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**PART 1**  
**LOITERING**

**§101. Definitions.**

**ANTI-LOITERING HOURS –**

- A. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. the following day.
- B. 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

**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, a natural disaster, an 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 –**

- A. A person who, under court order, is the guardian of the person of a minor.
- B. 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:

- A. A natural parent, adoptive parent or step-parent of another person.
- B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

**PUBLIC PLACE** — any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways and the common area of schools, hospitals, apartment houses, office buildings, transport facilities, shops, parks, recreation areas and sidewalks.

**REMAIN** — means to:

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- A. Linger or stay without constitutionally permissible purpose.
- B. 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.

**SERIOUS BODILY INJURY** — bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 789, 12/17/1998, §A)

### **§102. Offenses.**

- 1. A minor or adult commits an offense if he remains in any public place or on the premises of any establishment within the Borough during anti-loitering hours.
- 2. 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 within the Borough during anti-loitering hours.
- 3. The owner, operator or any employee of an establishment commits an offense if he knowing allows a minor to remain upon the premises of the establishment during anti-loitering hours.

(Ord. 789, 12/17/1998, §B)

### **§103. Defenses.**

- 1. It is a defense to prosecution under §602, above, that any person was at the time of an alleged offense:
  - A. In a motor vehicle involved in interstate travel.
  - B. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.
  - C. Involved in an emergency.
  - D. On the sidewalk abutting the accused person's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the person's presence.
  - E. A minor was attending an official school, religious or other recreational activity supervised by adults and sponsored by the Borough, a civic organization or other similar entity that takes responsibility for the minor, or going

to or returning home from, without any 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.

- F. Exercising rights protected by the United States and Pennsylvania Constitutions, such as the free exercise of religion, freedom of speech and the right of lawful assembly.
2. It is a defense to prosecution under §102(3) 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 anti-loitering hours and refused to leave.

(Ord. 789, 12/17/1998, §C)

#### **§104. Enforcement.**

Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's reason for being in a public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in §103 is present.

(Ord. 789, 12/17/1998, §D)

#### **§105. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine in an amount not to exceed \$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. 789, 12/17/1998, §E; as amended by Ord. 829, 11/15/2001)



**PART 2**

[Reserved]





### **PART 3**

#### **BILLPOSTING AND ADVERTISING MATERIAL**

##### **§301. Restrictions.**

No person or persons, firm or corporation, being the owner of or having control over any pole, standard or tree located upon any sidewalk, street or alley in the Borough of Elizabethtown, shall post or place upon such pole, standard or tree any advertising matter, poster, card or anything of like character, or grant permission for such posting or placement to any other person or persons, organization, firm or corporation, provided nothing herein shall apply to any sign or legal advertisement or notice that may lawfully be posted or placed by the public officials for public purposes.

(Ord. 366, 8/19/1958)

##### **§302. Violations and Penalties.**

Any person or persons, firm or corporation violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor more than \$600 dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 366, 8/19/1958; as amended by Ord. 829, 11/15/2001)



## **PART 4**

### **ALCOHOLIC BEVERAGES**

#### **A. Use of Alcoholic Beverages on Public Property**

##### **§401. Possession, Consumption And Use Prohibited.**

1. The possession, consumption and use of malt and alcoholic beverages in or on the premises owned, leased or occupied by the Borough of Elizabethtown is hereby prohibited.
2. The consumption, use or the possession of an open bottle, can, flask or other container containing malt or alcoholic beverages or a glass, cup, paper or plastic cup or other open drinking device containing malt or alcoholic beverages in or on a sidewalk located within the legal right-of-way of any street, or in or on any street, alley or any public parking lot adjacent to any said street or alley is hereby prohibited.

(Ord. 591, 8/17/1976, §1; as amended by Ord. 640, 8/19/1982, §1)

##### **§402. Violations and Penalties.**

All persons violating the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor 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.

(Ord. 591, 8/17/1976, §2; as amended by Ord. 829, 11/15/2001)

#### **B. Prohibiting Alcohol in Systems of Persons Under 21 Years of Age**

##### **§411. Alcohol Unlawful.**

It shall be unlawful for any individual under the age of 21 to have any alcohol, liquor, malt or brewed beverage in their system within the Borough of Elizabethtown.

(Ord. 769, 5/16/1996, §1)

##### **§412. Police Authority.**

The police officers of the Elizabethtown Police Department have the authority to use either PBT (preliminary breath test) or a breath test unit or any other unit that has been approved by the Pennsylvania Department of Health for use within this Common-

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wealth, or may be approved by that agency in the future, to determine if any individual under 21 years of age has alcohol within their system in violation of this Part.

(Ord. 769, 5/16/1996, §2)

### **§413. Tests.**

A police officer who smells or detects the odor of an alcoholic beverage on an individual's breath, under 21 years of age, shall offer either breath test unit to check that person's BAC (blood alcohol content). In the event that an individual under the age of 21 refuses an offer to take a breath test, the police shall still have the authority to file a citation for a violation of this Part.

