parent or legal guardian at the time of the purchase, sale or transfer.

(Ord. 506, 11/14/1994, §1)

**§6-402. Fraudulent Evidence.**

No minor shall, at the time of purchase of the item specified in §6-401, knowingly furnish fraudulent evidence of majority including, but not limited, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces or any document issued by a Federal, County or Municipal Agency or government.

(Ord. 506, 11/14/1994, §2)

**§6-403. Possession.**

No minor shall possess any spray paint container or indelible marker at any time.

(Ord. 506, 11/14/1994, §3)

**§6-404. Definitions.**

For the purposes of this Part, the following definitions shall apply:

**INDELIBLE MARKER** — any felt tip marker, china marker or similar device that is not water soluble which has a flat or angled writing surface of one-half inch or greater.

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

**PERSON** — any retail establishment, its agents, servants or employees.

**SPRAY PAINT CONTAINER** — any aluminum or metal container which contains paint or a marking substance, under pressure.

(Ord. 506, 11/14/1994, §4)

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### **§6-405. Enforcement.**

The Rockledge Building Inspector shall enforce the provisions of this Part, except for §6-403. The Rockledge Police Department shall enforce §6-403 of this Part.

### **§6-406. 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 less than \$50 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. 506, 11/14/1994, §6; as amended by Ord. 590, 3/14/2005, §1)

**PART 5**

**DISORDERLY CONDUCT**

**§6-501. Disorderly Conduct Prohibited.**

1. Disorderly conduct, as defined in the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited within the Borough of Rockledge. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:
  - A. Engages in fighting or threatening, or in violent or tumultuous behavior.
  - B. Makes unreasonable noise.
  - C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
2. Provided, as used in this Section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(Ord. 590, 3/14/2005, §1)

**§6-502. 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 \$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. 590, 3/14/2005, §1)



## PART 6

### LOITERING

#### §6-601. Definitions.

The following terms, words and phrases when used in this Part shall have the following meanings ascribed to them:

AROUND — in the vicinity or neighborhood of.

LOITER — to linger, stay, remain, wait, abide and tarry.

PUBLIC — affecting or likely to affect persons in a place to which the public or a substantial group has access, included among public places are highways, sidewalks, streets, roads, alleys, parks, transport facilities, schools, school premises or facilities, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public. "Premises which are open to the public" means shopping areas and parking lots during or after business hours. "Public" shall include all of the above places during or after normal hours of operation.

(Ord. 391, 12/12/1977, §I)

#### §6-602. Loitering.

1. No person or persons, without legal privilege to do so (those with "legal privilege" shall include invitees and/or licensees, and other like persons) shall loiter or prowl in or around any public place.
2. It is a violation of this Part for any person or persons to loiter or prowl upon private property or to refuse to remove himself or themselves in the event the owner or occupier complains or requests that such person or persons remove themselves, or in the absence of the owner upon such complaint or request by any person.
3. A person commits a violation under subsections (1) or (2) of this Section if he loiters or prowls in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted, is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstance make it impracticable, a peace officer shall prior to any arrest for an offense under this Section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this

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Section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(Ord. 391, 12/12/1977, §II)

### **§6-603. Additional Offenses.**

No person or persons shall resist, interfere with or refuse an order by any law enforcement officer to disperse, or cease and desist from loitering or prowling. Violation of the provisions of this Section shall constitute a separate and additional offense to those under §6-602.

(Ord. 391, 12/12/1977, §II)

### **§6-604. Penalties.**

1. Any person who shall violate §6-602(1) of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 for the first offense and upon conviction for a second and subsequent offense to pay 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.
2. Any person who shall violate §6-602(2) of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 for the first offense and upon conviction for a second and subsequent offense to pay 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.
3. Any person who shall §6-603 of this part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 for the first offense and upon conviction for a second and subsequent offense to pay 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.

(Ord. 391, 12/12/1977, §IV; as amended by Ord. 590, 3/14/2005, §1)

### **§6-605. Partial Validity.**

To the extent that any Section or provision of this Part is included as an offense under the Pennsylvania Crimes Code, as amended, including but not limited to, disorderly conduct, harassment by communication or address, public drunkenness, loitering and prowling in the nighttime or obstructing highways and other public passages, the Pennsylvania Crimes Code provisions shall prevail in accordance with prevailing law, but to the extent that any Section of this Part is only partly included in an offense under the



Pennsylvania Crimes Code or is not so included, to the extent that it is not so included it shall be deemed to be in full force and effect.

(Ord. 391, 12/12/1977, §V)