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Part 1

Offenses

A. Public Drinking.

§6-101. Definitions.

Unless the context otherwise requires, the following words and phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES — any spirits, wine, beer, ale or other liquid containing more than one-half of a percent of alcohol by volume which is fit for beverage purposes.

CONTAINER — any bottle, can or other vessel in which alcoholic beverages are contained.

(Ord. 621, 12/14/1983)

§6-102. Consumption.

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Borough of Beaver, nor shall any person consume any alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof.

(Ord. 621, 12/14/1983)

§6-103. Possession.

No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Borough of Beaver, nor shall any person possess any container or alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent or other person in lawful possession thereof.

(Ord. 621, 12/14/1983)

§6-104. Exceptions.

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The provisions of §§6-102 and 6-103 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §6-101 hereof; and provided further that the provisions of said §§6-102 and 6-103 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then any there patrons of said licensee.

(Ord. 621, 12/14/1983)

§6-105. Penalty.

Whosoever violates any of the provisions of this Part 1A shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to be imprisoned for a period not to exceed 90 days.

(Ord. 621, 12/14/1983)

B. Weapons and Missiles.

§6-111. Use of Weapons Restricted.

1. No person shall willfully discharge any gun or other firearm within the limits of the Borough, except in lawful defense of person or property.
2. No person shall discharge or use any air gun, spring gun, slingshot or bow and arrow anywhere within the Borough.

(Ord. 217, 6/20/1917; as revised by Ord. 621, 12/14/1983)

§6-112. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1B shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(Ord. 217, 6/20/1917; as revised by Ord. 621, 12/14/1983)

C. Ball Playing.

§6-121. Ball Playing on Streets Unlawful.

Ball playing, including throwing, kicking or knocking any ball, or driving or hitting any golf ball, is prohibited on the cartway of any street in the Borough. Any person who vio-

lates any provision of this section shall, upon conviction, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for not more than 90 days.

(Ord. 5, 5/6/1872)

D. Loitering.

§6-131. Definitions.

As used in this Part, the following words shall have the meanings specified:

LOITER — to linger or remain idle in a location or locale, by either standing, sitting, lying down or walking around, or by sitting in or on a parked vehicle.

PUBLIC — 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, transport facilities, schools, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(Ord. 669, 7/14/1994, §1)

§6-132. Prohibited Conduct.

1. It is unlawful for any person to loiter in or near the entrance to any building open to the public in a manner which obstructs or interferes with free access to such building.
2. It is unlawful for any person to loiter on private property which is customarily used by the public as part of a commercial enterprise (such as a parking lot or an outdoor dining area) in a manner which obstructs or interferes with the free passage of pedestrians or vehicles).
3. It is unlawful for any person to loiter at a place where a “no loitering” sign is posted.
4. It is unlawful for any person to loiter on or near any street or sidewalk in a manner which causes public annoyance or inconvenience.
5. A person who violates any provision of this Part shall be guilty of a summary offense.

(Ord. 669, 7/14/1994, §2)

CONDUCT

§6-133. Penalties.

A person convicted of an offense under this Part shall be sentenced to pay a fine of not less than \$100 nor more than \$600, plus all costs of prosecution, or, in default of payment, to undergo imprisonment for not less than three days nor more than 30 days.

(Ord. 669, 7/14/1994, §3)

Part 2
Curfew for Minors

§6-201. Short Title.

This Part 2 shall be known as the Curfew Ordinance of the Borough of Beaver.

(Ord. 530, 10/14/1969, §1)

§6-202. Legislative Intent.

Council, being cognizant 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 2 the fundamental purpose of reducing juvenile delinquency shall be foremost.

(Ord. 530, 10/14/1969, §2)

§6-203. Definitions.

In this Part 2, the following definitions shall apply:

AFTER HOURS — the period after 11:00 p.m. and before 6:00 a.m. of the following day.

ESTABLISHMENT — any privately owned place of business, any place of amusement or entertainment to which the public is invited, and any similar place.

MINOR — any person less than 18 years of age; and for the purpose of this Part 2, a person shall be deemed to be 18 years of age on the date of his 18th birthday and not before that time.

