

CHAPTER 6

CONDUCT

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PART I**FALSE ALARMS****SECTION 6-101. Definitions.**

1. Alarm System means any device designed for the detection of an unauthorized entry on the premises, its commission or occurrence and when actuated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal, except residential, in-house fire alarms.

2. False Alarm means any alarm signal that alerts any person which is not the result of an actual or threatened emergency requiring a response. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon police, fire or emergency services in non-emergency situations and alarm signals for which the actual cause is not determined.

3. Local Alarm means a system that gives a signal, either visual, audible or both, on the exterior portion of the property, but such signal does not leave that structure by wire or radio wave to a control receiving location.

(Ord. 334, 3/15/1994, §1)

SECTION 6-102. Permit Required.

No person shall install, have installed, own, use or possess an operative alarm system without obtaining a permit from the Borough Secretary. Said permit shall include, but not be limited to, providing a means of identifying the alarm system service and persons who may be called in the event of an alarm and the subject's premises are unattended.

(Ord. 334, 3/15/1994, §2)

SECTION 6-103. Fee for Permit.

The fee for an alarm system permit shall be \$15.00.

(Ord. 334, 3/15/1994, §3)

SECTION 6-104. Requirements of the Alarm System.

1. All alarm systems shall be equipped with batteries in case of power failure.
2. Persons having local alarms shall have some type of device attached to the alarm that will automatically shut the alarm off after twenty (20) minutes or have some other sure means of turning the alarm off.

(Ord. 334, 3/15/1994, §4)

SECTION 6-105. Repeated False Alarms and Penalty.

1. No person owning, using or possessing an alarm system shall cause or permit the giving of repeated false alarms, whether intentional or by act of negligence, but excluding however alarms caused by acts of God which are otherwise unpreventable by the technology of the alarm system itself.

2. Because alarm activated for fire companies and emergency medical services endanger more people and involve more equipment than do alarms activated for police, the following two-tier penalty structure is established under this section.

(a). Fire Company/Emergency Medical Alarms. For the third and successive occurrence of a false alarm from each alarm system during the two year period, the permit holder or owner, lessor or lessee, of the premises shall be considered to have violated this Chapter and Part (this section) and same shall be a summary offense, punishable as follows:

- (i) First Offense: fine of \$25.00 if paid pursuant to a notice and \$50.00 if citation must be filed; and
- (ii) Second Offense: fine of \$50.00 if paid pursuant to a notice and \$75.00 if citation must be filed and/or one day imprisonment; and
- (iii) Third or Subsequent Offense: fine of \$75.00 if paid pursuant to a notice and \$100.00 if citation must be filed and/or five days imprisonment.

(b). Police Alarms. For the third and successive occurrence of a false alarm from each alarm system during the two year period, the permit holder or owner, lessor or lessee of the premises shall be considered to have violated this Chapter and Part (this section) and same shall be a summary offense, punishable as follows:

- (i) First Offense: fine of \$10.00 if paid pursuant to a notice and \$25.00 if citation must be filed; and

- (ii) Second Offense: fine of \$25.00 if paid pursuant to a notice and \$50.00 if citation must be filed and/or one day imprisonment; and
- (iii) Third or Subsequent Offense: fine of \$50.00 if paid pursuant to a notice and \$75.00 if citation must be filed and/or five days imprisonment.

(c). If a single occurrence involves more than one alarm, the permit holder, owner, lessor or lessee, shall be assessed fines, costs and penalties only for the offense for which the highest fines, costs and penalty are assessed. Said occurrence shall be considered as one violation under this section.

3. Notice: The Borough Secretary shall provide a written notice to the permit holder, owner, lessor or lessee indicating the date of the offense and the fine and penalty for said offense. If the fine is not paid within ten days of notice, said permit holder owner, lessor or lessee shall be subject to conviction for said violation before any District Magistrate and shall be sentenced to a fine in accordance with this section of this Chapter and Part and shall be liable for any costs of enforcing the violation of this Chapter and Part of the Codification.

4. Collection of Fines and Costs: All fines and costs shall be paid to Harmony Borough. All fines collected shall be paid to the general fund of Harmony Borough.

(Ord. 334, 3/15/1994, §5)

SECTION 6-106. Revocation of Permit.

The Borough Secretary may revoke or suspend any permit in accordance with this section if he or she determines:

1. The application for the permit contains a statement of material fact which is false.
2. The licensee has failed to comply with the provisions of this section.
3. An alarm system is negligently maintained or used. More than five false alarms within one year period from the first false alarm shall be conclusive evidence of negligent maintenance of use.
4. After an alarm system permit has been revoked or suspended, the penalty provisions of this Ordinance shall remain in effect for revoked or suspended permits and shall be treated as a third or subsequent offense and punishable under Sections 6-105 and 6-107.

