

ORDINANCE NO.

AN ORDINANCE PROHIBITING CERTAIN NUISANCES  
AND THE DISTURBING OF THE PEACE AND DISORDERLY  
CONDUCT AND PROTECTION TO PUBLIC PROPERTY

WHEREAS, the Borough Council of the Borough of Great Bend, Susquehanna County, Pennsylvania (the "Council") has, pursuant to the Borough Code, as amended, the power to prohibit and remove any obstruction or nuisance and penalize the same; (Acts of May 4, 1927, P.L. 519 Sec. 1202 as amended, 1943, and last amended 1979, 53 P.S. 46202) and;

WHEREAS, said Council has the power to ordain for the proper maintenance of peace, good government, and welfare of the Borough, as delegated to them by the Code, as amended, (1979, Nov. 1, P.L. 453 #90 Sec.1) and;

WHEREAS, said Code further authorizes the imposition of fines and penalties for offenses or violations of prohibited acts, not exceeding Three Hundred Dollars -----(\$300.00)----- and costs or, in default of payment thereof, imprisonment for not more than ten (10) days. (1966, Feb. 1, P.L. (1965) #581, Sec. 3308 as affected 1978, April 28, P.L.202 #53, Sec.2(a)(1399) effective June 27, 1980) and;

NOW THEREFORE, the Council of Great Bend Borough, Susquehanna County, Pennsylvania, does hereby ordain and enact the following Ordinance:

PART I - DISORDERLY CONDUCT

A. Disorderly Conduct Prohibited.

Disorderly conduct is hereby prohibited within the Borough of Great Bend. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he: (1) engages in fighting or in threatening, violent or tumultuous behavior; (2) makes unreasonable noise; (3) uses obscene language, or makes an obscene gesture; (4) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; and (5) loafs, loiters or congregates upon any of the public streets or alleys or public grounds to the annoyance of peaceful residents nearby or traveling upon any streets or alleys in the Borough; or (6) loafs, and/or loiters whether in a motor vehicle or otherwise, near or in the entrances to commercial establishments, whether public or private property, or any place



of public resort, whether public or private, or upon any private property within the Borough, without consent of the owners thereof.

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, apartment houses, places of business, or amusement, any neighborhood, or any premises which are open to the public.

#### B. Penalty for Disorderly Conduct.

Any person who shall violate any provision of this Part I shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) together with costs of prosecution, or, to undergo imprisonment for a term not exceeding thirty (30) days.

### PART II - PROTECTION OF PUBLIC PROPERTY

#### A. Definition and Interpretation.

As used in this Part II, 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.

#### B. Tampering with Public Property.

No person shall destroy or injure in any way whatsoever or tamper with or deface any public property of the Borough of Great Bend within or without 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.

#### C. Tampering with Stakes, Posts and Monuments Prohibited.

No person 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 Great Bend, 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, matter, or thing.



D. Tampering with Warning Lamps, Signs, or Barricades Prohibited.

No person shall destroy or remove or deface or obliterate or cover up any lamp, sign or barricade erected by the authorities of the Borough of Great Bend 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, as a warning of danger.

E. Removal of Material from Public Property Prohibited.

No person shall take any earth, stone or other material from any street, alley or public ground in the Borough of Great Bend.

F. Harmful Substances not to be Deposited on Public Property.

No person shall, at any time, pour, throw or deposit any deleterious, harmful, destructive, noxious or pernicious substance or matter on any street, alley, sidewalk or public ground in the Borough of Great Bend.

G. Exceptions.

This Part II 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 of Great Bend.

H. Penalty for Violation.

Any person who shall violate any provisions of this Part II shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) together with costs of prosecution, or, to undergo imprisonment for a term not exceeding thirty (30) days.

PROVIDED: each violation of any provision of this Part II and each day the same is continued, shall be deemed to be a separate offense, and the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough of Great Bend or other injured party from taking proper legal action to recover damages resulting from such violation.

I. Severability.

The provisions of this Part II 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 II. It is hereby declared as a legislative intent that this Part II would have been adopted had such unconstitutional, illegal, or otherwise invalid provision not been included herein.

### PART III - LITTERING

#### A. Littering Prohibited.

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough of Great Bend or on or near any alley, highway or stream located in said Borough, except if the same is placed in a container used as part of a bona fide recycling program, that is actively maintained.

#### B. Penalties.

Any person, firm or corporation who shall violate any provision of this Part III shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) together with costs of prosecution, or to undergo imprisonment for a term not to exceed thirty (30) days.

### Part IV - THROWING OF OBJECTS

#### A. Prohibited Acts.

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

#### B. Penalty for Violation.

Any person violating any provision of this Part IV shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) together with costs of prosecution, or, to undergo imprisonment for a term not to exceed thirty (30) days.

PROVIDED: each violation of any provision of this Part IV, and each day the same is continued shall be deemed a separate

offense, and the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough of Great Bend or other injured party from taking proper legal action to recover damages resulting from such violation.

#### PART V - FIREARMS/WEAPONS

##### A. Discharge of Firearms Prohibited.

Except in necessary defense of person and property and except as provided in Sub-section "C" of this Part V, it shall be unlawful, within the Borough of Great Bend, for any person to use, fire, or discharge any gun or other firearm.

##### B. 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, 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 except on a properly constructed target range or no closer than five hundred (500) feet to any dwelling or public building, and except as provided in Sub-section "C" of this Part V.

##### C. Exception.

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

##### D. Penalty for Violation.

Any person who shall violate any provision of this Part V shall, upon conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) together with costs of prosecution, or, to undergo imprisonment for not more than thirty (30) days.

PROVIDED: each violation of any provision of this Part V, and each day the same is continued shall be deemed a separate offense.

#### PART VI - ALCOHOLIC BEVERAGES



### A. Definitions.

1. Alcoholic Beverages - shall mean any beverage which falls within the definition of "alcohol", "liquor" or "malt or brewed beverage" as defined by the Pennsylvania Liquor Code.

2. Open Container - shall mean any container designed or used to hold or carry alcoholic beverages which is either open or which is sealed with a cap or other seal, which cap or seal has been removed or broken.

### B. Public Consumption of Alcoholic Beverages.

No person shall consume alcohol, liquor, or malt or brewed beverages in any public alley, highway, playground, sidewalk, street or in or on any other Borough property within the Borough of Great Bend or upon the parking areas of private shopping centers under the jurisdiction of the Police Department of the Borough of Great Bend, except as part of a group function, a permit for which has been obtained from the Borough.

### C. Possession of Open Container.

No person shall possess an open container having alcohol, liquor, malt or brewed beverage upon one's person while in or on any of the public places enumerated in Sub-section "B" herein, except as part of a group function for the purpose of consumption, a permit for which has been obtained under procedures adopted by the Borough Council.

### D. Fine and Penalty.

Any person convicted of violating any provision of this Part VI shall, upon conviction, be fined not more than Three Hundred Dollars (\$300.00) and costs for each offense, or to be imprisoned for not more than thirty (30) days.

### E. Legislative Intent.

It is the intent of the Borough Council in enacting this Part VI that it be read with the Pennsylvania Liquor Code and any conduct permitted by the said Code or any permit issued under the Code by the Pennsylvania Liquor Control Board shall be deemed legal or valid under this Part VI.

ENACTED and ORDAINED this the            day of            , 1983.

Attest:

BOROUGH OF GREAT BEND

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President