

CHAPTER 6
CONDUCT

PART 1
DISORDERLY CONDUCT

- § 101. Disorderly Conduct Prohibited.**
- § 102. Penalty for Violation.**

PART 2
CURFEW

- § 201. Definitions and Interpretation.**
- § 202. Purposes.**
- § 203. Curfew; Exceptions.**
- § 204. Parents not to Permit Violation.**
- § 205. Procedure upon Violation.**
- § 206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement.**
- § 207. Police Discretion in Age Determination.**
- § 208. Penalties.**

PART 3
PROTECTION OF PUBLIC PROPERTY

- § 301. Definition and Interpretation.**
- § 302. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited.**
- § 303. Tampering with Stakes, Posts and Monuments Prohibited.**
- § 304. Tampering with Warning Lamps, Signs or Barricades Prohibited.**
- § 305. Removal of Material from Streets, Alleys or Public Grounds Prohibited.**
- § 306. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited.**
- § 307. Exceptions.**
- § 308. Penalties.**

PART 4
SMOKING IN PUBLIC SCHOOL BUILDINGS

- § 401. Prohibition.**
- § 402. Appointment of Enforcement Officer.**
- § 403. Penalties.**

PART 5
ALCOHOLIC BEVERAGES

- § 501. Definitions.**
- § 502. Prohibitions.**
- § 503. Exceptions.**
- § 504. Penalties.**
- § 505. Permit Regulations.**

PART 1
DISORDERLY CONDUCT

§ 101. Disorderly Conduct Prohibited. [Ord. 4, 1/31/1994; as amended by Ord. 18, 7/11/1994]

Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa.C.S.A. § 5503), is hereby prohibited within the City of St. Marys. A person is guilty of disorderly conduct if he:

- A. Engages in fighting or in threatening, violent or tumultuous behavior;
- B. Makes unreasonable noise; or,
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. 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.
- D. After receipt of a written warning from the St. Marys City Police Department, continues to keep or harbor any dog or other animal which, by frequent barking, howling or other noise, causes an unreasonable disturbance to the residents of neighboring properties.
- E. Loiters, lingers or remains idle in essentially one location upon any public street, public sidewalk, public park or playground, public parking lot or other City owned property, where such conduct creates or is likely to create:
 - (1) A danger of a breach of the peace.
 - (2) An unreasonable annoyance to any person lawfully in such public place.
 - (3) The obstruction of the free passage of pedestrians or vehicles.

§ 102. Penalty for Violation. [Ord. 4, 1/31/1994]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

PART 2
CURFEW

§ 201. Definitions and Interpretation. [Ord. 4, 1/31/1994]

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

MINOR — Person under the age of 18 years.

PARENT — Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

PUBLIC PLACE — Any public street, alley, sidewalk, park, playground, public building or vacant lot in the City of St. Marys.

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 emergencies or ordinary purposes such as mere passage of going home.

In this Part, the singular shall include the plural, the plural shall include the singular; and, the masculine shall include the feminine and the neuter.

§ 202. Purposes. [Ord. 4, 1/31/1994]

This is a curfew ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the City of St. Marys from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incidence of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

§ 203. Curfew; Exceptions. [Ord. 4, 1/31/1994]

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the City of St. Marys, or in any enclosure or vehicle which is on or in close proximity to any such public place within the City of St. Marys, between the hours of 12:00 Midnight and 6:00 a.m. on the following day. Exceptions to the above are the following:

- 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 and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
- 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.

§ 204. Parents not to Permit Violation. [Ord. 4, 1/31/1994]

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 Part without legal justification therefor.

§ 205. Procedure upon Violation. [Ord. 4, 1/31/1994; as amended by Ord. 121, 6/19/2000]

Any minor found upon the streets, alleys, parks or public places within the City of St. Marys in violation of § 202 shall be taken into custody by the City of St. Marys police until the parent, guardian or legal custodian of said minor shall take said minor into custody. In addition to detention, the City of St. Marys police shall have authority to issue a citation against the minor or against the parent, guardian or legal custodian of the minor, or against both, for violation of this Part.

§ 206. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement. [Ord. 4, 1/31/1994]

Any minor who shall violate this Part more than three times may, at the discretion of the proper City officials, be reported to Elk County Children and Youth Services, 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 § 202 of this Part cannot be made effective by the imposition of fines and penalties.

