

## **Chapter 6**

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**Part 1****Nighttime Curfew for Minors****§6-101. Short Title.**

This Part shall be known and may be cited as “Curfew Ordinance.”  
(*Ord. 79-6, 10/23/1979, §1*)

**§6-102. Purposes and Findings.**

This is an updating of the Borough Curfew Ordinance prescribing, in accordance with prevailing community standard, regulations for the conduct of minors on streets at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

A. Council finds that the curfew meets a very real local need, has been over the years a significant factor in minimizing juvenile delinquency and should be updated and amplified in light of Dauphin’s geography and facts. Dauphin is one of the oldest municipalities in Dauphin County, which is bounded on the west by the Susquehanna River and otherwise entirely by Middle Paxton Township. Dauphin has a compact densely built up residential area in the older section of the Borough and a suburban residential development in the Forest Hills section of the Borough, together with several parks and commercial establishments. This community sense of the proper time for cessation of outdoor activities by minors on the streets is reflected in the curfew hours declared by this Part which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident to immaturity.

B. Council finds that Dauphin is approaching full development, but is not overcrowded. Population density, as reflected in the Borough Comprehensive Plan, varies from neighborhood to neighborhood. Residential land use predominates and single-family dwellings occupy the largest portion of the residential area. Public park facilities are established for future use, and are currently in the developmental phases. Adequate indoor living space permits minors in Dauphin to healthfully occupy their time. Commercial recreational facilities are nonexistent and there is little or nothing for minors to do outdoors, but roam the streets, after the curfew hours which this Part declares.

C. Council further finds that the Dauphin population is slightly in excess of 1,200. Dauphin is a stable family community. Parental responsibility for the whereabouts of children is the norm, legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years, as parental control increases likelihood of juvenile delinquency decreases and there is a continuing need for the nocturnal curfew for minors which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated.

(*Ord. 79-6, 10/23/1979, §2*)

**§6-103. Definitions.**

For the 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 and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory:

*Borough*—the Borough of Dauphin, Dauphin County, Pennsylvania.

*Minor*—any person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age.

*Parent*—any person having legal custody of a minor (1) as a natural or adoptive parent, (2) as a legal guardian, (3) as a person who stands in loco parentis or (4) as a person to whom legal custody has been given by order of court.

*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 ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in §6-105 so that this is not a mere prohibitory or presence type curfew ordinance.

*Street*—a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term “street” includes the legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

*Time of night*—referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Borough, prima facie the time then observed in the Borough Police Department offices.

*Year of age*—continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase “under 18 years of age.”

(Ord. 79-6, 10/23/1979, §3)

#### **§6-104. Curfew for Minors.**

It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets within the Borough of Dauphin at night during the period ending at 6 a.m. and beginning:

- A. At 10 p.m. for minors 11 or less years of age.
- B. At 10:30 p.m. for minors 12 or 13 years of age.
- C. At 11 p.m. for minors 14 or more years of age.

(Ord. 79-6, 10/23/1979, §4)

**§6-105. Exceptions.**

In the following exceptional cases a minor on a Borough street during the nocturnal hours for which §6-104 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow-citizens) shall not, however be considered in violation of this Part.

A. When accompanied by a parent of such minor.

B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly, such minor shall evidence the bona fides of such exercise by first delivering, to the Chief of Police or officer in charge of the Dauphin Borough Building at Allegheny and Church Streets, where and by whom high priority messages to the Mayor are regularly received, a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Mayor of the Borough, specifying when, where and in what manner said minor will be on the streets at night (during hours when this Part is otherwise applicable to said minor) in the exercise of a First Amendment rights specified in such communication.

D. In case of reasonable necessity but only after such minor's parent has communicated to the Borough Police Department's office personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points or origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.

E. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.

F. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.

