

Chapter 6

Conduct

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Part 1**Prohibited Conduct****§6-101. General.**

It shall be unlawful for any person to commit or cause to be committed any act or acts of unlawful conduct within the Township of Cambria, Cambria County, Pennsylvania.

(*Ord. 150, 10/27/1997, §I*)

§6-102. Unlawful Conduct.

The following acts are defined and declared to be unlawful conduct in violation of this Part:

A. Refusing to obey any lawful order issued by any policeman of Township of Cambria while in the performance of his duties.

B. Whoever willfully makes or causes to be made any loud, boisterous and unseemly noise or disturbance to the annoyance of the peaceable residents of the Township, whereby the public peace is broken or disturbed, or the public is annoyed.

C. Appearing in a drunken or intoxicated condition in or on any public place, street, alley, park, or public building.

D. Prowling or loitering about the property of other persons or peering or peeping into any house or other structure without the consent of the owner.

E. Loitering in/on any public place, building, street, park, right-of-way, or alley.

(*Ord. 150, 10/27/1997, §II; as amended by Ord. 199, 2/9/2009*)

§6-103. Definitions.

Loitering - lingering, staying, remaining, or waiting at one location, and thereby creating a circumstance of public concern and/or annoyance.

Prowling - roving or wandering in a stealthful manner.

Public place - any place to which the public has access and includes any street, highway, road, alley, or sidewalk. It also includes the front or the surrounding area of any store, shop, restaurant, tavern, or other place of business and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this Part or, in the case of a minor, not owned or under the control of his or her parent or guardian.

(*Ord. 150, 10/27/1997, §III*)

§6-104. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of

Criminal Procedure, shall be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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. 150, 10/27/1997, §IV; as amended by Ord. 199, 2/9/2009*)

Part 2**Littering****§6-201. Short Title.**

This Part shall be known and may be cited as the “Cambria Township Anti-Litter Ordinance.”

(*Ord. 183, 4/11/2005, §1*)

§6-202. Definitions.

For the purpose of this Part, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Aircraft - any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air. The word “aircraft” shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle - a litter storage and collection receptacle as used by the citizens of the Township of Cambria to convey litter to trash haulers for collection.

Garbage - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Handbill - any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

Litter - “garbage,” “refuse,” and “rubbish” as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

Newspaper - any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Park - a park, playground, recreation center, or other public area in the Township, owned or used by the Township and devoted to active or passive recreation.

Person - any person, firm, partnership, association, corporation, company, or organization of any kind.

Private premises - any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or

appurtenant to such dwelling, house, building, or other structure.

Public place - any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse - all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish - nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

Township - the Township of Cambria, Cambria County, Pennsylvania.

Vehicle - every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rail or tracks.

(Ord. 183, 4/11/2005, §2)

§6-203. Litter in Public Places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township except in public receptacles or in authorized private receptacles for collection.

(Ord. 183, 4/11/2005, §3)

§6-204. Placement of Litter in Receptacles so as to Prevent Scattering.

A person placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. 183, 4/11/2005, §4)

§6-205. Sweeping Litter into Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep any sidewalk in front of their premises free of litter.

(Ord. 183, 4/11/2005, §5)

§6-206. Businesses Duty to Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Township shall keep any sidewalk in front of their business premises free from litter.

(Ord. 183, 4/11/2005, §6)

§6-207. Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter

upon any street or other public place within the Township, or upon private property.
(*Ord. 183, 4/11/2005, §7*)

§6-208. Truck Loads Causing Litter.

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the Township the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(*Ord. 183, 4/11/2005, §8*)

§6-209. Litter in Parks.

No person shall throw or deposit litter in any park within the Township except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(*Ord. 183, 4/11/2005, §9*)

§6-210. Litter in Lakes and Fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the Township.

(*Ord. 183, 4/11/2005, §10*)

§6-211. Depositing Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any handbill in or upon any private premises which are uninhabited or vacant.

(*Ord. 183, 4/11/2005, §11*)

§6-212. Prohibiting Distribution of Handbills Where Properly Posted.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," "No Soliciting," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

(*Ord. 183, 4/11/2005, §12*)

§6-213. Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the Township any litter, handbill or other object.

(*Ord. 183, 4/11/2005, §13*)

§6-214. Litter on Occupied Private Property.

