

## Chapter 130

### PEACE AND GOOD ORDER

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| <p>§ 130-1. Definitions and word usage.</p> <p>§ 130-2. Offenses against peace, order, safety and health.</p> | <p>§ 130-3. Offenses against public safety.</p> <p>§ 130-4. Offenses against property.</p> <p>§ 130-5. Violations and penalties.</p> |
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[HISTORY: Adopted by the Council of the Borough of Berwick 12-18-1978 by Ord. No. 1128. Amendments noted where applicable.]

#### GENERAL REFERENCES

<p>Amusement devices — See Ch. 66.</p> <p>Curfew — See Ch. 76.</p> <p>Dogs and other animals — See Ch. 82.</p> <p>Engine brakes — See Ch. 89.</p> <p>Excavations — See Ch. 91.</p> <p>Firearms — See Ch. 99.</p>	<p>Littering — See Ch. 119.</p> <p>Motorcycles — See Ch. 123.</p> <p>Noise — See Ch. 125.</p> <p>Peddling and soliciting — See Ch. 133.</p> <p>Vehicles and traffic — See Ch. 158.</p>
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#### § 130-1. Definitions and word usage.

- A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

**BOROUGH** — The Borough of Berwick.

**PERSON** — Any person, firm, partnership, association, corporation, company or organization of any kind.

- B. Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

#### § 130-2. Offenses against peace, order, safety and health.

No person shall commit any of the following acts:

- A. Disorderly conduct. No person in the borough shall disturb, engage in any activity which tends to disturb or aid and abet in disturbing the peace of the general public by loud, unruly, boisterous, profane, violent, tumultuous, offensive or obstreperous language or conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
- B. Assault and battery. No person in the borough shall beat, strike, wound or inflict violence on another, or fight another except in properly licensed boxing exhibitions, or assault

another with a lethal weapon, instrument or thing with the intent to commit upon the person of another any bodily injury.

- C. Motor vehicle operation.<sup>1</sup> No person shall operate a motor vehicle in such condition or in such manner as to cause any excessive, unusual or avoidable noise, such as acceleration and braking to cause tires thereof to squeal.
- D. Vagrancy. No person in the borough shall have the status or condition of a vagrant. The following persons shall be deemed vagrants and, upon conviction thereof, be subject to the penalties provided herein:
- (1) Loitering. Any person found idling, lingering, standing, strolling or loitering in, about or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any property or place without lawful business thereon or therein, and conducting himself in a lewd, wanton or lascivious manner in speech or behavior or conducting himself in such a manner as to provoke a disturbance or to annoy others or to disturb others nearby in their peaceful use and enjoyment of said street, alley or other public way or public place or any store, shop or business or commercial establishment or any private property or place.
  - (2) Burglar's tools. Any person upon whose person or in whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of same.
  - (3) Unlawful occupancy. Any person occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any vacant lot or in any automobile, truck, railroad car or other vehicle, without owning the same or without the permission of the owner or person entitled to the possession of the same.
  - (4) About at unusual hours. Any person who wanders about the street, alleys or other public ways or places or who is found about at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.
  - (5) Illegal association. Any person who keeps, operates, frequents, lives in or is employed in any house or other establishment of ill fame or who (whether married or single) engages in or commits acts of fornication or perversion for hire.
  - (6) Illegal employment. Any person who frequents or loafs or idles in or around or is the occupant of or is employed in any gambling establishment or establishment where intoxicating liquor is sold without a license.
  - (7) Fraudulent schemes. Any person who shall engage in any fraudulent scheme, device or trick to obtain money or other valuable thing from others, or any person who aids or assists in such trick, device or scheme.

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<sup>1</sup> Editor's Note: As to vehicles and traffic generally, see Ch. 158.