(Ord. 334, 3/15/1994, §6, Ord. 372, 6/6/2006)

SECTION 6-107. Penalty for Violation.

Any person who, with knowledge of this section or after being advised of same by ten days notice, willfully neglects to comply with or violates any part of this Chapter 6, Part I, except Section 6-105 hereof which contains its separate penalty provisions, shall upon conviction thereof, pay a fine of \$300.00 plus costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than one day for each \$100.00 of the unpaid balance of fine and costs. Each day any violation of this section continues to exist shall constitute a separate violation of this section.

(Ord. 334, 3/15/1994, §7, Ord. 372, 6/6/2006)

SECTION 6-108. Miscellaneous.

The provisions of this Chapter and Part shall apply to those alarms to which the Pennsylvania State Police respond. This Chapter and Part may be enforced by any police given jurisdiction over Harmony Borough by law or contract or the Pennsylvania State Police.

(Ord. 334, 3/15/1994, §8)

PART II**CURFEW****SECTION 6-201. Curfew Established.**

It shall be unlawful for any boy or girl under the age of sixteen (16) years to loiter, loaf or play upon the public streets, lanes, alleys and public places of the Borough of Harmony, Butler County, Pennsylvania, after eleven (1:00) o'clock P.M. or to be upon the public streets, alleys, or public places of said Borough after such hours, except for the purpose of going directly to or from his or her home and some lawful place of employment, instruction, or amusement, by and with his or her parents or guardian's knowledge and consent.

(Ord. 65, 05/06/1924, §1)

SECTION 6-202. Parent's or Guardian's Liability.

It shall hereafter be unlawful for any parent, guardian, or other person having the care and control of any boy or girl under the said age to permit them to loaf, loiter or play upon the public streets, alleys and public places of the said Borough after the said hours or to permit them to be upon the public streets or alley after such hours, except for the purpose of going directly to or from their home and some lawful place of employment, instruction or amusement.

(Ord. 65, 05/06/1924, §2)

SECTION 6-203. Penalties.

Any person violating any of the provisions of Section 6-201 or 6-202, shall be liable to a fine of Fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for each subsequent offense, with costs in each case. The fines and penalties to be for the use of the Borough of Harmony and be collected as fines and penalties are now collected by law.

(Ord. 65, 05/06/1924, §4, Ord. 372, 6/6/2006)

PART III**SMOKING****SECTION 6-301. Authority.**

This ordinance is enacted under the authority of the Borough Code of 1966, Act 1966, February 1, P.L. (1965), No. 581, 53 P.S § 46202..

(Ord. 305, 08/01/1989, §1)

SECTION 6-302. Purpose.

The purpose of this ordinance is to prohibit the smoking of any cigarettes, cigars, pipes or any other tobacco products or other smoking within the Borough Building in order to promote the health, safety, general welfare and cleanliness of the Borough and the Borough Building and for the convenience, comfort and safety of Borough employees and persons utilizing the facilities at the Borough Building and to prescribe penalties for the violations of these restrictions.

(Ord. 305, 08/01/1989, §2)

SECTION 6-303. Prohibition.

It shall be unlawful for any individual to engage in the smoking of cigarettes, cigars, other tobacco products, other non-tobacco products or to utilize any pipe or other mechanical device in the smoking of any tobacco product, non-tobacco product or any other substance while such individual is within the confines of the Borough Building or any other structure or facility or building owned by the Borough. This prohibition shall apply to all areas of the building at all times.

(Ord. 305, 08/01/1989, §3)

SECTION 6-304. Penalties.

Any person violating any of the provisions of this Chapter and Part shall be guilty of a summary offense and shall be subject to a fine of not less than \$25.00 nor more than \$100.00, the same to be for the use of the Borough of Harmony and to be collected as like fines and penalties are now collected under the law.

(Ord. 305, 08/01/1989, §4, Ord. 372, 6/6/2006)

PART IV**NUISANCE****SECTION 6-401. Title.**

This Chapter and Part of the Codification shall be known and may be cited as Harmony Borough Nuisance Ordinance.

(Ord. 225, 09/04/1973, §1)

SECTION 6-402. Definitions.

The following words and phrases when used in this Chapter and Part shall have the meanings ascribed to them in this section 6-402 except in those instances where the context clearly indicates a different meaning.

1. “Persons” shall mean every natural person, association or corporation. Whenever used in any clause prescribing or imposing a fine or penalty or imprisonment in default thereof, the term as applied to association or partnership shall mean any member thereof and as applied to corporation shall mean the secretary or president thereof.

