

**ORDINANCE NO. 2023-04**

**OFFENSES TO THE PUBLIC**

**AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, PROHIBITING CERTAIN OFFENSES TO THE PUBLIC INCLUDING DESTRUCTION OF PUBLIC PROPERTY, LITTERING, DISCHARGE OF WEAPONS, DISTURBING THE PEACE, PUBLIC POSSESSION OF ALCOHOLIC BEVERAGES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of Greensboro Borough to enact this Ordinance.

NOW, THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202, the Borough Council of Greensboro Borough, Greene County, Pennsylvania, (herein “Borough”) does hereby enact and ordain the following:

**SECTION 1: General Provisions**

The following are hereby declared by the Council of the Borough to be against public health, welfare, and good order. It shall be illegal for any person, company, or corporation to act, permit, or allow any of the actions in the sections of this Ordinance.

**SECTION 2: Definitions**

The following words, terms, and phrases, when used in this Ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

*Borough* shall mean the Borough of Greensboro, Greene County, Pennsylvania.

*Borough Council or Council* shall mean the Council of Greensboro Borough.

*Duly Authorized Law Enforcement Officer* shall mean any police officer who is a member of a municipal police force which has entered into an intergovernmental cooperation agreement with the Borough for the enforcement of Borough Ordinances.

*Land of another* shall mean any property owned by any person other than the borough.

*Person* shall mean any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

*Personal property* shall mean any property other than real property.

*Premises*, as applied to real property, shall include land and structures.

*Property* shall include real property and personal property.

*Public property* shall mean all property owned, leased, licensed, or otherwise maintained by the borough.

*Real property, real estate, or land* shall include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

*Shall* is to be construed as being mandatory.

*Sidewalk* shall mean that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

*Singular, plural and gender*, where necessary or appropriate to the meaning hereof, the singular and plural shall be deemed to include each other, and the masculine, feminine and neuter shall be deemed to include each other.

*Street* shall mean any street, avenue, boulevard, road, alley, lane, viaduct, and any other public way in the borough and includes all areas thereof embraced between the property lines and dedicated to the public use.

### **SECTION 3: Destruction of Public Property**

No person shall damage, deface, mark, injure, break or destroy any public property or commit any other act of vandalism in or on any park, commons, playground, sign, street, streetlight, streetlight fixture, sidewalk, trail, or other public property or buildings within the borough or in or on any property owned by the borough and in or on any property which the borough has leased, rented or licensed and which is under the care, control and supervision of the borough officers or employees.

### **SECTION 4: Littering**

- A. *Littering by individuals*: It shall be a violation of this section for any person to throw or place any wastepaper, sweepings, ashes, household waste, glass, metal, refuse, rubbish, cigarette butts or any dangerous or detrimental substances into or upon any borough property, road, street, highway, alley, trail, or sidewalk or upon the land of another or into or upon any stream or waterway in the borough.
- B. *Littering by organizations*: It shall be a violation of this section for any individual, corporation, partnership, firm, or other business entity to authorize or permit any individual to throw or place any wastepaper, sweepings, ashes, household waste, glass, metal, refuse, rubbish, cigarette butts or any dangerous or detrimental substances into or upon any borough property, road, street, highway, alley, trail, or sidewalk or upon the land of another or into or upon any stream or waterway in the borough.

## **SECTION 5: Offenses Involving Public Peace and Order**

- A. Definitions: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Obstruct* shall mean to render impassable with unreasonable inconvenience or hazard.

*Public* shall mean affecting or likely to affect persons in a place to which the public or a substantial group has access; not limited to, but including highways, transport facilities, schools, apartment houses, places of business, places of amusement or any neighborhood.

- B. *Disorderly Conduct*: A person is guilty of the offense of disorderly conduct if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, he:
1. Engages in fighting or threatening or in violent or tumultuous behavior; or
  2. Makes unreasonable noise or offensive coarse or lewd utterances, gestures or displays or addresses abusive or lewd language to any person present; or
  3. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or
  4. Appears in any public place manifestly under the influence of alcohol, narcotics, or other drugs, not therapeutically administered, to the degree that he may be a danger to himself or other persons or property, or any persons in his vicinity; or
  5. Having no legal privilege to do so, intentionally, or recklessly obstruct any highway or public passage, whether alone or with others. No person shall be guilty of violating this subsection solely because of a gathering of persons to hear him speak or otherwise communicate or solely because of being a member of such gathering; or
  6. Refuses to obey a reasonable official request or order to move:
    - a. To prevent obstruction of a highway, sidewalk, or other public passage; or
    - b. To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

## **SECTION 6: Disturbing the Peace**

No person by any means and after a request to desist, shall make, continue to make, or cause to be made any unreasonable and unnecessary noise of such a character, intensity, and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual.

## **SECTION 7: Public Possession and Drinking of Alcoholic Beverage**

- A. Definitions: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Alcoholic beverage* means any wine, liquor or malt or brewed beverage as defined in the “liquor code” of the commonwealth.

*Container* means any glass, cup, can, keg, bag, bucket, barrel, or similar device capable of holding liquid.