- (8) Concealing stolen property. Any person who keeps a place where lost or stolen property is concealed.
  - (9) No person shall loiter, congregate, park, stop or use private or public property properly posted by the owner thereof except for the specific purposes of said property and during the times posted.
  - (10) All persons who by the common law are vagrants, whether embraced in any of the foregoing classifications or not.
- E. Unlawful to disturb religious worship. No person in the borough shall disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior or profane discourse within their place of worship or so near the same as to disturb the order or solemnity of the meeting.
- F. Drinking of intoxicating beverages.
- (1) No person in any park or on any street or on any public area or private area not owned by the person involved in the borough shall have in his possession alcoholic beverages in open containers for consumption, nor shall any person drink alcoholic beverages at any time in any park, on any street, in any public area or on any private property not owned by the person or persons charged.
    - (a) The above prohibition shall not be applicable to the possession of alcoholic beverages in sealed containers.
    - (b) The above prohibition shall not be applicable to the transportation of alcoholic beverages within the borough in sealed containers or the transportation by proper persons of alcoholic beverages in open containers from one location in the borough to another.
  - (2) Possession and/or consumption of alcoholic beverages by juveniles. It shall be unlawful for a minor to purchase, possess and/or consume alcoholic beverages on or about any private property within the borough or on any street, walkway, club or public property.
    - (a) Possession of an alcoholic beverage by a juvenile or by an adult in a group of two or more persons on said street, walkway, club or public property in open containers shall be presumed to be in the possession of all.
  - (3) A minor or juvenile within the borough having consumed alcoholic beverages shall be presumed to have consumed alcoholic beverages within the borough.

### § 130-3. Offenses against public safety.

#### A. Weapons.

- (1) Concealed weapons.<sup>2</sup> No person without a license in the borough shall carry concealed about his person any dangerous or deadly weapon, including, but not by

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<sup>2</sup> Editor's Note: See also Ch. 99, Firearms; Bows and Arrows.

way of limitation, any pistol, revolver, rifle, firearm, brass knuckles of lead, brass or other metal, or any bowie knife or any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle or other mechanical contrivance.

- (2) Sale of switchblade knives prohibited. No person in the borough shall sell, offer for sale or display any knife or knives having the appearance of a pocketknife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical device. Such knife is hereby declared to be a dangerous or deadly weapon within the meaning of this chapter.
  - (3) Possession of dangerous or deadly weapon. No person in the borough shall have in his possession, except within his own domicile, or carry or use a revolver or pistol of any description, shotgun or rifle, provided that the foregoing prohibition shall not apply to licensed shooting galleries under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons' property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery; and provided that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased to or from any range or gallery or to or from an area where hunting is allowed by law; and provided that the foregoing prohibition shall not be construed to forbid sheriffs, constables and their deputies, and regular, special or ex officio police officers, or United States Marshals or any other law enforcement officers from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.
- B. Possession of burglars' tools. No person in the borough shall possess any nippers known as "burglars' nippers," any picklock, skeleton key, key to be used with bit or bits, jimmy or any other burglars' instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes.
- C. Throwing of missiles. No person in the borough shall throw any stones, snowball, cans, bottles or other missiles upon or at any vehicle.

#### § 130-4. Offenses against property.

##### A. Against public and private property.

- (1) Injury or removal. No person in the borough shall willfully, maliciously or wantonly injure, deface, destroy or remove real property or improvements thereto or movable or personal property belonging to the borough or to any citizen or person in the borough.
- (2) Scattering rubbish. No person in the borough shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway or upon any private property any paper, waste, trash, refuse or other material of a like kind.
- (3) Posting notices. No person in the borough shall fasten in any way any showcard, poster or advertising device upon public property in the borough unless authorized to do so by Borough Council.

**B. Against public property.**

- (1) **Tampering.** No person in the borough shall tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument or any other personal property erected or placed by the borough.
- (2) **Obstructing passageways.** No person in the borough shall place or erect upon a public way or passageway to any building an obstruction of any type, provided that this prohibition shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.
- (3) **Removal of earth.** No person in the borough shall move, disturb or take any earth, stone or other material from any public street, alley, park or other public ground.

**§ 130-5. Violations and penalties.**

- A. Any person violating any provision of § 130-2A through F of this chapter shall, upon conviction therefor before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$300 as restitution for damages caused, and costs of prosecution, and in default of payment thereof shall undergo imprisonment for not less than 10 days nor more than 90 days for the first offense; and a fine of not less than \$100 and not more than \$300 and costs of prosecution for the second and subsequent offenses and, in default thereof, undergo imprisonment for not less than 10 days nor more than 90 days.
- B. Any person violating any provisions of § 130-3A through C or 130-4A and B of this chapter shall, upon conviction therefor before a District Justice, be sentenced to pay a fine of not less than \$100 nor more than \$300 and costs of prosecution for the first offense, and a fine of not less than \$200 and not more than \$300 and costs of prosecution for the second and each subsequent offense, and in default of payment thereof shall undergo imprisonment for not less than 15 days nor more than 90 days.