G. When authorized, by special permit from the Mayor, carried on the person of the minor thus authorized, as follows. When necessary nighttime activities of a minor may be inadequately provided for by other provisions of this Part, then recourse may be had to the Mayor of the Borough, either for a regulation as provided in paragraph .H or for a special permit as the circumstances warrant. Upon the Mayor's finding of necessity for the use of the streets to the extent warranted by a written application signed by a minor and by a parent of such minor if feasible stating (1) the name, age and address of such minor, (2) the name,

address and telephone number of a parent thereof, (3) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (4) the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable, and (5) the street or route and the beginning and ending of the period of time involved by date and hour, the Mayor may grant a permit in writing for the use by such minor of such streets at such hours as in the Mayor's opinion may reasonably be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Mayor or, if unavailable, to the police officer authorized by the Mayor to act on his behalf in an emergency at the Police Department offices.

H. When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handled but adapted to necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary to further the purposes of this Part.

I. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than 45 days previously, signed by the Chief of Police and briefly identifying the minor, the addresses of his home and of his place of employment, and his hours of employment.

J. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through Dauphin, particularly on normal routes such as Route 22-322 (Allegheny Street) or Peters Mountain Road. This also exempts interstate travel beginning or ending in Dauphin.

K. When the minor is 17 years of age, if and when the Mayor shall have determined, by formal rule first reported to Borough Council, spread upon its minutes and so reported in the press, finding the facts as to the extent (minimal) of juvenile delinquency in such age group permitting such rule, currently, in the best interests of said minors and of the Borough, then the Mayor by such formal rule, covering a period of time designated therein or until rescission thereof not exceeding 1 year from the date thereof, may take appropriate action excepting designated minors, minors in a defined group or area, or all minors (as the current facts may warrant) 17 years of age at that date or attaining 17 years of age during the period that such formal rule is and remains in effect.

L. Each of the foregoing exceptions and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by Council as warranted by future experience illuminated by the views of student government associations, school personnel,

citizens, associations, ward, precinct and neighborhood spokesmen, parents, officers and persons in authority concerned positively with minors as well as with juvenile delinquency.

(*Ord. 79-6, 10/23/1979, §5*)

#### **§6-106. Parental Responsibility.**

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any Borough street under circumstances not constituting an exception to, or otherwise beyond the scope of, this Part. The term “knowingly” includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent’s legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(*Ord. 79-6, 10/23/1979, §6*)

#### **§6-107. Police Procedures.**

A policeman of the Borough, upon finding or having attention called to any minor on the streets in prima facie violation of this Part, normally shall take the minor to the Borough Police Department office, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer-in-charge and then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a policeman on the street shall in the first instance use his best judgment in determining age.

A. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.

B. In any event such policeman shall within 24 hours file a written report with the Chief of Police, or shall participate to the extent of the information for which he is responsible in the preparation by himself involved in such case, and in the filing of such report within 24 hours.

C. When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

D. In the case of a first violation by a minor the Chief of Police shall be certified mail, send to a parent written notice of said violation with a warning that

any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.

(*Ord. 79-6, 10/23/1979, §7*)

#### **§6-108. Penalties.**

Prevailing community standards, and the real internalization thereof or interpersonal sanctions therefore that in practice count for much, as to when minors should be off the streets, reflected in this Part, are hereby undergirded with the following legal sanctions:

A. If, after the warning notice pursuant to §6-107 of a first violation by a minor, a parent violates §6-106 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense a parent shall be fined not less than \$25 nor more than \$1,000 plus costs, and for each subsequent offense by a parent the minimum fine shall be increased by an additional \$25, e.g., \$50 for the second, \$75 for the third offense. The magisterial district judge, upon finding a parent guilty, shall sentence the parent to pay such fine plus costs of prosecution, and upon refusal to pay such fine and costs, to be imprisoned for a period not exceeding 90 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. 2012-03*]

B. Any minor who shall violate any of the provisions of this Part more than three times shall be reported by the Mayor to a society or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall then be taken, under the Juvenile Act, 42 Pa.C.S.A. §6301 *et seq.*, or other appropriate statute, before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.

C. A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of this Part cannot be made effective by the imposing of penalties under this Section.

