

Chapter 6

Conduct

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Part 1**Public Consumption of Alcohol****§6-101. Definitions.**

The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them:

Liquor and malt or brewed beverages and container and official seal—the same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

Open—in connection with a container, any container which has been perforated, in the case of a can or similar container, or a container in which the cap has been loosened or the cork displaced and the official seal torn or mutilated.

(*Ord. 812-6, 2/13/1981*)

§6-102. Restrictions on Public Drinking.

It shall be unlawful within the Borough of Red Lion for any person to drink liquor or malt or brewed beverages upon any public streets, public municipal parking lot, private parking lot open to public use or public park or in any vehicle being operated or parked thereon.

(*Ord. 812-6, 2/13/1981*)

§6-103. Restrictions on Open Containers.

It shall be unlawful within the Borough of Red Lion for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park.

(*Ord. 812-6, 2/13/1981*)

§6-104. Violations and Penalties.

Any person violating any provision of this Part, upon conviction thereof, shall be sentenced to 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. 812-6, 2/13/1981; as amended by Ord. 868-14, 8/13/1986; by Ord. 9711-6, 11/12/1997, §73-4; and by Ord. 2009-09-02, 9/14/2009*)

Part 2**Loitering****§6-201. Definitions.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Private place—includes places privately owned but open to the public generally, such as shopping centers, retail stores, transportation terminals, movie theaters, office buildings, restaurants, and all distinctively private places, such as homes or private residences and apartment houses.

Public place—public streets and alleyways, public restrooms, public sidewalks, public parks or playgrounds, and public buildings.

Surrounding area—that area easily and immediately accessible to the person under observation.

(Ord. 996-7, 6/14/1999)

§6-202. Conduct Prohibited.

1. It shall be unlawful for an individual or for groups of two or more persons, regardless of age, to congregate on or in streets, parks, public or private buildings, places of amusement or public or private places to which the owner or tenant has not given consent in the Borough of Red Lion at any time if those persons are causing alarm, danger, or discomfort to the inhabitants of the Borough or users of Borough thoroughfares or sidewalks, public parks and public or private places or buildings by creating a breach of the peace or a danger of the breach of the peace, the obstruction of pedestrians or vehicles, any disturbance or alarm to the comfort or repose of any person, or the obstruction, harassment or interference of any person lawfully in any such street, park, public or private building, place of amusement or public or private place or sidewalk. This Section shall be in addition to other conduct prohibited elsewhere in this Code of Ordinances and in Chapter 55 of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §5501 *et seq.* and, specifically, §5503 (disorderly conduct), §5505 (public drunkenness) and §5507 (obstructing highways and other public passages). This conduct shall not prevent or prohibit the congregation of two or more persons for purposes of lawful assembly or for purposes otherwise protected by the Constitutions of the United States or America and the Commonwealth of Pennsylvania or to prohibit peaceful picketing in the case of labor disputes or in the exercise of the constitutional right of assembly so long as such activity does not otherwise constitute a breach of this Section.

2. A violation of this Part, when occurring in a private building or private place, may be charged upon complaint by an owner or tenant or by any other person lawfully in such private building or place. All other such violations may be enforced without the need for private complaint, based on the observation and judgment of a police officer or other Borough official.

3. Whenever the presence of any person is causing or is likely to cause any of the violations set forth in this Part, any police officer may order that person to leave that

place. Refusal to leave after being ordered to do so by a police officer shall constitute a violation of this Part.

4. Unless flights by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest or an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting the actor to provide identification and explain the actor's presence and conduct. No person shall be convicted of an offense under this Section if the police 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 police officer at that time, would have dispelled the alarm.

(Ord. 996-7, 6/14/1999)

§6-203. Duty of Parent or Guardian of Juvenile Child; Aiding and Abetting a Violation.

1. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile person under the age of 18 years to permit or authorize such juvenile to engage in conduct which constitutes a violation of this Part. The violation of this Section shall include, but not be limited to, a parent, guardian or other adult person having the care and custody of the juvenile failing to take charge and control of said juvenile and removing said juvenile from a potential violation of this Part after being notified of such potential violation by a police officer or a Borough official.

2. Any parent, guardian, or other adult person having the care and custody of a juvenile can be charged with a violation of this Part in addition to the juvenile. The violation by a parent, guardian, or other adult person having the care and custody of a juvenile who violates this Part shall be considered a separate and distinct offense from that of the juvenile.

3. It shall be a violation of this Part for any person to aid or abet any other person in violating the provisions of this Part.

(Ord. 996-7, 6/14/1999)

§6-204. Violations and Penalties.

Any person who shall violate any of the provisions of this Part, upon conviction thereof, shall be sentenced to 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 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. In the event that the offender is a juvenile, such failure to pay a fine and costs may result in the matter being referred to the juvenile justice system for appropriate disposition.

(Ord. 996-7, 6/14/1999; as amended by Ord. 2009-09-02, 9/14/2009)

Part 3**Curfew****§6-301. Short Title.**

This Part shall be known and may be cited as the “Red Lion Borough Curfew Ordinance.”

(Ord. 2009-09-02, 9/14/2009)

§6-302. Legislative Findings and Purpose.