OPERATOR — any individual, firm, association, partnership or corporation owning, operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the word “operator,” as applied to an association or partnership, shall include the members, partners, officers and managers thereof or any of them, and as applied to a corporation, shall include officers and managers thereof or any of them.

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

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PUBLIC PLACE — any public street, highway, road, alley, park, playground, vacant lot, public building, railway station, bus terminal or similar place.

REMAIN — loiter, idle, wander, stroll, play or be.

(Ord. 530, 10/14/1969, §3)

§6-204. Unlawful Conduct of Minors.

It shall be unlawful for any minor to remain in or upon any public place or establishment in the Borough after hours unless accompanied by a parent or upon an errand or other legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case that minor shall carry written identification and evidence of employment.

(Ord. 530, 10/14/1969, §4)

§6-205. Unlawful Conduct of Operators of Establishments.

It shall be unlawful for any operator of an establishment knowingly to permit any minor to remain in or upon the premises of that establishment after hours.

(Ord. 530, 10/14/1969, §5)

§6-206. Each Violation a Separate Offense.

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

(Ord. 530, 10/14/1969, §6)

§6-207. Duties of Police.

1. Any police officer who finds a minor violating any provision of this Part 2 shall endeavor to obtain the name, age, date of birth and address of the minor and the names of the minor's parents. The minor shall thereupon either be brought to the police station and the parents notified or shall be taken or instructed to proceed directly to his home. The information obtained from the minor, together with a full report, shall be transmitted to the Chief of Police, who shall cause a written notice to be delivered, mailed or otherwise, to the parents of the minor advising them of the violation of this Part. A record of all violations shall be kept.
2. A police officer of the Borough in taking a minor into custody under this Part 2 shall use his discretion in determining age and, in doubtful cases may require

positive proof, and until that proof is furnished, the officer's judgment shall prevail.

(Ord. 530, 10/14/1969, §7)

§6-208. Penalties.

1. Any parent who permits a minor to violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to be imprisoned for a term not to exceed 90 days.
2. Any operator who violates any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to be imprisoned for a term not to exceed 90 days.
3. Any minor who violates this Part 2 more than three times shall be reported to a society or department of incorrigibles and delinquents, and proceedings will be then taken in the Court of Common Pleas or juvenile court for his permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent or operator shall not be effective, or where for any other reason the provisions of this Part 2 cannot be made effective by fines and penalties imposed under this section.

(Ord. 530, 10/14/1969, §8; as amended by Ord. 621, 12/14/1983)

§6-209. Rules and Regulations Authorized.

Council, on recommendation of the Chief of Police, is authorized from time to time to promulgate such rules and regulations, including the extension of hours for special occasions, as in its sole and uncontrolled discretion shall be necessary or useful in the enforcement of this Part 2.

(Ord. 530, 10/14/1969, §9)

§6-210. Rules and Regulations Set Forth.

1. Curfew hours may be extended for church, school and recreational activities or other functions when it is not practical to have such functions over during curfew hours. Whenever possible, the person responsible for fixing closing hours for such functions will be expected to conform with curfew hours.
2. Where gatherings are over in compliance with the curfew hours, minors will be given a reasonable time to reach their homes.
3. Persons requesting extension of hours for a particular date shall make the request, in writing, to the Chief of Police at least 10 days prior to the said date.

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4. Any parent who makes an honest effort to control his child or children and is unable to have them comply with curfew regulations will not be prosecuted but, instead, the child will be petitioned into juvenile court.
5. Any minor engaging in gainful employment in any public place or establishment after hours is required to comply with the provisions of the Child Labor Law as to night work and shall hold the required work permit issued by the Superintendent of Schools.
6. Parent sending minors on errands after hours may do so by giving them a written note describing the errand with date and time of leaving their home. Only legitimate errands will be permitted.
7. Any minor stopped by a police officer for a curfew violation will be brought to police headquarters and parents will be notified to pick him up. If there is any doubt in the mind of the officer about the violation, the officer will take the necessary information from the minor and permit him to go to his home. The information will be checked and necessary action taken later.
8. The Police Department will handle all records and all prosecutions of the Curfew Ordinance.
9. These rules and regulations cover all minors under the curfew ordinance, regardless of their place of residence.
10. Newspaper boys or girls will not be required to obtain work permits for early morning selling and/or delivering of newspapers.