(*Ord. 79-6, 10/23/1979, §8; as amended by Ord. 2012-03, 12/4/2012*)

#### **§6-109. Construction.**

Severability is intended throughout and within the provisions of this Part. If any provision, including, inter alia, any exception, part, phrase or term, or the application thereof to any person or circumstance is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this Part in any and all other respects shall not be affected thereby. From excess of caution, the Mayor is authorized to give advisory opinions, in writing or immediately reduced to writing, which shall be binding, and shall be adhered to by the police, until this Part is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to him at the Borough Police Department office, questioning as (A) ambiguous, (B) as having a potentially chilling effect on constitutional rights specifically invoked, or (C) as otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any

court a question in any of said three categories. Borough Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that this Part be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. Council does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

*(Ord. 79-6, 10/23/1979, §9)*

**§6-110. Continuing Evaluation.**

The Borough Council will continue its evaluation and updating of this Part.

A. Accordingly, there shall be compiled and informally reported to Borough Council through effective channels all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Mayor's special permits and the Mayor's regulations hereinbefore authorized, and the Mayor's advisory opinions, for consideration by the appropriate committee and by Borough Council in further updating and continuing evaluation of this Part.

B. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Mayor and relevant committees of Borough Council through their respective chairmen in coordinated efforts shall work with existing, and may organize, voluntary groups, and shall stimulate volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency, and the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good life, and a better life, for minors 17 or less years of age.

*(Ord. 79-6, 10/23/1979, §10)*



**Part 2****Controlled Substance Paraphernalia****§6-201. Short Title.**

This Part shall be known and may be cited as the “Dauphin Borough Controlled Substance Paraphernalia Ordinance.”

(*Ord. 81-2, 6/2/1981, §1*)

**§6-202. Definitions.**

*Drug paraphernalia*—all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §780-101 *et seq.* It includes, but is not limited to:

A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant 35 P.S. §780-101 *et seq.*, which is a controlled substance or from which a controlled substance can be derived.

B. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

D. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

E. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, use, intended for use, or designed for use in cutting controlled substances.

G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

I. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

J. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

K. Hypodermic syringes, needles and other objects used, intended for use, or

designed for use in parenterally injecting controlled substances into the human body.

L. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- (2) Water pipes.
- (3) Carburetion tubes and devices.
- (4) Smoking and carburetion masks.
- (5) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
- (6) Miniature cocaine spoons and cocaine vials.
- (7) Chamber pipes.
- (8) Carburetor pipes.
- (9) Electric pipes.
- (10) Air-driven pipes.
- (11) Chillums.
- (12) Bongs.
- (13) Ice pipes or chillers.

(Ord. 81-2, 6/2/1981, §2)

### **§6-203. Determination of What Constitutes Drug Paraphernalia.**

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use.
- B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance.
- C. The proximity of the object, in time and space to a direct violation of this Part.
- D. The proximity of the object to controlled substances.
- E. The existence of any residue of controlled substances on the object.
- F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of this Part; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Part should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- G. Instructions, oral or written, provided with the object concerning its use.
- H. Descriptive materials accompanying the object which explain or depict its

use.

I. National and local advertising concerning its use.

J. The manner in which the object is displayed for sale.

K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

L. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

M. The existence and scope of legitimate uses for the object in the community.

N. Expert testimony concerning its use.

(*Ord. 81-2, 6/2/1981, §2*)

#### **§6-204. Possession of Drug Paraphernalia for Personal Use.**

It shall be a violation of this Part for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §780-101 *et seq.*

(*Ord. 81-2, 6/2/1981, §3*)

#### **§6-205. Possession of Drug Paraphernalia for Distribution.**

It shall be a violation of this Part for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §780-101 *et seq.*

(*Ord. 81-2, 6/2/1981, §4*)

#### **§6-206. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less \$100 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 90 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. 81-2, 6/2/1981, §5; as amended by Ord. 2012-03, 12/4/2012*)



**Part 3****Open Alcoholic Beverage Containers****§6-301. General.**

1. No person shall transport or possess on his person or in a motor vehicle any beer, wine, or alcoholic beverage in an open container or glass bottles in or upon the streets, sidewalks, alleys or public ways of the Borough of Dauphin, nor in or upon the parking areas of private shopping centers under the jurisdiction of the Police Department of the Borough of Dauphin, except as hereinafter provided.

2. No person shall consume or possess beer, wine or alcoholic beverage in an open container or glass bottles in or upon the property of another unless that person is a guest, licensee or invitee of the owner or occupier of the property.

