

CHAPTER 6

CONDUCT

Part 1

[Reserved]

Part 2

Loud, Unnecessary or Unreasonable Noise Prohibited

- §201. Noise Prohibited
- §202. Noise Defined
- §203. Fireworks Limitations
- §204. Penalty

Part 3

Curfew

- §301. Definitions
- §302. Unlawful Conduct of Minors
- §303. Unlawful Conduct of Parents
- §304. Penalty

Part 4

Quality of Life

- §401. Title
- §402. Definitions
- §403. Quality of Life Violations
- §404. Authority for Issuance of Violation Ticket
- §405. Enforcement
- §406. Service Of Violation Ticket
- §407. Separate Offense
- §408. Payment Of Violation Ticket
- §409. Abatement Of Violation
- §410. Citation Fines
- §411. Restitution, Costs and Attorney's Fees
- §412. Severability Amendment
- §413. Violation Ticket Amounts

Part 1

[Reserved]

Part 2

Loud, Unnecessary or Unreasonable Noise Prohibited

§201. Noise Prohibited. It shall be unlawful for any person with purpose to cause public inconvenience or annoyance or to make, continue or cause to be made or continued any loud, unnecessary or unreasonable noise within the limits of the Borough which serves no legitimate purpose of said person. (Ord. 86-8, 12/1/1986, §413.01)

§202. Noise Defined. The following acts, among others, are declared to be loud, unnecessary or unreasonable noises in violation of this section, but said enumeration shall not be deemed to be exclusive;

1. Horns, signaling devices, etc. The creation by means of any horn or signaling device of any unnecessary or unreasonably loud or harsh sound, the sounding of any such horn or signaling device for an unnecessary and unreasonable period of time and the sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Borough, except as a danger warning.

2. Radios, phonographs, amplifiers, musical instruments, etc. The operating of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible from the property of the lot upon which the building or structure in or upon which the set, instrument, phonograph or machine which is the source of the noise is situate shall be prima facie evidence of a violation of this Section when such noise occurs between the hours of 8:00 P.M. and 10:00 A.M. [Ord. 93-5]

3. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing in the Borough between the hours of 11:00 P.M. and 7:00 AM.

4. Squealing tires. Causing the tires of any automobile or other vehicle to make a squealing noise or other harsh or loud sound except in the event of an emergency.

5. Animal Noise Disturbances. The owning, possessing, harboring or control of any animal which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (½) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or on private property.
(Ord. 86-8, 12/1/1986, §413.02; as amended by Ord 93-5, 11/1/1993, §1)

§203. Fireworks Limitation. It shall be unlawful within the limits of the Borough of Shamokin Dam for any person or person to light or fire off or have in his possession or expose to sale any fireworks except devices in which paper caps containing twenty-five hundredths (.25) grain or less of explosive compound are used and which are so constructed that the hand cannot come into contact with the cap when in place for the explosion and except, further, toy pistol paper caps containing less than twenty-five hundredths (.25) grain of explosive compound.
(Ord. 86-6, 12/1/1986, §413.03)

(6, §204)

(6, §204)

§204. Penalty. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred (\$300.00) dollars and not more than one thousand (\$1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 86-6, 12/1/1986, \$413.99, as amended by Ord. 88-3, 10/17/1988; and by Ord. 2018-2, 5/7/2018, §2)

Part 3

Curfew

§301. Definitions.

As used in this Part, the following terms shall have the meaning indicated:

ESTABLISHMENT - any privately owned place of business carried on for a profit, or any place of amusement or entertainment to which the public is invited.

OFFICIAL BOROUGH TIME - Eastern Standard Time or Eastern Daylight Savings Time, whichever is in effect.

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, partnerships or corporations, shall include the members, partners or officers thereof.

PARENT - any natural parent of a minor, a guardian or any adult person, eighteen (18) years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE - any public street, highway, road, alley, park, playground, swimming pool, wharf, dock, public ground, public building or vacant lot.

REMAIN - to loiter, idle, wander, stroll or play in or upon.
(Ord. 04-7, 11/1/2004, §1)

§302. Unlawful Conduct of Minors.

1. It shall be unlawful for any minor under the age of eighteen (18) years to remain in or upon any public place or any establishment, upon the streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Shamokin Darn between the hours of 11:00 P.M. and 6:00 A.M. the following day, provided however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or to a minor who is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

2. Each violation of the provisions of this Section shall constitute a separate offense.
(Ord. 04-7, 11/1/2004, §1)

§303. Unlawful Conduct of Parents.