(Ord. 530, 10/14/1969, Rules and Regulations)

Part 3

Tampering With and Injury to Property

§6-301. Unlawful to Tamper With Public Property or Property on Street, Sidewalk or Public Ground.

No person shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough or of any authority established by the Borough, whether that property is located within or outside the boundaries of the Borough; or any grass, shrub, tree, walk, lamp, ornamental work, building, street light, fire hydrant or water or gas stop on or along any street or alley, or in any park or other public ground in the Borough; provided that "defacement" shall include but not be limited to the making of graffiti or other markings upon any of the property referred to in this section or upon the surface of any street, alley, sidewalk or curb in the Borough.

(Ord. 621, 12/14/1983)

§6-302. Unlawful to Tamper With Stakes, Posts or Monuments.

No person shall in any manner 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 made, placed or set, or in the future 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 location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, matter or thing.

(Ord. 621, 12/14/1983)

§6-303. Unlawful to Tamper With Warning Lamps, Signs or Barricades.

No person shall willfully or maliciously destroy, remove, deface, obliterate or cover up any lamp, flare, warning sign or barricade erected by the Borough or by any person doing work by permission of the Borough on any street, alley, sidewalk or bridge in the Borough or on any public ground of the Borough, within or without the Borough, as a warning of danger.

(Ord. 621, 12/14/1983)

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§6-304. Unlawful to Take Earth, Stone or Other Materials From Street, Alley or Public Ground.

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

(Ord. 621, 12/14/1983)

§6-305. Certain Activities Not Unlawful.

This Part 1C shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or to incidental results of work done thereon or therein upon permit from or by authority of the Borough.

(Ord. 621, 12/14/1983)

§6-306. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days; provided that the fact that a violator has been penalized, after hearing, as provided in this section, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from the violation.

(Ord. 621, 12/14/1983)

Part 4

Nuisances

§6-401. Purposes.

The purposes of this Part are to:

- A. Safeguard public health, safety and general welfare.
- B. Preserve the value of property within the Borough of Beaver.
- C. Protect the municipal tax base by preventing the decline of property values.

(Ord. 738, 2/10/2004)

§6-402. Interpretation.

The provisions of this Part shall be interpreted according to the following principles:

- A. Words used in this Part which are not specifically defined in §6-403 shall have their common or ordinary meanings, as shown by a standard dictionary.
- B. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 738, 2/10/2004)

§6-403. Definitions.

As used in this Part, the following words and phrases shall have the meanings specified:

ABANDONED — in a state where use for the designed and intended purpose has ceased. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

- A. Present operability and functional utility.
- B. The date of last effective use.
- C. The condition of disrepair or damage.

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- D. The last time an effort was made to repair or rehabilitate the item.
- E. The status of registration or licensing of the item.
- F. The age and degree of obsolescence.
- G. The cost of rehabilitation or repair of the item in relation to its market value.
- H. The nature of the area and location of the item.

ABATE — to remedy a condition or activity by removal, repair, replacement, cessation or other appropriate conduct.

BOROUGH — the Borough of Beaver.

BUILDING — a roofed structure enclosed by walls intended for human occupancy or storage of personal property.

GARBAGE — putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INOPERATIVE — not capable of currently functioning in the customary manner because of disassembly, damage, defect or lack of an essential component.

NUISANCE — any continuing physical condition of, or activity on, property which constitutes a danger to the health or safety of the general public or to the physical integrity, comfortable occupancy or use, or value of adjacent property. The term includes but is not limited to the following:

- A. Storage in a yard of abandoned or inoperative machinery, equipment, household appliances or furniture.
- B. Storage in a yard of unregistered and inoperative motor vehicles or vehicle parts.
- C. Infestation of a structure by termites or carpenter ants.
- D. A building abandoned for at least 180 consecutive days.
- E. A tree which is dead or diseased.
- F. Shrubbery which is diseased.
- G. Accumulation in a yard of uncontained garbage, rubbish or other waste.
- H. Accumulation in a yard of combustible material of such quantity or quality as to pose a substantial fire hazard.

