

Chapter 6

Conduct

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Part 1**Propulsion of Rocks, Stones or Other Missiles Prohibited****§6-101. Throwing Rocks, Stones, or Similar Material.**

1. It shall be unlawful and prohibited for any person to throw or propel by any means, any rock, stone, or similar material in any public gathering, or in any public street, shopping mall, or public location, in the Borough of Carnegie.

2. It shall be unlawful and prohibited for any person to throw or propel by any means, any rocks, stones, or similar material at any other person, or at any public, or private personal property, in the Borough of Carnegie.

3. This Part shall not prohibit the lawful throwing of balls or other sports equipment on playgrounds.

(*Ord. 900, 6/11/1974, §1*)

§6-102. Parent or Guardian's Responsibilities.

From and after the enactment of this Part, it shall be unlawful for any person, guardian, or persons standing in loco parentis to allow his or her child or ward under the age of 18 to throw or propel any object referred to in §6-101 of this Part and he shall be responsible for preventing such act.

(*Ord. 900, 6/11/1974, §2*)

§6-103. Penalty for Violation.

1. Any person over the age of 18 acting as a parent or guardian, or other persons standing in loco parentis to a minor who is in violation 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.

2. Any minor person, under the age of 18, who is suspected of violating any of the provisions of this Part, shall be prosecuted before the Juvenile Court of Allegheny County, according to their rules and regulations pursuant to the Juvenile Act, 42 Pa.C.S.A. §6301 *et seq.*, which Court may find the minor delinquent and impose appropriate treatment, supervision, rehabilitation and/or welfare.

(*Ord. 900, 6/11/1974, §3; as amended by Ord. 1047, --/1988; and by Ord. 2384, 12/10/2012*)

Part 2**Frequenting Disorderly Houses****§6-201. Frequenting Disorderly Locations.**

It shall be unlawful for any person to own, operate, or otherwise supervise and/or to visit or frequent any ill-governed or disorderly house or place in the Borough of Carnegie, such house or place being maintained to the encouragement of idleness, gaming, drinking or misbehavior, or to the common nuisance, or disturbance of the neighborhood or of orderly citizens. Any person violating any of the provisions of this Part shall, 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. 741*, 12/20/1960; as amended by *Ord. 973*, 4/14/1981; by *Ord. 1073*, 8/13/1991, §1; and by *Ord. 2384*, 12/10/2012)

Part 3**Nighttime Curfew for Minors****§6-301. Eleven P.M. Curfew for Persons under the Age of 18.**

From and after the enactment of the Part, it shall be unlawful for any person, guardian, or person standing in loco parentis to allow his or her child or ward under the age of 18 years to be upon any of the streets, lanes, or alleys of the Borough of Carnegie between the hours of 10 p.m. and 5 a.m., Eastern Standard Time or Eastern Daylight Saving Time, as the case may be depending on the time generally observed in the Borough, on any Sunday through Thursday Night and between the hours of 11 p.m. and 5 a.m., Eastern Standard Time or Eastern Daylight Saving Time, as the case may be depending on the time generally absented in the Borough, on any Friday or Saturday night, unaccompanied by his or her parent, guardian, or other adult person standing in loco parentis to such person under the age of 18 years, except in going to or coming from their work or employment.

(*Ord. 898, 2/12/1974, §1; as amended by Ord. 2210, 4/13/2004; and by Ord. 2402, 10/13/2014, Art. I*)

§6-302. Duty of Parents and Guardians.

From and after the enactment of this Part, it shall be unlawful for any person, guardian, or person standing in loco parentis to allow his or her child or ward under the age of 18 years to be upon any of the streets, lanes, or alleys of the Borough of Carnegie between the hours of 11 p.m. and 5 a.m. Eastern Standard Time or Eastern Daylight Saving Time, as the case may be, depending on the time generally observed in the Borough, unless accompanied by the parent, guardian, or other adult person standing in the relation of loco parentis to such person under the age of 18 years, except in going to or coming from their work or employment.

(*Ord. 898, 2/12/1974, §2; as amended by Ord. 2210, 4/13/2004*)

§6-303. Penalty for Violation.

1. Any adult person over the age of 18 years acting as a parent, or guardian, or other person standing in loco parentis to a minor who is in violation 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.

