

## **Chapter 6**

### **Conduct**

#### **Part 1**

##### **Discharge of Firearms**

- §6-101. Discharge of Firearms Prohibited
- §6-102. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted
- §6-103. Exceptions
- §6-104. Penalties for Violation

#### **Part 2**

##### **Curfew**

- §6-201. Definitions
- §6-202. Hours of Curfew Established; Exceptions
- §6-203. Unlawful Conduct of Parents
- §6-204. Unlawful Conduct of Owners or Operators of Establishments
- §6-205. Enforcement; Violations and Penalties

#### **Part 3**

##### **Regulating Conduct in Public Parking Lots and Harassment in Other Areas**

- §6-301. Short Title
- §6-302. Definitions
- §6-303. Purpose; Public Parking Lot Hours
- §6-304. Prohibited Conduct
- §6-305. Authorization to Promulgate Additional Rules
- §6-306. Enforcement
- §6-307. Surveillance
- §6-308. Penalties

#### **Part 4**

##### **Open Containers of Alcoholic Beverages Prohibited**

- §6-401. Definitions
- §6-402. Possession or Consumption in Public Prohibited
- §6-403. Violations and Penalties
- §6-404. Applicability
- §6-405. License; Fee

#### **Part 5**

##### **Sexual Offender Residency Prohibition**

- §6-501. Findings and Intent
- §6-502. Sexual Offender and Sexual Predator Residence Prohibition; Penalties;

Exceptions

§6-503. Notification of the Pennsylvania Board of Probation and Parole

**Part 6**

**Tampering with Public Property**

§6-601. Definition and Interpretation

§6-602. Tampering with Public Property on Streets, Alleys, or Public Grounds Prohibited

§6-603. Tampering with Stakes, Posts, and Monuments Prohibited

§6-604. Tampering with Warning Lamps, Signs, or Barricades Prohibited

§6-605. Removal of Material from Streets, Alleys, or Public Grounds Prohibited

§6-606. Deposit of Harmful Substances on Streets, Alleys, Sidewalks, or Public Grounds Prohibited

§6-607. Tampering with Manhole Covers

§6-608. Exceptions

§6-609. Penalties

---

**Part 1****Discharge of Firearms****§6-101. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-103 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough.

(*Ord. 907, 9/23/1996, §6-201*)

**§6-102. 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 as provided in §6-103 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. 907, 9/23/1996, §6-202*)

**§6-103. 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 officers when used in the discharge of their official duties.

(*Ord. 907, 9/23/1996, §6-203*)

**§6-104. Penalties for Violation.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, 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 shall constitute a separate offense.

(*Ord. 907, 9/23/1996, §6-204; as amended by Ord. 1005, 5/23/2011*)



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

*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.

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

*Official Borough time*—Eastern Standard Time except from the second Sunday in March to the first Sunday in November, when it shall be Eastern Daylight Saving Time. [Ord. 1005]

*Official school function*—any school activity or event which is conducted under the supervision and approval of the administration or faculty of any public, parochial, or private schools.

*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 the members or partners thereof and as applied to corporations, shall include the officers thereof.

*Parent*—any natural parent of a minor, a guardian, or any adult person, 21 years of age or over, responsible for the care and custody of a minor.

*Public place*—any public street, highway, road, alley, park, playground, wharf, dock, public building, or vacant lot.

*Remain*—to loiter, idle, wander, stroll, or play in or upon.

(Ord. 521, 5/13/1968, §I; as amended by Ord. 1005, 5/23/2011)

**§6-202. Hours of Curfew Established; Exceptions.**

1. It shall be unlawful for any minor to remain in or upon any public place or any private establishment between the hours of 11 p.m. and 6:30 a.m. the following day, prevailing Borough time.

2. The provisions of this Section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor’s parent or guardian, or to any minor who is engaged in gainful lawful employment, or a bona fide member of a fire, ambulance, or rescue organization during curfew hours, and to any minor who is traveling to or is attending any official school function.