- I. A pool or pools of standing water conducive to the breeding of mosquitoes or other disease-carrying insects.
- J. Carrying on any building or road construction, excavation or trenching, or the operation of heavy equipment or trucks in connection therewith, at any time on a Sunday or a legal holiday, or on any other day at any time between 7:00 p.m. and 7:00 a.m., without a special permit issued by the Borough Manager. Such a permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in such a manner or place that the public or residents will not be annoyed or disturbed by such construction work.
- K. Carrying on construction work in such a manner that dust is carried by wind onto adjacent property.
- L. Washing, tracking or otherwise depositing dirt, mud, stone or other debris upon or onto the pavement of any street without removing the material before 5:00 p.m. of the day on which it was deposited.
- M. Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the property from which the sound emanates.
- N. Operation of power lawn mowers or chain saws on any day before 8:00 a.m. or after 9:00 p.m.
- O. Operation of model airplanes equipped with gasoline engines on any public street or on any public ground, including any playground or park.
- P. Production of offensive odors or noxious gases or fumes perceptible beyond the property on which generated.

OCCUPANT — the person occupying or using a property.

OWNER — the person having legal title to a property.

PERSON — any individual, partnership, corporation, association, institution, cooperative enterprise, government unit or agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or civil penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROPERTY — any lot or parcel of land within the Borough.

RUBBISH — combustible and noncombustible waste materials, except garbage.

STRUCTURE — anything constructed or built on or affixed to property, including but not limited to buildings, walls and fences.

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WASTE — any garbage, rubbish or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments. The term does not include source-separated recyclable materials.

YARD — the open space on a lot or parcel of land.

(Ord. 738, 2/10/2004)

§6-404. Nuisances Prohibited.

It is unlawful for any person to create, maintain or permit to exist any nuisance within the Borough.

(Ord. 738, 2/10/2004)

§6-405. Responsibility.

1. The owner of a property shall be deemed responsible for its condition and the activity thereon, even if not in occupancy thereof. Any agreement between an owner and a tenant or other occupant regarding the condition of and/or activity on the property shall not affect the application of this Part to the owner.
2. The occupant of a property shall likewise be deemed responsible for its condition and the activity thereon. Any agreement between an occupant and the owner regarding the condition of and/or activity on the property shall not affect the application of this Part to the occupant.
3. If a property has more than one owner, each owner shall be deemed responsible for the condition of the property and the activity thereon and shall be subject severally to the provisions of this Part.
4. If a property has more than one occupant, each occupant shall be deemed responsible for the condition of the property and the activity thereon and shall be subject severally to the provisions of this Part.

(Ord. 738, 2/10/2004)

§6-406. Inspections and Notices.

1. The Code Enforcement Officer shall conduct property inspections on a regular basis to determine whether any nuisance exists.

2. Whenever an inspection discloses that a nuisance exists, the Code Enforcement Officer may either commence a criminal proceeding, issue an enforcement notice, or both. The enforcement notice shall:
 - A. Be in writing;
 - B. Include a statement of the reason(s) it is being issued;
 - C. State a reasonable time to abate the nuisance; and
 - D. Be served upon the owner and or occupant.
3. An enforcement notice shall be sent by certified mail, return receipt requested, to the last known address of the owner and occupant. If the mailing is returned with the notation as refused or unclaimed, the notice shall be conspicuously posted on the subject property, and service shall be deemed to have occurred upon such posting.

(Ord. 738, 2/10/2004)

§6-407. Hearings; Appeals.

1. Any person affected by an enforcement notice may request a hearing on the matter before the Borough Council by delivering to the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within 10 days after the date the notice was served. Upon receipt of such petition, the Borough Secretary shall set a time and place for the Council hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed.
2. After such hearing, the Council shall either sustain, modify or withdraw the notice. If the Council sustains or modifies such notice, it shall be deemed to be an order. Any enforcement notice served pursuant to this Part shall automatically become a final order if a written petition for a hearing is not filed with the Borough Secretary within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

(Ord. 738, 2/10/2004)

§6-408. Criminal Penalties.