(6, §303(1))

(6, §303(1))

1. It shall be unlawful for any parent, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to be in or upon any public place or any establishment, upon the streets, walkways, roads, alleys, park or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Shamokin Dam between the hours of 11:00 P.M. and 6:00 A.M. the following day.

2. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 04-7, 11/1/2004, §1)

§304. Penalty. Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred (\$300.00) dollars and not more than one thousand (\$1,000.00) dollars, and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 04-7, 11/1/2004, §1; as amended by Ord. 2018-2, 5/7/2018, §2)

Part 4

Quality of Life

§401. Title. This Part shall be known as the Borough of Shamokin Dam "Quality of Life Ordinance", as Chapter 6, Part 4, of the Code of the Borough of Shamokin Dam.

(Ord. 2018-2, 5/7/2018, §1)

§402. Definitions.

DOMESTICATED ANIMAL - A canine or feline.

ELECTRONIC CIGARETTES - An electronic oral device, such as one composed of a heating element and battery or electronic circuit, or both, which provides a vapor of nicotine or any other substance and the use or inhalation of which simulates smoking. The term includes a device as described above notwithstanding whether the device is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, and e-pipe or under any other product, name or description. The term also includes a liquid or substance placed in or sold for use in an electronic cigarette.

NOTICE OF VIOLATION - A written document issued to a person/entity in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE - Any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough or causes a blighting effect in the Borough.

PERSON - Every natural person, firm, corporation, partnership, association, or institution.

PET OWNER - Any person(s) who harbors, feeds, keeps, or in any respect maintains a domesticated animal (dog or cat).

PUBLIC NUISANCE - Any condition(s) or premises which are unsafe, unsanitary, or disruptive.

PUBLIC OFFICIAL - Any police officer, Code Enforcement Officer, Mayor, or the Borough Manager.

TOBACCO PRODUCT - A cigarette, cigar, pipe tobacco, or other smoking tobacco product of smokeless tobacco in any form, manufactured for the purpose of consumption by a purchaser, and any cigarette paper or product used for smoking tobacco.

VIOLATION TICKET - A form issued by a public official to a person who violates a provision of this Part. The violation ticket is an offer by the Borough extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

VIOLATION TICKET AMOUNT - The amount to be included in a violation ticket for payment by the named violator.
(Ord. 2018-2, 5/7/2018, §1)

§403. Quality Of Life Violations. The following activities and conditions are deemed to be nuisances:

a. Accessory Structures. Failure to maintain structurally sound and in good repair, all accessory structures, including detached garages, fences, and walls.

b. Animal Maintenance.

1. Failure of any pet owner within the Borough not to have licensed their dog(s) with the county.

2. For the pet owner of any dog or cat to allow or permit such animal to run at large in the Borough.

3. For a pet owner within the Borough to permit any waste matter/feces from his or her animal to collect and remain on his or her property, or the property of others, so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. All waste from animals must be cleaned up on a daily basis and immediately cleaned up on any public property or the private property of others.

4. For any pet owner within the Borough to permit open containers of food on the exterior property or premises that is not within a fenced or caged area such as a kennel.

5. For a pet owner to permit any animal to make any noise continuously and/or incessantly for a period of ten (10) minutes or make such noise intermittently for one-half (1/2) hour or more regardless of whether the animal is physically situated in or on private property.

c. Accumulation of Rubbish or Garbage. Failure to keep the exterior property and premises, and the interior of every structure, free from any accumulation of waste, trash, rubbish, or garbage.

d. Disposal of Rubbish, Garbage, Recyclables/Dumping.

1. Failure of an owner and/or occupant to dispose of his or her waste, trash, or recyclables in a proper manner. Any business or person who is unable to show proof that he, she, or it has legally disposed of any waste, trash, or recyclables will be in violation of this Part. Should any person or business use an unlicensed hauler to dispose of his, her, or its waste, trash, or recyclables, said person or business shall be in violation of this section.

2. Failure of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from his, her, or its property in such a manner as not to create a public nuisance. Storage of recyclables is only allowed in approved containers, which must be kept clean and sanitary at all times.

e. Weeds and Plant Growth.

1. Failure of the owner of all residential, commercial, and industrial property to maintain all premises and exterior property free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants, and vegetation. Cultivated flowers, gardens, trees, and shrubs shall not be included as a violation of this section.

2. Failure of the owner of all residential, commercial, and industrial property to keep bushes and shrubs on all premises and exterior property shall be maintained and kept in good order.

3. Failure of the owner of all residential, commercial, and industrial property to remove any tree that is considered dangerous and unsafe to the public due to overgrowth, instability, infestation, harmful insects, or a dead tree.

f. Motor Vehicles.