(Ord. 521, 5/13/1968, §II; as amended by Ord. 877, 10/25/1993, §2)

**§6-203. Unlawful Conduct of Parents.**

1. It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place or any establishment between the hours of 11 p.m. and 6:30 a.m. the following day, official Borough time.

2. The provisions of this Section shall not apply to any parent who accompanies

a minor or to a parent who directs a minor upon an errand or other legitimate business or to any parent of a minor engaged in gainful lawful employment during the curfew hours.

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

(*Ord. 521, 5/13/1968, §III*)

#### **§6-204. Unlawful Conduct of Owners or Operators of Establishments.**

1. It shall be unlawful for any operator of an establishment or their agents or employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of 11 p.m. and 6:30 a.m., the following date, official Borough time.

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

(*Ord. 521, 5/13/1968, §IV*)

#### **§6-205. Enforcement; Violations and Penalties.**

1. Any police officer who finds a minor violating the provisions of this Chapter shall obtain information from said minor, such as the name, address, age, and the name and address of parent or guardian. The minor shall thereupon be instructed to proceed home forthwith and, if possible, shall be accompanied by the police officer. The police officer shall ascertain, if possible, if the parent or guardian are at home, and if so, notify them verbally of the violation of both the parent and the minor. If the parent or guardian is not found at home, the police officer shall make such report to his superior officer. In all cases, whether or not verbal notice has been given, a written notice shall also be mailed to the parent or guardian of the minor, advising them of the violation of this Part.

2. Any parent, or guardian who shall permit a minor to violate the provisions of this Part after having received notice of a prior violation shall, upon conviction thereof, 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 shall constitute a separate offense. [*Ord. 1005*]

3. Any operator of an establishment and any agents or employees of any operator who shall violate the provisions of this Part shall, upon conviction thereof, be guilty of an offense and 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 a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [*Ord. 907*]

(*Ord. 521, 5/13/1968, §V; as amended by Ord. 877, 10/25/1993, §5; by Ord. 907, 9/23/1996, §6-305; and by Ord. 1005, 5/23/2011*)

**Part 3****Regulating Conduct in Public Parking  
Lots and Harassment in Other Areas****§6-301. Short Title.**

This Part shall be known and shall be cited as the “Hatboro Ordinance Regulating Conduct in Public Parking Lots and Harassment in Other Areas.”

(*Ord. 961, 8/22/2005, §301*)

**§6-302. Definitions.**

For purposes of this Part, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

*Borough*—the Borough of Hatboro.

*Public parking lot*—a parking lot designated as such pursuant to the provisions of Chapter 15, Part 7, of the Code of Ordinances of the Borough of Hatboro.

*Person*—any natural person, corporation, organization, association of persons, company, partnership, or other lawfully organized entity.

*Rules and regulations*—any rules and regulations promulgated by the Borough.  
(*Ord. 961, 8/22/2005, §302*)

**§6-303. Purpose; Public Parking Lot Hours.**

Unless otherwise provided by separate resolution of Borough Council, public parking lots shall be used solely for the purpose of parking for motor vehicles in designated areas and for ingress and egress thereto by the owners, operators, and/or occupants of such vehicles. Each public parking lot shall be open daily to the public for such limited purpose at such hours as the Borough shall from time to time by resolution determine and designate.

(*Ord. 961, 8/22/2005, §303*)

**§6-304. Prohibited Conduct.**

It shall be unlawful for any person to:

A. Injure, deface, mark, disfigure, tamper with, displace, remove, transplant, cut, or damage any of the trees, plants, shrubs, turf, buildings, benches, seats, tables, railings, fences, paving, structures, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other structures, equipment or fixtures, or any other property of the Borough, or injure the bark, pick the flowers or seeds of any tree or plant, or dig in or otherwise disturb planted areas, located within any public parking lot.

B. Stand, sit, or climb upon monuments, curbs, fences, trees, railings,

planters, or upon any other property (including sitting upon the ground) not designated or customarily used for such purposes.

