

CHAPTER 6

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PART 1
CURFEW

§101. SHORT TITLE.

This Part shall be known and referred to as the "Portage Borough Curfew Ordinance."

(Ord. 301, 3/5/1973, §1)

§102. DEFINITIONS.

For the purposes of this Part, terms employed herein are defined as follows:

ESTABLISHMENTS - any privately owned place of business carried on for a profit, or any place of amusement or entertainment or recreation to which the public is invited.

MINOR - any person under the age of 18 years.

OFFICIAL BOROUGH TIME - the prevailing time as determined by the Commonwealth of Pennsylvania.

OPERATOR - any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; the use of the term "operator," as applied to associations or partnerships, shall include the members or partners thereof; and as applied to corporations, shall include the officials thereof.

PARENT - includes any natural parent of a minor; any guardian of a minor; or any adult person over the age of 21 years responsible for the care and custody of a minor.

PUBLIC PLACE - any public street, highway, road, alley, park, playground, public building or vacant lot.

REMAIN - to loiter, idle, wander, stroll or play upon.

(Ord. 301, 3/5/1973, §2)

§103. UNLAWFUL CONDUCT OF MINORS.

1. It shall be unlawful for minors under the age of 18 years to be or remain in or upon any of the streets, highways, roads, alleys, parks, playgrounds, public buildings or vacant lots in the Borough of Portage at night, from the hours of 11:00 p.m. until 6:30 a.m. of the following day, unless such minor is accompanied by a parent, guardian or other adult person having the legal custody of such child. [Ord. 4-1989]

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2. The provisions of subsection (1), above, shall not apply to any minor accompanied by a parent, guardian or other adult person having legal custody of said minor, or to a minor upon an errand or other legitimate business directed by or on behalf of such minor's parent, guardian or other adult person having custody of said minor; nor shall the provisions of subsection (1), above, apply to any minor who is engaged in gainful and lawful employment during the said curfew hours.
3. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 301, 3/5/1973, §3; as amended by Ord. 5-1986, 12/8/1986; and by Ord. 4-1989, 6/5/1989)

§104. UNLAWFUL CONDUCT OF PARENTS.

1. It shall be unlawful for any parent, guardian or other adult person having legal custody or care of any minor under the age of 18 years to allow or permit any such minor child, ward or other person under said age of 18 years, while in such legal custody, to go by, in, or upon any of the streets, highways, roads, alleys, parks, playgrounds, public buildings or vacant lots in the Borough of Portage after the time prohibited in §103(1) of this Part, except as otherwise provided in §103(2), hereof.
2. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 301, 3/5/1973, §4)

§105. UNLAWFUL CONDUCT OF OWNERS OR PROPRIETORS.

1. It shall be unlawful for any operator of any establishment or other agents or employees knowingly to permit any minor to remain upon the premises of said establishment from the hours of 11:00 p.m. until 6:30 a.m. of the following day, unless such minor is accompanied by a parent, guardian or other adult person having the legal custody of such child. [Ord. 3-1999]
2. Each violation of the provisions of this Section shall constitute a separate offense.

(Ord. 301, 3/5/1973, §5; as amended by Ord. 3-1999, 4/5/1999)

§106. SPECIAL EVENTS.

Where there are special events, programs or functions, properly organized and supervised by legitimate organizations that are civic minded, for the purpose of advancing recreation, character development, religious training and good citizenship in the young people of Portage Borough, the Portage Borough Police Department shall grant special consideration in all cases where the sponsoring organizations have given advance notice of the special

event or program, so that all children, including minors as defined in this Part, may be permitted to proceed to and from such event, program or function without incident.

(Ord. 301, 3/5/1973, §6)

§107. PENALTIES.

The policemen of the Borough of Portage, upon finding a minor upon the streets, highways, roads, alleys, parks, playgrounds, public buildings or vacant lots within the Borough of Portage in violation of §103 of this Part, shall take the name of such minor and the name and address of the parent, guardian or adult person having the legal care or custody of such minor and send such minor home. A second or subsequent violation of this Part, upon conviction thereof shall result in a fine not to exceed \$600 plus costs.

(Ord. 301, 3/5/1973, §7; as amended by Ord. 316, 3/4/1974, §7; by Ord. 3-1999, 4/5/1999; and by Ord. 3-2000, 2/7/2000)

PART 2
DISCHARGE OF FIREARMS

§201. DISCHARGE OF FIREARMS PROHIBITED.

Except in necessary defense of person and property and except as provided in §203 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Portage.

(Ord. 3-1999, 4/5/1999)

§202. USE OF AIR RIFLES, BOW AND ARROWS OR SIMILAR DEVICES RESTRICTED.

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow or similar device, or any implement that is not a firearm but which impels a projectile of any kind with a force that can reasonably be expected to cause bodily harm or property damage, at any place within the Borough of Portage, except as provided in §203 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 3-1999, 4/5/1999)

§203. EXCEPTIONS.

This Part shall not apply to:

- A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
- B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
- C. Any law enforcement officers when used in the discharge of their official duties.

(Ord. 3-1999, 4/5/1999)

§204. PENALTIES.

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 imprisonment for a term not to exceed 30 days.

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(Ord. 3-1999, 4/5/1999; as amended by Ord. 2-2000, 2/7/2000)

PART 3

CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

§301. DEFINITIONS.

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

ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than ½ of 1% of alcohol by volume which is fit for beverage purposes.

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

(Ord. 3-1980, 7/7/1980; as revised by Ord. 3-1999, 4/5/1999)

§302. 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 Portage, nor shall any person consume any alcoholic beverage within 5 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. 3-1980, 7/7/1980; as revised by Ord. 3-1999, 4/5/1999)

§303. 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 Portage, nor shall any person possess any container of alcoholic beverage within 5 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. 3-1980, 7/7/1980; as revised by Ord. 3-1999, 4/5/1999)

§304. EXCEPTIONS.

Provided, however, that the provisions of §302 and §303, 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

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having alcoholic content as set forth in §301, hereof; and provided, further that the provisions of said §302 and §303, above, shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

(Ord. 3-1980, 7/7/1980; as revised by Ord. 3-1999, 4/5/1999)

§305. PENALTY.

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a period not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 3-1980, 7/7/1980; as revised by Ord. 3-1999, 4/5/1999)