

CHAPTER 6

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PART 1

OPEN CONTAINERS

§6-101. Alcoholic Beverages; Open Containers.

It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic beverage or malt brew, as defined by the Pennsylvania Liquor Code, except in the original package, with the seal unbroken, while in or upon the streets, highways, alleys, sidewalks, parks, public parking lots, or semi-public parking lots within 500 feet of Butler Avenue within the Borough of Ambler, Montgomery County, Pennsylvania. The term "semi-public parking lots" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, railroad, commercial establishment, office building or apartment building.

(Ord. 748, 12/21/1981, §1)

§6-102. Penalties.

Any person, firm or corporation 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 748, 12/21/1981, §2; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 2
CURFEW

§6-201. Definitions and Interpretation.

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

MINOR — person under the age of 18 years.

PARENT — any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, “parent” shall mean one or both parents.

PUBLIC PLACE — any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough.

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 emergencies or ordinary purposes such as mere passage of going home.

2. In this Part, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-202. Curfew; Exceptions.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 11:00 p.m. on Sunday through Thursday nights and 12:00 p.m. on Friday and Saturday nights and 5:00 a.m. on the following day. Exceptions to the above are the following:

- A. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.
- B. Minor possessing a written statement dated that day and signed by parent, guardian or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.

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- C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.
- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-203. Parents Not to Permit Violation.

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part without legal justification therefor.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-204. Procedure Upon Violation.

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §6-202 shall be taken into custody by the Borough police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor and be given a copy of this Part. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §6-202, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part. Upon the third violation, said parent, guardian or person will be remanded to the district justice for disposition.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-205. Penalties.

Any person, firm or corporation 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983; as amended by A.O.

§6-206. Procedure in Case of Repeated Violations or Other Factors Interfering With Enforcement.

Any minor who shall violate this Part more than three times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of §6-202 of this Part 2 cannot be made effective by the imposition of fines and penalties.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

§6-207. Police Discretion in Age Determination.

The police officers of the Borough in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

(Ord. 550, 11/11/1968; as revised by Ord. 785, 11/21/1983)

PART 3

DISORDERLY CONDUCT

§6-301. Disorderly Conduct Prohibited.

1. Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited within the Borough. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:
 - A. Engages in fighting or threatening or in violent or tumultuous behavior.
 - B. Makes unreasonable noise.
2. Provided, as used in this Section, the word “public” means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(A.O.)

§6-301. Penalty 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.

(A.O.)

PART 4

PROHIBITION OF THROWING OBJECTS IN STREETS

§6-401. Prohibited Acts.

The throwing, kicking or knocking of any glass container or piece of glass, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough of Ambler is hereby prohibited.

(Ord. 898, 3/31/1993, §1)

§6-402. Penalties.

Any person, firm or corporation 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 898, 3/31/1993, §2; as amended by A.O.)