§ 207. Police Discretion in Age Determination. [Ord. 4, 1/31/1994]

The police officers of the City of St. Marys in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

§ 208. Penalties. [Ord. 4, 1/31/1994]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

PART 3
PROTECTION OF PUBLIC PROPERTY

§ 301. Definition and Interpretation. [Ord. 4, 1/31/1994]

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.

§ 302. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited. [Ord. 4, 1/31/1994]

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

§ 303. Tampering with Stakes, Posts and Monuments Prohibited. [Ord. 4, 1/31/1994]

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 City of St. Marys, 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.

§ 304. Tampering with Warning Lamps, Signs or Barricades Prohibited. [Ord. 4, 1/31/1994]

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 City of St. Marys or by any person doing work by permission of the authorities of the City of St. Marys on any of the streets, alleys, sidewalks or bridges in the City of St. Marys or on any public grounds of the City of St. Marys, within or without the City of St. Marys.

§ 305. Removal of Material from Streets, Alleys or Public Grounds Prohibited. [Ord. 4, 1/31/1994]

No person shall take any earth, stone, or other material from any street, alley, or public grounds in the City of St. Marys.

§ 306. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited. [Ord. 4, 1/31/1994]

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

§ 307. Exceptions. [Ord. 4, 1/31/1994]

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 City of St. Marys.

§ 308. Penalties. [Ord. 4, 1/31/1994]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 4
SMOKING IN PUBLIC SCHOOL BUILDINGS

§ 401. Prohibition. [Ord. 4, 1/31/1994]

The use or possession of a lighted pipe, cigar, cigarette or any other device containing tobacco or any other substance emitting smoke or fumes is prohibited inside any public school building situated in the City of St. Marys, except in those areas specifically designated as smoking areas by the school officials having jurisdiction thereof.

§ 402. Appointment of Enforcement Officer. [Ord. 4, 1/31/1994]

The principal in charge of each public school building, as from time to time appointed by the Board of Directors of the St. Marys Area School District, is hereby appointed as the enforcement officer and shall have the power and authority to enforce this Part. The power to enforce this Part shall also be vested in the City of St. Marys Police Department and in such other school officials as the principal shall from time to time designate.

§ 403. Penalties. [Ord. 4, 1/31/1994]

1. Any person who shall violate the provisions of § 402 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
2. The penalties imposed under this Part shall be in addition to and not in replacement of, any disciplinary action imposed by the St. Marys Area School District for any conduct which is a violation of this Part.

PART 5
ALCOHOLIC BEVERAGES

§ 501. Definitions. [Ord. 17, 7/11/1994, § 501]

ALCOHOLIC BEVERAGES — Any beverage which falls within the definition of "alcohol," "liquor" or "malt or brewed beverage," as defined by the Pennsylvania Liquor Code, Act of April 12, 1951, P.L. 90, 47 P.S. § 1-101 et seq., as from time to time amended.

OPEN CONTAINER — Any container designed or used to hold or carry alcoholic beverages, which is either open or for which the cap or seal has been removed or broken, or any other container actually containing alcoholic beverages.

§ 502. Prohibitions. [Ord. 17, 7/11/1994, § 502]

1. No person shall consume any alcoholic beverage while on any public street or road, public sidewalk, public park or playground, public parking lot or other City owned property or within any City building, except as provided in § 503 of this Part.
2. No person shall possess or permit the possession of an open container on any public street or road, public sidewalk, public park or playground, public parking lot or other City owned property or within any City building, except as provided in § 503 of this Part.

§ 503. Exceptions. [Ord. 17, 7/11/1994, § 503]

The prohibitions contained in § 502 of this Part shall not apply to public events for which a permit has been received under the Pennsylvania Liquor Code and for which a permit has been obtained from the City.

§ 504. Penalties. [Ord. 17, 7/11/1994, § 504]

Any person who violates any provision of this Part shall, upon conviction in a summary proceeding, be fined not more than \$600 and costs for each offense and, in default of payment thereof, be imprisoned for a term not exceeding 30 days.

§ 505. Permit Regulations. [Ord. 17, 7/11/1994, § 505]

The City Manager shall establish reasonable regulations for the issuance of special permits under this Part. No special Permit shall be issued until the applicant has submitted proof to the City Manager that the applicant has complied with all relevant provisions of the Pennsylvania Liquor Code.