C. Litter any area of any public parking lot with garbage, rubbish, waste, refuse, trash, paper, bottles, cans, broken glass, ashes, cigarettes, cigars, or tobacco, or other waste material or dispose of the same in any way except in receptacles designated for that purpose.

D. Kindle or maintain any fire in any public parking lot.

E. Injure, deface, destroy, or remove any notice, rule, or regulation posted or placed at or within any public parking lot by authority of the Borough or post or place any notice or placard at or within any public parking lot other than by authority of the Borough.

F. Set up any booth, table, or stand for the sale of any article or service whatsoever or distribute, sell, service, or rent any services or commodity or solicit for any purpose within or upon any public parking lot, unless prior approval is obtained from the Borough for special events.

G. Operate, stop, or park any vehicle, bicycle, or other means of conveyance upon any public parking lot except in areas where permitted or designated for such use, or operate the same in a reckless or negligent manner or at an excessive speed under the circumstances then existing or in such a manner as to become a nuisance to other lawful users and occupiers of such public parking lot, or operate the same in violation of any applicable provisions of the Pennsylvania Motor Vehicle Code or other applicable statutes, regulations, or ordinances regulating such vehicles and their operation.

H. Bring onto any public parking lot or possess thereon any opened container of alcoholic beverage, regardless of whether such transportation or possession may be otherwise lawful, or consume thereon, any alcoholic beverage or bring onto, possess or consume any illegal drug of any kind, or be in an intoxicated state or otherwise under the influence of alcohol or illegal drugs upon or within any public parking lot.

I. Carry or discharge any firearms, slingshots, firecrackers, fireworks, or other devices upon any public parking lot which have such properties as to cause annoyance or injury to any person lawfully using such public parking lot or injury to the property of such persons.

J. Engage in any form of recreational or sporting activity or games upon any public parking lot or use same as a location for a picnic or as a breakfast, lunch, dinner, or other eating facility.

K. Obstruct any sidewalk, walkway, isle, parking space, or other area within or upon any public parking lot which provides a means of ingress and egress to and from such public parking lot or area situate therein.

L. Congregate with others in groups of five or more persons upon any public parking lot for a period in excess of 10 minutes for purposes other than ingress and egress to and from vehicles lawfully parked upon such public parking lot.

M. Disturb the peace by any conduct upon any public parking lot which is manifestly designed to annoy, harass, or alarm any person lawfully using such public parking lot.

N. Use threatening, loud, boisterous, abusive, insulting, profane, or obscene language or words to or toward any person lawfully using any public parking lot or otherwise commit any disorderly or unlawful acts upon any public parking lot.

O. Disobey a proper order of any police officer or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction, or direction posted or displayed by sign, notice, bulletin, card, or poster within or upon any public parking lot as authorized by the Borough.

P. It shall be unlawful for any person in a public street or sidewalk to cause danger to any other person by creating a breach of the peace by harassment of any person lawfully in or upon any street, sidewalk, alley, or parking lot. The Hatboro Police Department is hereby authorized to issue a warning before a citation may be issued.

*(Ord. 961, 8/22/2005, §304)*

#### **§6-305. Authorization to Promulgate Additional Rules.**

The Council of the Borough is hereby authorized to establish from time to time, by resolution, such additional rules and regulations governing public parking lots as it deems necessary or appropriate.

*(Ord. 961, 8/22/2005, §305)*

#### **§6-306. Enforcement.**

1. The Hatboro Borough Police Department is hereby charged with the enforcement of the provisions of this Part and of any additional rules and regulations promulgated pursuant to the authority contained herein.

2. It shall be lawful for any police officer who observes any person within or upon any public parking lot acting in violation of any provision of this Part or of any rule or regulation promulgated hereunder to order and direct such person to immediately remove from such public parking lot along with any vehicle or other property in the possession or under the control of such person. The failure of any person to obey an order of a police officer to remove from a public parking lot as provided for in this subsection shall, in addition to the penalties provided for herein, subject such person to any other applicable criminal penalties as may be provided by law.