No person shall throw or deposit litter on any occupied private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. (Ord. 183, 4/11/2005, §14)

§6-215. Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. 183, 4/11/2005, §15)

§6-216. Litter on Vacant Lots.

No person shall throw or deposit litter on any open or vacant private property within the Township whether owned by such person or not. (Ord. 183, 4/11/2005, §16)

§6-217. Clearing of Litter from Open Private Property by Township.

1. *Notice to Remove.* The Township Supervisors are hereby authorized and empowered to notify the owner of any open or vacant private property within the Township or the agent of such property to dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by registered or certified mail, addressed to said owner at the owner's last known address.

2. *Action upon Noncompliance.* Upon the failure, neglect, or refusal of any owner or agent so notified, to properly dispose of litter dangerous to public health, safety, or welfare within 10 days after receipt of written notice provided for in subsection .1 above, or within 10 days after the date of such notice in the event the same is returned to the Township Supervisors because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Township Supervisors are hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Township.

3. *Charge for Removal.* When the Township has effected the removal of such dangerous litter or has paid for its removal, the actual costs thereof, plus accrued interest at 6 percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property and forwarded to said owner at the owner's last known address by registered or certified mail.

4. *Recorded Statement Constitutes Lien.* Where the full amount due the Township is not paid by such owner within 10 days after the disposal of such litter, as provided for in subsections .1 and .2 above, then, and in that case, the Township Supervisors shall cause to be recorded in the Office of the Prothonotary of Cambria County, Pennsylvania, a sworn statement showing the costs and expenses incurred for the work, the date the work was done and the location of the property on which said work was

done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with all provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(Ord. 183, 4/11/2005, §17)

§6-218. Penalties.

In addition to any other remedy provided herein, any person violating any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 90 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. 183, 4/11/2005, §18; as amended by Ord. 199, 2/9/2009)

Part 3**Curfew****§6-301. Curfew Times.**

It shall be unlawful for minors under 18 years of age to be or remain in or upon any of the streets, alleys, parks, or public places in the Township of Cambria, except as hereinafter provided, between the hours of 10 p.m. and 5 a.m., prevailing time, unless such minor is accompanied by his or her parent, guardian or other person having custody of such minor.

(*Ord. 17, 8/15/1967, §1*)

§6-302. Curfew Warning.

As a warning, a whistle or siren shall be sounded at 15 minutes before 10 p.m., prevailing time, after which all minors shall be required to be home and off the streets, alleys, parks, or public places in the Township, except as above provided.

(*Ord. 17, 8/15/1967, §2*)

§6-303. Duties of Parents or Legal Guardians of Minors.

It shall be unlawful for any parent, guardian, or other person having the care or custody of any minor under the age of 18 to allow or permit such child, while in such custody, to go or be in or upon any of the streets, alleys, parks or public places in the Township after the time prohibited in §6-301, except as provided herein.

(*Ord. 17, 8/15/1967, §3*)

§6-304. Penalties.

Any minor, as above designated, found upon the Township streets, alleys, parks, or public places within the Township in violation of §6-301 of this Part, shall be taken into custody by the Township police officers and delivered to his or her parents, guardian or person having custody of said minor and report thereof made immediately to the magisterial district judge or other authorized officer, who shall make a record thereof in a book to be kept for this purpose. If said parent, guardian or person having the custody of said minor shall again allow him or her to be on said streets, alleys, parks or public places in violation of §6-301 of this Part, said parent, guardian, or person having the custody of said minor so offending, upon conviction thereof before the magisterial district judge or other authorized officer, shall 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 90 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. 17, 8/15/1967, §4; as amended by Ord. 199, 2/9/2009*)

§6-305. Repeat Violations.

Any minor violating the provisions of this Part more than three times shall be

reported to the Juvenile Court of Cambria County as an incorrigible or delinquent person.

(Ord. 17, 8/15/1967, §5)

§6-306. Discretion of Police Officers.

Police officers shall use their discretion in determining age, and in doubtful cases may require positive proof, and until such time as proof is furnished, the officer's judgment shall prevail.

(Ord. 17, 8/15/1967, §6)

§6-307. Exceptions.

Minors attending school, church, or other sponsored function shall not be required to comply with the provisions of this Part until 15 minutes after such functions have been concluded.

(Ord. 17, 8/15/1967, §7)