

## Chapter 99

### PEACE AND GOOD ORDER

**[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 12-20-1976 by Ord. No. 251. Amendments noted where applicable.]**

#### **§ 99-1. Title.**

This chapter shall be known as the "Montoursville Conduct Ordinance."

#### **§ 99-2. Purpose.**

The purpose of this chapter is to promote and maintain the peace, good order, safety and welfare of the Borough of Montoursville and its inhabitants.<sup>1</sup>

#### **§ 99-3. Offenses enumerated.** [Amended 3-3-1997 by Ord. No. 370]

The following specifically enumerated offenses shall be included within the definition of "disorderly conduct" above set forth. The following specifically enumerated offenses shall not be deemed to be an all inclusive or exhaustive listing of offenses.

- A. Discharge of firearms prohibited. From and after the date of the passage of this chapter, whoever discharges at any place within the confines or boundaries of the Borough of Montoursville, Pennsylvania, any rifle, air gun, spring gun, revolver, pistol or any gun or implement of any nature whatsoever which propels with force a metal pellet, bullet or any other projectile of any kind or nature whatsoever shall be guilty of disorderly conduct, except that this section shall not be construed to prohibit said borough from granting special permission to the Chief of Police or persons designated by him to discharge guns, firearms, bows and arrows or any implement which impels metal pellets, bullets or any other projectile with force for a particular purpose.
- B. Any person who willfully operates any motor vehicle within the Borough of Montoursville in such a manner as to cause the tires of his vehicle to squeal or causes or permits loud noises to issue from the muffler of the vehicle and thereby causes public inconvenience, annoyance, alarm or a risk thereof shall be guilty of disorderly conduct. The squealing of tires in emergency situations is excepted.
- C. Any person who makes, causes or permits to be made a noise disturbance within the Borough of Montoursville shall be guilty of disorderly conduct. [Added 9-9-2013 by Ord. No. 455]
  - (1) A noise disturbance is any sound that annoys or disturbs or is likely to annoy or disturb a reasonable person of ordinary sensibilities, or that disturbs or is likely to

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1. Editor's Note: Former § 14-3, Prohibited conduct, which immediately followed this section, was deleted 3-3-1997 by Ord. No. 370.

disturb the peace, or that creates or is likely to create a nuisance, without serving any legitimate purpose.

- (2) A noise disturbance may be caused by anything, including, but not limited to, electronic devices, musical instruments, human voices, tools, equipment, animals and motor vehicles.
- (3) Legitimate purposes include concerts, carnivals, responding to emergencies, construction or repairs performed between 7:00 a.m. and 10:00 p.m., amplified announcements at school-related functions, warning devices and reasonable celebrations.

D. Consumer fireworks. [Added 3-4-2019 by Ord. No. 484]

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS

- (a) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Product Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which is permitted throughout this commonwealth.
- (b) The term does not include devices as "ground and handheld sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which is permitted at all times throughout this commonwealth.

OCCUPIED STRUCTURE — A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

- (2) Use of consumer fireworks.
  - (a) A person who is less than 18 years of age shall not purchase, possess or use consumer fireworks within the Borough of Montoursville.
  - (b) A person may not intentionally ignite or discharge:
    - [1] Consumer fireworks on public or private property without the express permission of the owner.
    - [2] Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
    - [3] Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.

- [4] Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
  - [5] Consumer fireworks within 150 feet of an occupied structure.
- (3) No permission is granted by the Borough of Montoursville to use consumer fireworks on property owned by the Borough of Montoursville. This includes any and all of the following:
- (a) Streets/ alleys.
  - (b) Parking lots/public building lots.
  - (c) Park areas, including Indian Park and the Mill Street Recreation Area.
- (4) Consumer fireworks may be used only during the following times in any year:
- (a) From 9:00 a.m. until 10:00 p.m. beginning the Friday prior to July 4 and ending the Sunday following July 4;
  - (b) Beginning December 31 at 10:00 p.m. and ending January 1 at 12:30 a.m.

**§ 99-4. Grading of offense.**

An offense under any of the above shall be deemed to be a summary offense.

**§ 99-5. Violations and penalties.** [Amended 3-3-1997 by Ord. No. 370]

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.