1. Offense defined.

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- A. Any person who violates §6-404 of this Part is guilty of a summary offense.
 - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this section shall be sentenced to pay a fine of not less than \$200 nor more than \$600, plus all costs of prosecution, or, in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 738, 2/10/2004)

§6-409. Borough Remedies.

1. In addition to the criminal penalties provided for §6-408 above, the Borough shall have the right to abate the nuisance if the responsible person refuses or fails to do so. In so acting, employees or contractors of the Borough shall have the authority to enter the subject property.
2. In addition to the criminal penalties provided for in §6-408 above, the Borough shall have the right to obtain equitable relief by a civil action in court.
3. All remedies of the Borough pursuant to state law and this Part shall be nonexclusive and cumulative, so that the pursuit of any particular course of action shall not constitute an election of remedies. Remedies may be pursued simultaneously or consecutively and in such number or order as the Borough sees fit.

(Ord. 738, 2/10/2004)

§6-410. Enforcement Costs.

1. The Borough shall be entitled to recover from the person or persons responsible for a nuisance all expenses paid or incurred by the Borough relating to the abatement thereof and the enforcement of this Part. Such expenses shall include but not be limited to:
 - A. Costs of inspections or investigations.
 - B. Costs of preparing and mailing notices, orders or other documents.
 - C. Costs of abatement.
 - D. Attorneys' fees relating to preparation for and attendance at any legal proceedings.
 - E. Court costs.

- F. An additional amount of 10% of the total of all other expenses, as a penalty.
- 2. Such costs shall be collected by the Borough in the manner provided by state law for the collection of municipal claims, or by a civil court action, as the Borough may see fit.

(Ord. 738, 2/10/2004)

Part 5

Public Nudity

§6-501. Findings.

The Council finds and declares that:

- A. Public nudity disturbs the peace of the community.
- B. The prohibition of public nudity is necessary and proper to preserve the peace and protect the welfare of this Borough and its citizens.

(Ord. 689, 11/11/1997, §1)

§6-502. Conduct Prohibited.

- 1. A person shall not knowingly or intentionally appear in a state of nudity in any public place within the limits of this Borough.
- 2. Exceptions. This prohibition shall not apply to:
 - A. Any child under 10 years of age.
 - B. Any woman who exposes a breast in the process of nursing an infant under two years of age.

(Ord. 689, 11/11/1997, §1)

§6-503. Definitions.

As used in this Part, the following words and phrases have the meanings here specified:

NUDITY — the showing of the human male or female genitalia, pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

PUBLIC PLACE — all outdoor places owned by or open to the general public and all buildings and enclosed spaces owned by or open to the general public, including places of entertainment, restaurants, clubs, theaters, dance halls, party rooms or halls limited to specific members or restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

(Ord. 689, 11/11/1997, §1)

Part 6

False Alarms to Public Safety Agencies

§6-601. Definitions.

As used in this Part, the following words and terms shall have the meanings specified:

ALARM — a communication to a public safety agency that a crime, fire or other emergency warranting immediate action by the public safety agency has occurred or is occurring.

ALARM DEVICE — a device designed to automatically transmit an alarm:

- A. Directly to a public safety agency.
- B. To a person that is instructed to notify a public safety agency of the alarm.

FALSE ALARM — the activation of an alarm device to which a public safety agency responds when a crime, fire or other emergency has not occurred.

PERSON — an individual, corporation, partnership, incorporated association or other similar entity.

PUBLIC SAFETY AGENCY — the Pennsylvania State Police or any municipal police or fire department.

(Ord. 703, 4/11/2000, §601)

§6-602. Prohibited Conduct.

A person that owns, uses or possesses an alarm device shall not, after causing or permitting three false alarms to occur in a consecutive twelve-month period, cause or permit a subsequent false alarm to occur in the same consecutive twelve-month period.

(Ord. 703, 4/11/2000, §602)

§6-603. Penalty.

A person that violates this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600.

(Ord. 703, 4/11/2000, §603)