2. Any minor person under the age of 18 violating any of the provisions of this Part shall be prosecuted before the Juvenile Court of Allegheny County according to their rules and regulations pursuant to the Juvenile Act, 42 Pa.C.S.A. §6301 *et seq.*, which court may find the minor delinquent and impose appropriate treatment, supervision, rehabilitation and welfare.

(*Ord. 898, 2/12/1974, §3; as amended by Ord. 973, 4/14/1981; by Ord. 1047, --/1988;*

and by *Ord. 2384*, 12/10/2012)

Part 4**Disturbance of Chartiers Creek Local Floodplain Protection Project****§6-401. Prohibited Acts.**

It shall be unlawful for any person, organization, or corporation, or agents thereof, to do, authorize, aid, or abet any of the following described acts touching or affecting the Chartiers Creek Local Flood Protection Project Works and Channels:

A. To trespass upon, encroach upon, or disturb, within the limits of this Borough, the lands, rights-of-way or easements of the Chartiers Valley District Flood Control Authority comprising the Chartiers Creek Local Flood Protection Project Works and Channels or to trespass upon, encroach upon or disturb the walls, dikes, stone protection, channels, drains, barricades or other structures located on said lands, rights-of-way or easements.

B. To throw, deposit waste material, stones, other objects, or debris of any sort, on or in said lands, rights-of-way or easements or said walls, dikes, stone protection, channels, drains, barricades or other structure located on said rights-of-way or easements; or, into the channels of Chartiers Creek or its tributaries located in the Borough of Carnegie in order to prevent such waste material, stones, other objects, or debris from being washed into Chartiers Creek or its tributaries.

(*Ord. 888, 8/14/1973, §1*)

§6-402. Penalty.

Any violation of this Part shall constitute an offense and any person, organization, or corporation violating any provision of this Part shall, 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 \$25 nor more than \$1,000 plus costs, and for each subsequent violation, upon conviction thereof, shall be sentenced to 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. 888, 8/14/1973, §2; as amended by Ord. 973, 4/14/1981; by Ord. 1047, --/1988; and by Ord. 2384, 12/10/2012*)

Part 5**Discharge of Firearms****§6-501. Use Restricted.**

It shall be unlawful for any person, except in necessary defense of person or property, or while actively engaged in hunting while properly licensed and in compliance with the Pennsylvania Game Code, 34 Pa.C.S.A. §101 *et seq.*, to use, or fire, or discharge any gun, or other firearm, or any knife, handy billy, artificial knuckles, club, or other weapon, within the Borough of Carnegie, or to display any such firearm or weapon, for the purpose of intimidating or frightening any person. Any person who shall violate 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. 739*, 12/20/1960; as amended by *Ord. 973*, 4/14/1981; by *Ord. 1047*, --/1988; and by *Ord. 2384*, 12/10/2012)

Part 6**Residential Picketing****§6-601. Definitions.**

The following words and phrases, whenever used in this Part shall be construed as defined in this Section, except where the context clearly requires otherwise:

Picketing activity that is targeted at—picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.

Residential dwelling—any permanent building being used by its occupants solely for non-transient residential uses.

(Ord. 2384, 12/10/2012)

§6-602. Targeted Residential Picketing Prohibited.

1. No person shall engage in picketing activity that is targeted at and is within 300 feet of a residential dwelling.

2. This Part does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling.

(Ord. 2384, 12/10/2012)

§6-603. Loud and Raucous Noise Prohibited.

No person shall willfully make or cause to be made any loud and raucous noise within 300 feet of any residence in the Borough which is intended to harass, threaten or intimidate any person living therein.

(Ord. 2384, 12/10/2012)

§6-604. Remedies Not Exclusive.

The remedies provided by this Part are in addition to any other legal or equitable remedies any aggrieved person may have and are not intended to be exclusive.

(Ord. 2384, 12/10/2012)

§6-605. Penalty for Violation.

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 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. 2384, 12/10/2012)

Part 7**Alarm Devices****§6-701. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Calendar month—any traditional calendar month commencing on the first day of the month and ending on the last day of the month.

Calendar year—the calendar year shall commence January 1, and shall end December 31.