3. No person shall possess, carry or transport any beer, wine or alcoholic beverage in an open container or glass bottle nor consume any beer, wine or alcoholic beverage in or upon a park or playground of the Borough of Dauphin except at a group function, a permit for which has been obtained from the Mayor.

*(Ord. 81-3, 6/2/1981, §1)*

**§6-302. Permits for Group Functions.**

1. A person seeking issuance of a permit to consume or possess alcoholic beverages at a group function shall file an application with the Mayor on forms provided by him. An application for a permit shall be filed with the Mayor not less than 3 days nor more than 30 days before the date on which the proposed activity is to take place. Where good cause is shown, the Mayor shall have the authority to consider any application which is filed less than 3 days before the date such activity is proposed to be conducted.

2. The Mayor shall act upon the application for a permit within 2 days after the filing thereof. If the Mayor disapproves the application, he shall mail to the applicant a notice of his action, stating the reasons for his denial of the permit.

3. The Mayor shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained that:

A. The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park and playground in question or the safe and orderly movement of traffic, pedestrian and vehicular.

B. The conduct of the activity will not require the diversion of so great a number of police officers to properly police the activity so as to prevent normal police protection of the Borough.

C. The concentration of persons at the activity will not unduly interfere with proper utilization of the parks and playgrounds or with proper fire and police protection of the parks and playgrounds and areas contiguous to said areas.

D. The conduct of the activity is not reasonably likely to cause injury of persons or property, to provoke disorderly conduct or create a disturbance.

E. The conduct of the activity is not reasonably likely to cause littering or a health hazard to the citizens of the Borough.

F. The permittee shall agree to be responsible for the orderly restoration of the park and playground in question within 24 hours of the expiration of the permit.

4. No permit shall be granted under this Part for any activity to convene before 9 a.m. or terminate after 10 p.m.

5. Any person aggrieved shall have the right to appeal the denial of a permit to the Borough Council. This appeal shall be taken within 48 hours after notice. The Borough Council shall act upon the appeal at its next regularly scheduled meeting, but, in any event, no later than 21 days from the time of the receipt of the appeal.

6. The Mayor shall have the authority to revoke a permit issued hereunder upon violation of the standards set forth in subsection .3 above. If the Mayor is absent from the Borough during the course of the permitted activity, the Chief of Police, or his designated officer, shall have the authority to revoke a permit issued hereunder upon violations of the standards set forth in subsection .3 above.

7. The activity chairman or other person heading or leading such activity shall carry the permit upon his person during the course of the activity.

8. A permittee here under shall comply with all permit directions and conditions and with all applicable laws and ordinances.

*(Ord. 81-3, 6/2/1981, §2)*

### **§6-303. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 81-3, 6/2/1981, §3; as amended by Ord. 2012-03, 12/4/2012)*

**Part 4****Loitering****§6-401. Definitions.**

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

*Loitering*—remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or hanging around.”

*Public place*—any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 95-3, 5/2/1995, §1)

**§6-402. Certain Types of Loitering Prohibited.**

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any annoyance to any person or persons.
- C. Obstruct the free passage of pedestrians or vehicles.

D. Obstruct, molest or interfere with any person lawfully in any public place as defined in §6-401 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 95-3, 5/2/1995, §2)

**§6-403. Request to Leave.**

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §6-402 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.

(Ord. 95-3, 5/2/1995, §3)

**§6-404. Permitting Violation.**

No property owner, lessee, or person in custodial care of a property, sidewalk, parking area or business shall authorize or permit any violation of this Part after receiving verbal or written notice of such violation.

(Ord. 95-3, 5/2/1995, §4)

**§6-405. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of

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Criminal Procedure, 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 90 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. 95-3, 5/2/1995, §5; as amended by Ord. 2012-03, 12/4/2012*)

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**Part 5****Discharge of Firearms****§6-501. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §6-503 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Dauphin.

*(Ord. 2012-03, 12/4/2012)*

**§6-502. 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 §6-503 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. 2012-03, 12/4/2012)*

**§6-503. Exceptions.**

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

2. 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.

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

*(Ord. 2012-03, 12/4/2012)*

**§6-504. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 2012-03, 12/4/2012)*

