

Chapter 6

Conduct

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Part 1**Disorderly Conduct****§6-101. Offense Defined.**

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. Unreasonable noise means any sound which (1) annoys or disturbs a normal person of reasonable sensitivities; or (2) endangers or injures the safety or health of humans or animals; or (3) endangers or injures personal or real property. [*Ord. 166*]

C. Uses obscene language, or makes an obscene gesture.

D. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(*Ord. 118, 1/2/1980, Art. I; as amended by Ord. 166, 11/1/1994*)

§6-102. Public Defined.

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 highways, roads, streets, lanes, alleys, parks, squares, or, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

(*Ord. 118, 1/2/1980, Art. II*)

§6-103. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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. 118, 1/2/1980, Art. III; as amended by Ord. 205, 6/5/2007*)

§6-104. Multiple Offenses.

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

(*Ord. 118, 1/2/1980, Art. IV*)

Part 2**Curfew****§6-201. Name.**

This Part shall be known as the “Christiana Borough Curfew Ordinance.”
(*Ord. 168, 11/1/1994, §I*)

§6-202. Legislative Intent.

The Borough Council of Christiana, being aware of the problem of juvenile delinquency and believing that it can be dealt with more effectively by regulating the hours during which minors less than 18 years of age may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have the custody and responsibility for the care of such minors, directs that in the administration and enforcement of this Part, the fundamental purpose of reducing juvenile delinquency shall be foremost. Furthermore, this Part is enacted to increase the protection afforded to the public from nighttime disturbances by minors.

(*Ord. 168, 11/1/1994, §II*)

§6-203. Definitions.

In this Part, the following definitions shall apply:

Chief of Police - the Chief of Police of Christiana Borough or a designated representative.

Curfew hours - the period of time between 10 p.m. and 6 a.m. the following morning for each and every day of the week.

Emergency - an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, 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 for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian -

(1) A person who, under court order, is the guardian of the person of a minor.

(2) A public or private agency with whom a minor has been placed by a court.

Minor - any person under 18 years of age.

Operator - any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent - a person who is:

- (1) A natural parent, adoptive parent or step parent of another person.
- (2) At least 18 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

Public place - any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, roads, alleys, highways, sidewalks, playgrounds, parks, plazas, buildings, common areas of schools, apartment houses, transport facilities, shops and office buildings, or other place used by or open to the public.

Remain -

- (1) Linger or stay unnecessarily, loiter, idle, wander, stroll, play or be.
- (2) 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.

(Ord. 168, 11/1/1994, §III)

§6-204. Offenses.

1. *Minor*. A minor commits an offense if he remains in any public place or on the premises of any establishment within the Borough during curfew hours.

2. *Parent or Guardian*. A parent or guardian of a minor commits an offense if he knowingly permits or by insufficient control allows the minor to remain in any public place or on the premises of any establishment during curfew hours.

3. *Owner, Operator or Employee of Establishment*. The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 168, 11/1/1994, §IV)

§6-205. Defenses.

1. It is a defense to prosecution under §6-204 if the minor was:
 - A. Accompanied by the minor's parent or guardian.
 - B. On an errand at the direction of the minor's parent or guardian without any detour or stop.
 - C. Engaged in an employment activity or going to or returning home from an employment activity without any detour or stop.
 - D. Involved in an emergency.
 - E. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police officer about the minor's presence.
 - F. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Borough, a civic organization or another similar entity that takes responsibility for the minor; or going to or returning home from, without detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Borough, a civic organization or another similar entity that takes responsibility for the minor.

G. Exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion or freedom of speech and right of assembly.

2. It is a defense to prosecution under §6-204 that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(*Ord. 168, 11/1/1994, §V*)

§6-206. Enforcement.

Any police officer who finds a minor violating any provision of this Part shall obtain the name, age, date of birth and address of the minor and the names of the minor's parents or guardian. The minor shall thereupon either be brought to the police station and the parents or guardian notified, or shall be taken or instructed to proceed directly to his/her home. A written report of the information obtained from the minor shall be made to the Chief of Police, who shall cause a written notice of the same to be delivered to the parents or guardian of the minor advising them of the violation of this Part. A record of all violations shall be kept.

(*Ord. 168, 11/1/1994, §VI*)

§6-207. Penalties.

1. Any violation of the provisions of this Part shall be a summary offense.

2. Any minor, parent or guardian convicted of violating the provisions of this Part for the first time shall be fined \$25. Any minor, parent or guardian convicted of violating the provisions of this Part for the second time shall be fined \$50 and/or imprisoned for a term not to exceed 30 days. Any minor, parent or guardian convicted of violating the provisions of this Part for the third time shall be fined \$100 and/or imprisoned for a term not to exceed 30 days. Any minor, parent or guardian convicted of violating the provisions of this Part for the fourth time shall be fined not less than \$300 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. 205*]

3. Any operator convicted of violating the provisions of this Part for the first time shall be fined \$50 and/or imprisoned for a term not to exceed 30 days. Any operator convicted of violating the provisions of this Part for the second time or subsequent time shall be fined not less than \$300 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. 168, 11/1/1994, §VII; as amended by Ord. 205, 6/5/2007*)

§6-208. Separate Violations.

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

(*Ord. 168, 11/1/1994, §VIII*)

Part 3**Restricting the Use of Firearms and Other Weapons****§6-301. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-303 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough.

(Ord. 205, 6/5/2007)

§6-302. 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, except as provided in §6-303 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 205, 6/5/2007)

§6-303. Exceptions.

This Part shall not apply to:

A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.

B. 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.

C. Any law enforcement officer when used in the discharge of his official duties.

(Ord. 205, 6/5/2007)

§6-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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. 205, 6/5/2007)

Part 4**Paintball Guns****§6-401. Paintball Gun Regulations.**1. *Definitions.*

Paintball gun - any device which is designed or intended to expel a projectile containing a paint, ink, or similar material which can cause injury to people or property and shall be recognized as a nuisance device.

Paintball - a gelatinous capsule, or other similar object, so designed to contain paint, ink or any other temporary or permanent liquid or substance, the primary purpose of which is to be fired from a paintball gun/device.

2. Any person discharging a paintball gun or similar device within the limits of the Borough of Christiana shall, upon hearing, be subject to a finding of violation of this Part and/or disorderly conduct.

3. No person shall, within the limits of the Borough of Christiana, on any public property, including but not limited to public parks, public streets, playgrounds, open space, recreation facilities or any other public facility, discharge or cause to set off a paintball gun.

4. This Part specifically excludes any business engaged in the operation of paintball games in which the discharge of paintball guns is carried out in an approved, controlled manner.

5. This Part specifically excludes the operation of a paintball gun on private property contingent upon the use of such paintball device being limited to a target which is protected by an appropriate barrier from other private property and prevents damage to same. Under no circumstances shall paintball guns be permitted to be aimed at other human beings and/or animals; this exclusion applies only to an appropriate target on private property.

6. Nothing in this Part shall be deemed to apply to:

A. The use and discharge of any firearm or weapon by any person, officer or official authorized pursuant to the laws of the Commonwealth of Pennsylvania or pursuant to the ordinances of the Borough of Christiana.

B. The discharge of a paintball gun for which the person organizing or promoting an event for its use has obtained a special permit, issued by the Christiana Borough Police Department.

7. Violations of this Part shall be subject to a fine of up to \$300 for the first offense and not more than \$1,000 for any subsequent offense. The cost of prosecution before the district judge, and restitution in an amount determined by the court for damages to person or property suffered by victims as a result of violations of this Part, shall be the responsibility of the individual who violates this Part.

(Ord. 201, 7/5/2006, §7)