(Ord. 769, 5/16/1996, §3)

### **§414. Violation.**

The presence of an alcoholic beverage in the system of an individual under 21 years of age shall constitute a violation of this Part.

(Ord. 769, 5/16/1996, §4)

### **§415. Penalties.**

Any person who violates any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$25 nor 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.

(Ord. 769, 5/16/1996, §5; as amended by Ord. 829, 11/15/2001)

## PART 5

### USE OF FIREARMS AND WEAPONS RESTRICTED

#### §501. Use of Firearms, Weapons Restricted; Violations and Penalties.

1. Definitions.

CHAKO STICKS — an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles connected by rope, cord, wire or chain.

FIREARM — any device by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas including pneumatic guns, spring guns or B-B guns; excluding, however:

- (1) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (2) Model rockets designed to propel a model vehicle in a vertical direction.

HANDGUN — any firearm which:

- (1) Is designed or redesigned or made or remade and intended to be fired while held in one hand;
- (2) Having a barrel of less than 12 inches in length; or,
- (3) A firearm of the size which may be concealed upon the person.

THROWING STAR — an instrument consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape for use as a weapon.

2. It is unlawful for any person on a public street, sidewalk or in a public place to carry any bludgeon, black-jack, slug shot, sand club, sand bag, metal knuckles or any knife, commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance or over 1/4 ounce for like purposes, such as, but not limited to, black powder bombs, Molotov cocktails or artillery projectiles; or any throwing stars and chako sticks.
3. No person shall, except in necessary defense of person or property or on a rifle range under adult supervision approved by the Mayor or Chief of Police of the Borough, fire or discharge or use any gun, firearm, air rifle or bow and arrow within the Borough of Elizabethtown. The Mayor may approve, under special cir-

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cumstances, the discharge of firearms by approved persons for the purpose of exterminating pigeons and other pests.

4. Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor 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.
5. This Part shall not apply to peace officers or other persons permitted by law to carry such weapons.

(Ord. 688, 2/18/1988, §1; as amended by Ord. 829, 11/15/2001)

## **PART 6**

### **PROTECTION OF PUBLIC PROPERTY**

#### **§601. Tampering with and Destruction of Public Property.**

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface, any public property of the Borough of Elizabethtown, or any grass, walk, lamp, ornamental work, building, streetlight, fire hydrant or water or gas stop box in any of the streets, alleys, parks or other public grounds in the Borough of Elizabethtown.

(Ord. 365, 8/19/1958, §1)

#### **§602. Interfering with Stakes, Monuments or Public Works.**

No person or persons shall in any manner whatever interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Elizabethtown made, place or set, or hereafter made, placed or set or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the Borough, to evidence the elevation, line, grade, location, corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public works, matter or thing.

(Ord. 365, 8/19/1958, §2)

#### **§603. Barricades and Warning Signs.**

No person shall willfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough, on any of the streets, alleys, sidewalks or bridges in the Borough, as a warning of danger.

(Ord. 365, 8/19/1958, §3)

#### **§604. Removal of Earth, Stone or Other Material from Streets or Public Grounds.**

No person shall take any earth, stone or other material from any of the streets, alleys, parks or other public grounds in the Borough.

(Ord. 365, 8/19/1958, §4)

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### **§605. Construction, Maintenance and Repair of Streets Excepted.**

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and structures and fixtures located thereon, or to incidental results of work thereon or therein upon permit from or by authority of the Borough.

(Ord. 365, 8/19/1958, §5)

### **§606. Violations and Penalties.**

Any person who shall violate any of the provisions of this Part shall, 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; provided the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 365, 8/19/1958, §6; as amended by Ord. 829, 11/15/2001)



## **PART 7**

### **TRESPASSING UPON BOROUGH PROPERTY**

#### **§701. Refusal to Leave Borough Building or Adjacent Property.**

It shall be unlawful for any person or persons to refuse to leave the Borough Building or any room, office or other area contained therein which is used for Borough purposes, as well as the land adjacent to said building, at the close of the business day or at the close of any authorized meeting held in said Borough Building or at the appointed time for the termination of the use of said Borough Building for any authorized meeting.

(Ord. 495, 4/19/1966)

#### **§702. Violations and Penalties.**

Any such person or persons violating the provisions of this Part, who shall have been ordered to leave the premises of the Borough Building by the Borough Manager, Chief of Police or the Borough official or police officer at such time in charge of the Borough Building or the room, office or area involved, and who shall refuse so to do, shall, each and every one of them, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor 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.

(Ord. 495, 4/19/1966; as amended by Ord. 829, 11/15/2001)



**PART 8**

**LASER BEAM POINTERS**

**§801. Use of Laser Beam Pointers.**

1. It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as is intended to harass or annoy said person or animal.
2. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$50 nor 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. 788, 12/17/1998, §1)