False fire alarm—any alarm reported to the CVFRB that, upon investigation by the Fire Chief or his designee is determined that there is no evidence of fire or smoke, then it shall be conclusively presumed that the sounding of the alarm was a false alarm which was either accidentally tripped or activated through mechanical deficiency or by misuse of the mechanical alarm device.

False burglar alarm—any alarm reported to the CPD that upon investigation by the Chief of Police or his designee is determined by that there is no signs of forced entry or attempted entry, then it shall be conclusively presumed that the sounding of the alarm was a false alarm which was either accidentally tripped or activated through mechanical deficiency or by misuse of the mechanical alarm device.

(Ord. 2397, 7/14/2014)

§6-702. Imposition of Fees.

1. Hereinafter, for each false fire alarm that is in excess of three alarms in any calendar year, a fee, to be set from time to time by resolution of Borough Council, is hereby imposed for each false fire alarm sounded to the Borough of Carnegie which is responded to by the CVFRB.

2. Hereinafter, for each false burglar alarm that is in excess of twelve alarms in any calendar year, a fee, to be set from time to time by resolution of Borough Council, is hereby imposed for each false burglar alarm sounded to the Borough of Carnegie which is responded to by the CPD.

(Ord. 2397, 7/14/2014)

§6-703. Duty to Pay Fees.

The aforesaid fee is hereby assessed, imposed and charged against and upon each person, corporation, partnership, association or any other legal entity which owns the realty or controls the realty by lease or which provides a service for a fee available to the general public that maintains and/or leases fire alarms and burglar alarms to said site and, as part of said services, notifies the CVFRB or CPD when a fire alarm or burglar alarm has been sounded. The duty to pay the fee when more than one person or entity may be liable shall be jointly and severally imposed.

(Ord. 2397, 7/14/2014)

§6-704. Purpose of Fees.

Said fee is made and assessed to defray the additional expenses of confirming or responding to false fire alarms or false burglar alarms signals transmitted to the CVFRB or CPD whether by telephone, facsimile, personal notification or mechanical notification.

(Ord. 2397, 7/14/2014)

§6-705. Record of Alarm; Notification to Owner.

1. The Chief of the CVFRB or his designee shall maintain a record or log of all fire alarms answered by the CVFRB. In addition, the Chief or designee shall maintain a record or log as to the disposition of the alarm. The Chief or his designee shall report to the Borough Manager all false fire alarms received from the same site that are occur subsequent to three false fire alarms in any calendar year.

2. The Chief of Police or his designee shall maintain a record or log of all burglar alarms answered by the CPD. In addition, the Chief or his designee shall maintain a record or log as to the disposition of the police officers answering said alarm. The Chief or his designee shall report to the Borough Manager all false alarms received from the same site that are subsequent to 12 in any calendar year.

3. The Borough Manager, upon notification from the Fire Chief or his designee of a false fire alarm which occurred subsequent to the third false alarm in any calendar year from the same site, shall notify the person, corporation, partnership, association or any other entity which owns and/or maintain set alarm system and the CVFRB that a fee is due in owing the Borough for the answering of a false fire alarm.

4. The Borough Manager, upon notification from the Chief of Police or his designee, of a false burglar alarm which occurred subsequent to the second false burglar alarm in any calendar month or the 24th false burglar alarm in any calendar year from the same site, shall notify the person, corporation, partnership, association or any other entity which owns and/or maintain set alarm system and the CPO, as appropriate, that a fee is due in owing the Borough for the answering of a false burglar alarm.

(Ord. 2397, 7/14/2014)

§6-706. Payment of Fee.

The fee for each false fire alarm and/or false burglar alarm is due and payable immediately upon written notice by the Borough Manager.

(Ord. 2397, 7/14/2014)

§6-707. Failure to Pay the Fee Assessed Within 30 Days from the Notice of Borough Manager.

Failure by the owner of the realty where the alarm is situated shall result in action being filed in a court of proper jurisdiction to recover set costs plus attorney fees and costs allowable by law. The fee imposed for a false fire alarm and/or a false burglar alarm shall also be imposed as a lien upon the realty which houses the alarm and said lien may be assessed and recovered according to law, together with liable cost and liable attorney fees.

(Ord. 2397, 7/14/2014)