*(Ord. 961, 8/22/2005, §306)*

#### **§6-307. Surveillance.**

The Hatboro Borough Police Department is hereby authorized to conduct any and all lawful surveillance of any public conduct or activity within or upon any of the public parking lots within the Borough as it deems necessary or appropriate to protect the safety and well being of persons and property lawfully within or upon such public parking lots and to ensure the effective enforcement of the provisions of this Part.

*(Ord. 961, 8/22/2005, §307)*

#### **§6-308. Penalties.**

Any person who shall violate any provision of this Part or of any rule or regulation promulgated hereunder, upon conviction thereof, 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.

*(Ord. 961, 8/22/2005, §308)*

---

**Part 4****Open Containers of Alcoholic Beverages Prohibited****§6-401. Definitions.**

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

*On or about the person*—the location of any container, bottle, or can containing any alcoholic beverage which is nearby, close at hand, convenient of access, and within reach of the party.

*Opened*—the condition of a container whose cap, cork, top, or other closing device has been removed, or the condition of a can which is punctured or pulled open so as to break its seal.

*Possession*—the exercising of the conscious dominion or control over any container, bottle, or can containing an alcoholic beverage.

*Public place*—a “public place” shall be considered within the street right-of-way of the Borough of Hatboro, including sidewalk, along with any public grounds owned by the Borough of Hatboro.

(Ord. 975, 7/23/2007, §601)

**§6-402. Possession or Consumption in Public Prohibited.**

No person shall have on or about his person, possess, carry, or transport liquor, wine, beer, or other alcoholic beverages in opened containers in or about any public sidewalk, street, alley, walkway, public park or playground, or any other public place in the Borough of Hatboro. No person shall drink or consume liquor, wine, beer, or any other alcoholic beverages in or upon any streets, sidewalks, alleys, walkways, public parks or playgrounds, or any other public place in the Borough of Hatboro.

(Ord. 975, 7/23/2007, §602)

**§6-403. Violations and Penalties.**

Any person who shall violate any provision 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.

(Ord. 975, 7/23/2007, §603; as amended by Ord. 1005, 5/23/2011)

**§6-404. Applicability.**

The prohibitions contained in the within Part shall not apply to any person engaged or participating in any event for which a license has been issued by the Borough of Hatboro or a State or Federal government agency permitting for possession or consumption of alcoholic beverages on or upon any public place or places and subject to the conditions within the license.

(Ord. 975, 7/23/2007, §604)

**§6-405. License; Fee.**

A license may be issued by the Mayor or Police Chief to permit the possession or consumption of alcoholic beverages on public places at specific times and at specific locations and for specific locations and for specific purposes for the promotion of any public parade, celebration, or other similar event. Said license may only be issued upon payment of a fee, which shall be established from time to time by resolution of the Borough Council, and the submission of an application to the Mayor or Police Chief of the Borough of Hatboro. Said application shall include: [*Ord. 1005*]

- A. The name, address, and telephone number of the individual, partnership, corporation, or other entity requesting the license.
- B. The purpose for which the license is requested.
- C. The specific times and places for which the application is made.
- D. Any such further information as may be required by the Secretary or Manager of the Borough of Hatboro.
- E. In the event that any of the information application is misrepresented or in the event that any type of disturbance is caused in the public area at the event for which the license has been issued, the license may be revoked by the Hatboro Police Department or any office thereof.

(*Ord. 975, 7/23/2007, §605; as amended by Ord. 1005, 5/23/2011*)

**Part 5****Sexual Offender Residency Prohibition****§6-501. Findings and Intent.**

1. The Hatboro Borough Council has a goal which is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. The Borough Council finds that repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

2. It is the intent of this Part to serve the Borough's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Borough by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing a permanent residence.