2. “Nuisance” shall mean any accumulation of garbage and rubbish on public or private property or the storage of abandoned or junked automobiles on public or private property or any dangerous structure on public or private property. As used herein, abandoned or junked automobiles shall mean any automobile outside of a fully enclosed building not in full and complete working order and without current registration plates, or any automobile stored for resale or junk metal, or any automobile outside of a fully enclosed building stored for selling parts therefrom.

(Ord. 225, 09/04/1973, §2)

SECTION 6-403. Prohibition.

In the event any nuisance as hereinabove defined is carried on or permitted to occur by any person on any property within the Borough, the Borough Council of the Borough of Harmony, Butler County, Pennsylvania, through the Borough Secretary shall notify such persons and within ten (10) days after such notification shall hold a hearing to determine whether or not such activity on the part of such person constitutes a nuisance, in fact, and is thereby violative of this Chapter and Part.

(Ord. 225, 09/04/1973, §3, Ord. 372, 6/6/2006)

SECTION 6-404. Hearing.

If after hearing set forth in the preceding Section, Borough Council concludes that such activity constitutes a nuisance, in fact, the Borough may then notify the person responsible for such a nuisance to abate and further notify such person that if he does not voluntarily abate the nuisance within a period not to exceed ten (10) days from the date of the letter, that the Borough will remove said nuisance at the cost of such person with penalty added.

(Ord. 225, 09/04/1973, §4, Ord. 372, 6/6/2006)

SECTION 6-405. Abatement.

In the event that the Borough shall be required to abate such nuisance, it shall be entitled by summary proceedings to recover from such person the cost of removal plus a penalty in the amount of 10% of the cost of such removal, plus attorneys' fees and costs.

(Ord. 225, 09/04/1973, §5, Ord. 372, 6/6/2006)

SECTION 6-406. Penalties.

In addition to and not in lieu of the recovery of abatement as provided in Section 6-405 hereinabove, any person violating this Chapter and Part shall be guilty of a summary offense and upon conviction thereof before a magistrate or justice of the peace shall be subject to a fine of not less than \$200.00 nor more than \$300.00 for the first offense, and for each and every subsequent offense shall be sentenced to pay a fine of not less than \$300.00 nor more than \$600.00, and in default thereof for a first or subsequent offense shall undergo imprisonment for not less than 5 days nor more than 30 days.

(Ord. 225, 09/04/1973, §6, Ord. 372, 6/6/2006)

SECTION 6-407. Severability.

The provisions of this Chapter and Part are severable and if any section, clause, sentence or provision is declared unconstitutional, the remaining sections, clauses, sentences or provisions shall not be impaired thereby. It is declared to be the intent of the Borough of Harmony, Butler County, Pennsylvania, that this Chapter and Part would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or provision had not been included therein.

(Ord. 225, 09/04/1973, §7)

PART V**ROLLER SKATING, ROLLER BLADING AND SKATE BOARDING****SECTION 6-501. Purpose.**

The purpose of this Chapter and Part is to protect and maintain the health and safety of those citizens who work, visit and utilize the municipal building, sidewalks and parking facilities incidental thereto.

(Ord. 348, 01/07/1997, §1)

SECTION 6-502. Coverage.

This Chapter and Part shall apply to all of the property owned by the Borough of Harmony constituting the municipal building, sidewalks and municipal parking lot located at 217 Mercer Street, Harmony, Pennsylvania ("Restricted Area").

(Ord. 348, 01/07/1997, §1)

SECTION 6-503. Restrictions.

It shall be unlawful for any person to roller skate, roller blade or skate board on the restricted area in the Borough of Harmony during the hours of 7:00 a.m. to 5:00 p.m. prevailing time. It shall further be unlawful for any person to roller skate, roller blade or skate board in such a manner so that they cause their apparatus to come into contact with any building, railing, curb, vehicle or other Borough property. It shall further be unlawful for any roller skater, roller blader or skate boarder to place any wax or other coating on any surface.

(Ord. 348, 01/07/1997, §1)

SECTION 6-504. Penalty.

Any person violating any provision of this Ordinance shall be fined \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for each subsequent offense. Each and every day upon which a violation occurs shall be considered a separate and subsequent offense.

(Ord. 348, 01/07/1997, §1)

SECTION 6-505. Other Ordinances.

Nothing in this Chapter and Part shall be interpreted as prohibiting institution of other criminal charges as may be appropriate against any person whose conduct violates this Chapter and Part or any other provision in the Codification of Ordinances of the Borough or the laws of the Commonwealth of Pennsylvania.

(Ord. 348, 01/07/1997, §1, Ord. 372, 6/6/2006)