*Open*, when used in connection with a container, means any container which has been perforated; the cap or lid has been removed; the seal has been broken or removed; or that otherwise has no cover.

- B. Act of Drinking: It shall be unlawful, within the borough, for any person to drink alcoholic beverages upon any public property, public street, public sidewalk, public municipal parking lot, private parking lot open to public use, any public park or trail, on any property otherwise owned by the borough, on private property without the owner’s consent or in any vehicle stopped, standing, or parked thereon.
- C. Possession of Open Container: It shall be unlawful, within the borough, for any person to have in such person’s possession or in a vehicle under such person’s control any open container containing an alcoholic beverage upon any public property, public street, public sidewalk, public municipal parking lot, private parking lot open to public use, any public park or trail, on any property otherwise owned by the borough, on private property without the owner’s consent or in any vehicle stopped, standing, or parked thereon.
- D. Exemptions: The following activities shall be excluded from the application of this section as long as no other state or borough ordinance is violated:
1. Street or block parties which have applied for and received permission from Borough Council for a scheduled party within specified areas of the borough.
  2. Any church, fraternal or nonprofit organization within the borough who utilizes their private parking lot ordinarily for public access may use said parking lot for a scheduled activity.

## **SECTION 8: Discharge of Firearms, Pellet Guns, Bows and Arrows, Sling Shots, etc.**

It shall be unlawful for any person to fire or discharge any gun or other firearm; air rifle, pellet gun, bow and arrow, sling shot, or any other device or implement which expels with force a pellet or projectile of any kind.

## **SECTION 9: Enforcement and Penalties**

- A. In this section, the term “violation of this Ordinance” means:
1. Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or
  2. Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
  3. Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.
- B. Except as otherwise provided:
1. With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
  2. As to other violations, each act is a separate offense.
- C. Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.
- D. The imposition of a penalty does not prohibit equitable relief.
- E. The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.
- F. It shall be the duty of the Mayor, Code Enforcement Officer, or any duly authorized law enforcement officer to enforce the provisions of this section. Tickets issued for violations of this Ordinance shall state the date and approximate hour of the violation, the location, and the description of the offending behavior and whether the violation was personally observed by the officer or agent or whether the violation was issued upon information received by an individual who personally witnessed the offending behavior. In the event the violation is based upon information provided by another, the citation shall include the name of the eyewitness and the details of what that person observed.
- G. Tickets for violation of this Ordinance shall be personally handed to the offender or, if personal service is not possible, mailed to the last known residence of the offender by both certified mail, return receipt requested, and first-class mail via the United States Postal Service. If the certified mail is returned for any reason but the first-class mail has not been returned, the citation shall be deemed to have been delivered as of the date the citation was mailed.

- H. Tickets issued pursuant to this Ordinance must be paid within five (5) days of the date of issuance if personally served or, within ten (10) days of delivery, if served by mail.
1. Payment on tickets issued by the Mayor or by the Borough Code Enforcement Officer shall be made payable to the Borough of Greensboro and tendered by mail via the United States Postal Service to: Borough of Greensboro, P.O. Box 153, Greensboro, PA 15338-0153. All funds received as a result shall be for the use of the borough.
  2. Payment on tickets issued by the Cumberland Township Police Department as duly authorized law enforcement personnel of the borough shall be made payable to Cumberland Township and tendered by mail via the United States Postal Service to: Borough of Greensboro, P.O. Box 153, Greensboro, PA 15338-0153. All funds received as a result shall be for the use of the said Cumberland Township as consideration for services rendered.
- I. Failure to pay the fines required by this Ordinance or any schedule adopted hereunder, within the time periods set forth herein, shall result in a doubling of the underlying fine and in prosecution at the appropriate district magisterial court, which is authorized to add costs of prosecution to the time prescribed herein or by any schedule adopted hereunder, should an alleged offender be found guilty.
- J. Penalties: Any person or entity violating this Ordinance shall pay a fine of \$300.00. Any person convicted of any violation of this section by a magisterial judge shall pay an amount equal to twice the underlying fine plus costs of prosecution, as set forth in this section.

**SECTION 10: Savings Clause**

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable, or void, such shall not affect the remainder hereof, which shall remain fully binding, valid, and enforceable, and such section, provision or other part shall be modified to the extent necessary to conform to law. The Borough Council of Greensboro Borough hereby declares its intention that should any section, provision, or other part of this Ordinance be found to be illegal, unenforceable, or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to law.

**SECTION 11: Repealer**

All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.


**SECTION 12: Effective Date**

This Ordinance shall become effective immediately after its adoption and enactment.

Adopted and enacted this 5<sup>th</sup> day of September, 2023, at a meeting of the Council of the Borough of Greensboro.

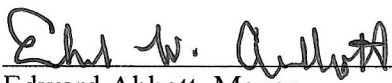
Attest:

Borough of Greensboro:

  
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Lisa A. Miller, Borough Secretary

  
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Dorna J. Neino, President of Council

Examined and Approved this 5<sup>th</sup> day of September, 2023.

  
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Edward Abbott, Mayor

  
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Christopher Michael Simms, Esquire