1. The York County Curfew Task Force, a subcommittee of the York County Truancy Task Force, has recommended uniformity among municipal curfew ordinances. Red Lion Borough adopts the recommendations of the task force by reference, summarized by finding that this Part is necessary to regulate the conduct of minors during nighttime hours because minors are at a higher risk of becoming victims of crime, engaging in illegal behavior, and being truant.

2. Red Lion Borough also adopts the task force position that parents who are negligent in monitoring their children's whereabouts should also be held accountable, and businesses that encourage or permit unsupervised minors to patronize their establishments during late night hours should also be held accountable.

3. The purpose of this Part is to protect the public from nocturnal mischief by minors, for the reduction of incidence of juvenile criminal activity, for furtherance of family responsibility, and promotion of public good, health, safety and welfare of the residents of Red Lion Borough.

(Ord. 2009-09-02, 9/14/2009)

§6-303. Definitions.

1. The following words and phrases, when used in this Part, shall have the following meanings except where the context or language clearly indicates or requires a different meaning:

Borough—the Borough of Red Lion, York County, Pennsylvania.

Establishment—any privately owned place of business carried on for a profit, or any place of amusement or entertainment in which the public is invited.

Minor—any person under the age of 18 years of age.

Operator—any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the term “operator,” as applied to associations or partnerships shall include members or partners thereof and as applied to corporations, shall include officers thereof. The term “operator” shall also include the manager or any employee in charge of the operation of the establishment.

Parent—any natural parent of a minor, as herein defined, or a guardian, or any adult responsible for the care and custody of a minor.

Public place—any public street, highway, road, alley, park, playground, sidewalk, vacant lot, or other area generally open to the public, including a parked

vehicle and any of the said locations in Red Lion Borough.

Remain—to stay behind; to stay unnecessarily.

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

(Ord. 2009-09-02, 9/14/2009)

§6-304. Curfew Established.

1. Unless accompanied by a parent/guardian, it shall be unlawful for any minor to be or remain in or upon any public place between the hours of 12 midnight and 6 a.m.

2. No owner or operator of an establishment shall permit any minor to remain upon the premises of said establishment between the hours of 12 midnight and 6 a.m., unless accompanied by a parent.

3. No parent shall allow or permit a minor to violate the provisions of this Part without legal justification therefor.

4. *Exceptions.*

A. Approved adult chaperones, coaches, mentors, etc., may substitute for a parent/guardian in situations where the minor is attending an activity sponsored by a school, religious, nonprofit, government, athletic, or similar organization.

B. Circumstances wherein minors are legally employed or serving as junior firefighters or ambulance personnel shall constitute exemptions from subsection .1 and/or subsection .2 above.

C. Minors possessing a senior driver's license and legally operating a vehicle for the purposes of subsection .1 and/or subsection .2 above shall be exempt from subsection .1 above.

D. Minors possessing a written document, dated that same day and signed by a parent/guardian, specifying the starting/ending times, place(s), purpose, and necessity of the minor being in a public place shall constitute exemption from subsection .1 and/or subsection .2 above.

(Ord. 2009-09-02, 9/14/2009)

§6-305. Police Discretion in Age Determination.

Police officers shall use their discretion when taking minors into custody in determining age. In any doubtful case, police may require positive proof of age, and until such proof is furnished, the judgment of the police officer shall prevail.

(Ord. 2009-09-02, 9/14/2009)

§6-306. Penalties.

1. Minors and/or negligent parents/guardians who shall violate this Part shall, upon conviction thereof, pay a fine as follows:

First offense—not more than \$100.

Second or subsequent offenses—not more than \$300.

2. Operators and/or owners of establishments who knowingly or negligently violate §6-304.2 above, shall, upon conviction, pay a fine of not more than \$300 for each

minor found to be upon their premises in violation of §6-304.1 above.

3. All offenders who are convicted under this Part shall also pay the costs of prosecution, and in default of said payment of fines and costs, shall undergo imprisonment for a period not to exceed 30 days, or the period provided by law for summary offenses, whichever is less.

4. The Court may authorize diversionary and/or other alternative penalties (community service, counseling, educational classes, etc.) in lieu of imposed fines for minors, parents/ guardians, or business operators.

(Ord. 2009-09-02, 9/14/2009)

Part 4**Scavenging or Digging on Public Property Prohibited****§6-401. Scavenging Prohibited.**

It shall be unlawful for any person or persons to scavenge for any article, item, artifact, coin, or property of any kind on property owned by the Borough of Red Lion. This Part specifically intends, but is not limited to, prohibiting the use of metal detectors, shovels, or any other device used for the purpose of scavenging on Borough property.

(Ord. 849-4, 9/12/1984)

§6-402. Digging and Removal of Property Prohibited.

It shall be unlawful for any person or persons to dig on any property owned by the Borough for any purpose. It shall also be unlawful for any person or persons to remove any article, item, artifact, coin, or property of any kind from property of the Borough for any purpose.

(Ord. 849-4, 9/12/1984)

§6-403. Violations and Penalties.

Any person who violates any provision of this Part, upon conviction thereof, shall be sentenced to 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. 849-4, 9/12/1984; as amended by Ord. 868-15, 8/13/1986; by Ord. 9711-6, 11/12/1997, §154-4; and by Ord. 2009-09-02, 9/14/2009)