1. Store, park, or place any unregistered, uninspected, inoperative, unlicensed, or nuisance motor vehicle on any premises.

2. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

3. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

4. To park or store a commercial vehicle in excess of 10,000 pounds GVW in a residential district for a period in excess of 24 hours. School buses are not considered to be commercial vehicles.

5. To repair a motor vehicle for profit in residential districts. This would include vehicles not owned by the property occupant and use of repairs and storage on street or on premises.

g. Operating a Food Cart Within the Borough. To operate any food cart or mobile food service within the Borough without a certificate of compliance issued by the Commonwealth of Pennsylvania and a transient merchant's permit issued by the Borough.

h. Outside Placement of Indoor Appliances/Furniture. To store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables, on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended.

i. Placement or Littering by Private Advertising Matter.

1. To throw, place, sweep, or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, or any public property.

2. To hang advertising matter, place advertising matter, or advertise on any public property in any manner,

3. To hang advertising matter, place advertising matter, or advertise on any property that he, she, or it does not have any ownership rights to without the written approval of said owner.

j. Solicitation Within the Borough. For any person, business, or other entity to solicit the residents or businesses of the Borough without obtaining the proper permit from the Chief of Police or Mayor.

k. Snow and Ice Removal.

1. For an owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough to remove any snow or ice from his, her, or its sidewalk within twenty-four (24) hours of the cessation of said snow and ice falling.

2. To place snow/ice removed from sidewalks and driveways onto a plowed Borough street.

l. Storing Containers for Waste or Trash in Public View. To store waste or trash containers in public view in a residential district except the night before of the day of scheduled pickup. After pickup such containers must be returned to their regular storage area.

m. Improper Storage of Hazardous Material or Recyclables. For any person, business, or entity to store combustible, flammable, explosive, or other hazardous materials or recyclables, including, but not limited to, paints, volatile oils, and cleaning fluids, or combustible rubbish, including, but not limited to, wastepaper, boxes, or rags, unless the storage of said materials is stored in compliance with the applicable building codes.

n. Swimming Pool (above or in ground) Maintenance. Fail to maintain a swimming pool in good repair at all times. Pools must be kept clean, safe, and sanitary as well. If fences are required the fences must also be maintained in good repair at all times.

o. Satellite Dishes.

1. To place a satellite dish(es) on a premise so as to be visible to the front public view in a residential district.

2. Fail, from the premises in a residential neighborhood, to remove a satellite dish for which there is no current service.

p. Excessive Noise. To cause public inconvenience or annoyance or to make, continue, or cause to be made any loud, unnecessary, or unreasonable noise within the limits of the Borough which serves no legitimate purpose.

q. Open Burning.

1. To burn garbage, rubbish, rubber, plastic, sylvan materials or related materials in any manner within the Borough.

2. To burn anything outdoors in the Borough, except approved fire pits which area attended during burning, and which does not emit excessive smoke.

r. Curfew for Minors. For any minor under the age of eighteen (18) years to remain in or upon any public place or any establishment, upon the streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots, or other unsupervised places within the Borough between the hours of 11:00 P.M. and 6:00 A.M.

s. Possession/Attempted Possession of Contraband. For any person, within the boundaries of the Borough, to have in their possession or to attempt to possess any unlawful or illegal items outlined or governed by any Firearms Act, Drug Act or Federal/Pennsylvania statutes.

t. Underage Possession of Tobacco Products or Alcohol.

1. For anyone under the age of eighteen (18) to use, possess, or attempt to possess any tobacco product or electronic cigarettes.

2. For anyone under the age of twenty-one (21) to use, possess, or attempt to possess any alcoholic beverage.
(Ord. 2018-2, 5/7/2018, §1)

§404. Authority for Issuance of Violation Ticket. Upon finding a quality-of-life violation, any public official, as previously defined herein, may issue quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual(s) known to have violated said article(s). Violation tickets shall be issued in the amounts set forth in §413.
(Ord. 2018-2, 5/7/2018, §1)

§405. Enforcement.

1. The provision of this Part shall be enforced by any public official, as previously defined herein.

2. Any violation of the provisions of this Part may be cause for a warning, citation, violation ticket, and/or a notice of violation to be issued to the violator.
(Ord. 2018-2, 5/7/2018, §1)

§406. Service of Violation Ticket. A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.
(Ord. 2018-2, 5/7/2018, §1)

§407. Separate Offense. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
(Ord. 2018-2, 5/7/2018, §1)

§408. Payment of Violation Ticket.