(*Ord. 965, 2/27/2006, §2*)

**§6-502. Sexual Offender and Sexual Predator Residence Prohibition; Penalties; Exceptions.**

1. It is unlawful for any person who has been convicted of a criminal offense, sexually violent offense, or other relevant offense in which the victim of the offense was less than 16 years of age, to establish a permanent residence within 2,000 feet of any real property comprising a public or non-public elementary or secondary school or a childcare facility.

2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a public or non-public elementary or secondary school or a childcare facility.

3. *Penalties.* A person who violates this Section shall be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 60 days or period of community service not to exceed 90 days or any combination of the same as determined at the discretion of the magisterial district judge, for a second or subsequent conviction of a violation of this Section, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 12 months or by both such fine and imprisonment. [*Ord. 1005*]

4. *Exceptions.* A person residing within 2,000 feet of any school, or childcare facility, does not commit a violation of this Section if any of the following apply:

- A. The person established the permanent residence prior to February 27, 2006.
- B. The person was minor when he/she committed the offense and was not

convicted as an adult.

C. The person is a minor.

D. The public or nonpublic elementary or secondary school or childcare facility within 2,000 feet of the person's permanent residence was opened after the person established the residence.

(*Ord. 965, 2/27/2006, §2; as amended by Ord. 1005, 5/23/2011*)

**§6-503. Notification of the Pennsylvania Board of Probation and Parole.**

The Borough Council shall supply or cause to be supplied to the Pennsylvania Board of Probation and Parole a duly certified copy of this Part to inform the State and County prison and probation and parole personnel about the limitations on residence set forth in this Part.

(*Ord. 965, 2/27/2006, §2*)

**Part 6****Tampering with Public Property****§6-601. Definition and Interpretation.**

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.

*(Ord. 907, 9/23/1996, §6-501)*

**§6-602. Tampering with Public Property on Streets, Alleys, or Public Grounds Prohibited.**

No person shall destroy, injure, tamper with, or deface any public property of the Borough, or any grass, walk, lamp, ornamental work, building, street light, manhole cover, or fire hydrant in any of the streets, alleys, sidewalks, or public grounds in the Borough.

*(Ord. 907, 9/23/1996, §6-502)*

**§6-603. Tampering with Stakes, Posts, and Monuments Prohibited.**

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 Borough, 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.

*(Ord. 907, 9/23/1996, §6-503)*

**§6-604. Tampering with Warning Lamps, Signs, or Barricades Prohibited.**

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 Borough 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.

*(Ord. 907, 9/23/1996, §6-504)*

**§6-605. Removal of Material from Streets, Alleys, or Public Grounds Prohibited.**

No person shall take any earth, stone, or other material from any street, alley, or public grounds in the Borough.

*(Ord. 907, 9/23/1996, §6-505)*

**§6-606. Deposit of Harmful Substances on Streets, Alleys, Sidewalks, or Public Grounds Prohibited.**

No person shall pour, throw, or deposit any harmful or destructive substance or

matter on any street, alley, sidewalk, or public grounds in the Borough.

(*Ord. 907, 9/23/1996, §6-506*)

**§6-607. Tampering with Manhole Covers.**

1. *Unlawful to Tamper With Manhole Covers.* It shall be unlawful for any person, firm, or corporation to open or otherwise tamper with any manhole or manhole covers forming a part of the storm or sanitary sewer system within the Borough of Hatboro.

2. *Dumping of Materials and Substances Unlawful.* It shall be unlawful for any person or persons, firm, or corporation to deposit or dump into manholes of said storm or sanitary sewer systems within the Borough of Hatboro any materials or substances of any kind whatsoever.

(*Ord. 907, 9/23/1996, §6-507*)

**§6-608. Exceptions.**

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 Borough.

(*Ord. 907, 9/23/1996, §6-508*)

**§6-609. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay 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 shall constitute a separate offense.

(*Ord. 907, 9/23/1996, §6-509; as amended by Ord. 1005, 5/23/2011*)