1. Payment for violations of this Part are due within two (2) business days of the issuance of the notice of violation.

2. Payment may be made at the Borough offices during normal business hours or deposited in the mail slot at the Borough office other times.

3. Checks should be made payable to Shamokin Dam Borough.

4. Payments not made within two (2) business days to the Borough office, are subject to having the ticket withdrawn by the public official and a criminal citation filed with the Magisterial District Judge, by the Police Department as outlined below in §410.

(Ord. 2018-2, 5/7/2018, §1)

§409. Abatement of Violation. Any person or business violating this Part is hereby directed to satisfy the Borough and its citizens, upon issuance of a quality-of-life ticket, by correcting the violation in question. A public official officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

The Borough and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has abated the violation, the total cost thereof, to include hourly wages and all items and materials used, may be charged to the owner of the property, tenant, or offending party. A bill/invoice will be generated to the violator for payment separate from the quality-of-life ticket, which will also be paid separately.

(Ord. 2018-2, 5/7/2018, §1)

§410. Citation Fines. Any person, firm, or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby, shall, upon conviction before the Magisterial District Judge, be ordered to pay a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00) on each offense, or imprisoned no more than ninety (90) days, or both. This section supersedes all other fines/penalties outlined in other Borough ordinances related to the offense(s) cited.

(Ord. 2018-2, 5/7/2018, §1)

§411. Restitution, Costs and Attorney's Fees. The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings, and to pay the Borough's reasonable attorneys' fees associated with the prosecution of the same.

(Ord. 2018-2, 5/7/2018, §1)

§412. Severability Amendment.

1. If any section, clause, provision, or portion of this Part shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Part so long as it remains legally enforceable minus the invalid portion.

(6, §412(2))

(6, §412(2))

2. The Borough reserves the right to amend this Part or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Part and the effective administration thereof.

(Ord. 2018-2, 5/7/2018, §1)

§413. Violation Ticket Amount. Violation tickets shall be issued in the amounts set forth below.

<u>§403 sub.</u>	<u>Description</u>	<u>Warning</u>	<u>1st Ticket</u>	<u>2nd Ticket</u>	<u>3rd Ticket</u>
a.	Accessory Structures	\$0.00	\$ 25.00	\$ 50.00	\$100.00
b.	Animal Maintenance	\$0.00	\$ 30.00	\$ 60.00	\$125.00
c.	Accumulation of Rubbish or Garbage	\$0.00	\$ 25.00	\$ 50.00	\$100.00
d.	Disposal of Rubbish, Garbage, Recyclables	\$0.00	\$ 25.00	\$ 50.00	\$100.00
e.	Weeds and Plant Growth	\$0.00	\$ 25.00	\$ 50.00	\$100.00
f.	Motor Vehicles	\$0.00	\$ 30.00	\$ 60.00	\$125.00
g.	Operating a Food Cart	None	\$200.00	\$225.00	\$250.00
h.	Outside Placement of Indoor Furniture/Appl.	\$0.00	\$ 25.00	\$ 50.00	\$100.00
i.	Littering by Advertising Matter	\$0.00	\$ 25.00	\$ 50.00	\$100.00
j.	Solicitation Without Proper Permits	None	\$200.00	\$225.00	\$250.00
k.	Snow and Ice Removal	\$0.00	\$ 25.00	\$ 50.00	\$100.00
l.	Storing Waste/Trash in Public View	\$0.00	\$ 30.00	\$ 60.00	\$125.00
m.	Improper Storage of Materials	\$0.00	\$ 25.00	\$ 50.00	\$100.00
n.	Swimming Pools to Be Maintained	\$0.00	\$ 25.00	\$ 50.00	\$100.00
o.	Satellite Dishes	\$0.00	\$ 25.00	\$ 50.00	\$100.00
p.	Excessive Noise	\$0.00	\$ 25.00	\$ 50.00	\$100.00
q.	Open Burning	None	\$ 30.00	\$ 60.00	\$100.00

(6, §413, cont'd)

(6, §413, cont'd)

<u>§403 sub.</u>	<u>Description</u>	<u>Warning</u>	<u>1st Ticket</u>	<u>2nd Ticket</u>	<u>3rd Ticket</u>
r.	Curfew for Minors	\$0.00	\$ 25.00	\$ 50.00	\$100.00
s.	Possess or Attempt to Possess Contraband	None	\$300.00	\$500.00	\$750.00
t.	Underage Tobacco/Vape/Alcohol	None	\$150.00	\$225.00	\$300.00

(Ord. 2018-2, 5/7/2018, §1)