

CHAPTER 6

CONDUCT

PART 1

DISORDERLY CONDUCT

- § 101. Disorderly Conduct**
- § 102. Violation and Penalties**

PART 2

CURFEW

- § 201. Definitions and Interpretation.**
- § 202. Purposes**
- § 203. Curfew; Exceptions**
- § 204. Parents Not to Permit Violation**
- § 205. Procedure Upon Violation.**
- § 206. Penalties**
- § 207. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement**
- § 208. Police Discretion in Age Determination**

PART 3

GRAFFITI

- § 301. Scope**
- § 302. Definitions**
- §303. Prohibitions**
- §304. Violations and penalties; removal of graffiti by the Township**

PART 1

DISORDERLY CONDUCT

§ 101. Disorderly Conduct

That disorderly conduct within the limits of the Township of Robeson shall be and is hereby defined as any act, word or conduct causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Township of Robeson or users of the said Township thoroughfares and it shall include loafing, fighting, drunkenness, vagrancy, begging, the making of unnecessary noises, profanity or indecent language, indecent exposure, reckless or careless driving or any other use of vehicles by owners or occupants thereof as shall endanger the safety or interfere with the comfort and convenience of persons using or residing on the thoroughfares of the Township of Robeson; all the foregoing offenses are coming within the definition of said disorderly conduct are hereby declared to be unlawful.

§ 102. Violation and Penalties

Any person or persons violating this ordinance or causing or helping others to violate it shall be subject to a fine of a sum not to exceed One Thousand and 00/100 Dollars (\$1000.00) for each offense and in default of paying said fine shall be committed to the Berks County Jail for a period not exceeding thirty (30) days.

(Ord. No. _____, _____)

PART 2

CURFEW

§ 201. Definitions and Interpretation.

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Minor. A person under the age of eighteen (18) years.

Parent. Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Ordinance, “parent” shall mean one or both parents.

Public Place. Any public street, alley, sidewalk, park, playground, public building or vacant lot in the Township of Robeson, Berks County, Pennsylvania.

Remain. To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

In the Ordinance, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 202. Purposes

This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Township of Robeson, Berks County, Pennsylvania, from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

§ 203. Curfew; Exceptions

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township of Robeson, Berks County, Pennsylvania, or in any enclosure or vehicle which is on or in close proximity to any such public place within the said Township of Robeson, between the hours of 11:00 p.m. and 5:00 a.m., prevailing time, on the following day. Exceptions to the above are the following:

- A. Minor accompanied by a parent, guardian, or other person having legal care or custody of such minor.

- B. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Ordinance.
- C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.
- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in Subsection 2 above.

§ 204. Parents Not to Permit Violation

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Ordinance without legal justification therefor.

§ 205. Procedure Upon Violation.

Any minor found upon the streets, alleys, parks or public places within the Township of Robeson, Berks County, Pennsylvania, in violation of Section 202 shall be taken into custody by the said Township of Robeson police or legally deputized individual, be delivered to his parent(s), guardian or person having the legal custody of said minor, and be given a copy of this Ordinance. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of Section 202, said parent, guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Ordinance. Upon the third violation, said parent, guardian or person will be remanded to the district justice for disposition.

§ 206. Penalties

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand and 00/100 Dollars (\$1000.00), and/or to imprisonment for a term not to exceed ninety (90) days.

§ 207. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement

Any minor who shall violate this Ordinance more than three (3) times may, at the discretion of the proper Township of Robeson, Berks County, Pennsylvania, officials, be reported to a society

or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of Section 202 of this Ordinance cannot be made effective by the imposition of fines and penalties.

§ 208. Police Discretion in Age Determination

The police officers of the Township of Robeson, Berks County, Pennsylvania, in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

(Ord. No. _____, _____; as amended by Ord. No. 97-01, 1/21/1997)

PART 3
GRAFFITI

§ 301. Scope

This article shall be known as the “Graffiti Ordinance the Township of Robeson” and shall apply to all graffiti occurring within the jurisdictional limits of the Township of Robeson.

§ 302. Definitions.

The following words, terms or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section.

Words and phrases, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Crime Code, 18 Pa. C.S.A., as amended.

Authorized Person. A Police Officer, Community Service Officer, or Code Enforcement Officer of the Township.

Broad-Tipped Indelible Marker. Any felt-tipped marker or similar implement which contains fluid which is not water soluble and which has a flat or angled writing surface one-half inch (1/2”) wide or greater.

Consent. Voluntary agreement by a person.

Graffiti

- A. Any inscription, work, symbol, figure, marking or design, including but not limited to, tags, throw-ups and pieces, that is marked, etched, scrawled, stained, drawn or painting and stuck on or adhered to any surface on public or private property without the express permission of the owner or owner’s agent of such property, including but not limited to, any wall, underpass, overpass, trestle, tree, sign, pole, playground apparatus, utility box, building, structure, fixture or other improvements whether permanent or temporary, regardless of the content or nature of the material that has been applied, and which is visible from any public property or the public right-of-way, or from any private property other than the property on which the graffiti exists.

- B. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalks and streets used in connection with traditional children’s games.

Graffiti Implement. Any implement capable of marking a surface to create graffiti including but not limited to, aerosol or pressurized paint containers, markers, gum labels, paint brushes or etching tools capable of scarring glass, metal, concrete or wood.

Gum Labels. Any materials such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.

Marker. Any indelible or permanent marker or similar implement with a point, brush, applicator or other writing surface which at its broadest width is 3/6 of an inch or greater in width and contains ink that is not water soluble.

Minor. Any person under the age of eighteen (18) years.

Notice. A letter delivered to the owner of the property or placed securely on the front door or other highly visible area of a property which is defaced with graffiti. Said letter or sticker shall contain a statement that the graffiti must be removed within ten (10) days after the letter has been posted on the property or received by the owner of the property.

Owner. Any and all persons with legal and/or equitable title to real property in the Township.

Paint Stick or Graffiti Stick. Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and upon application, leaving a visible mark and that is not water soluble.

Person. Includes any individual, firm, partnership, association, corporation, company or organization of any kind.

Pieces. Forms of graffiti represented by detail, multi-colored murals, ranging in size.

Property. Includes any real estate, including improvements thereon; and tangible personal property including but not limited to news boxes, newsstands, utility poles, public telephones, tree planters and other items of street furniture; and vehicles located thereon.

Tags. A form of graffiti represented by stylized signatures of a writer's chosen name.

Throwups. A form of graffiti represented by large names or figures written in a bubble style, often with an outline written in a different color than the interior or the letters.

Township. The Township of Robeson.

§303. Prohibitions

- A. No person owning or occupying any property within the Township of Robeson, Berks County, Pennsylvania, shall permit any graffiti to accumulate or otherwise remain on any property so as to be visible to the public.
- B. Upon discovery of graffiti, any person authorized by the Township to enforce Ordinance violations shall issue written notice to the owner, occupant and any other responsible agent of any premises whereon graffiti is present in violation of the provisions of this article, directing and requiring such person to remove such graffiti. In the event that graffiti is not removed within ten (10) days from the date of mailing of this first notice, a second notice to remove and request for consent to allow the Township to enter upon the property for the purpose of graffiti removal at the owner's expense shall be issued. Failure to remove graffiti within ten (10) days of mailing of the second notice shall constitute a violation of this article.
- C. It shall be unlawful for any person to commit any overt act resulting in or attempting to result in an application of graffiti.
- D. It shall be unlawful for any person to intentionally, maliciously or wantonly expose or tend to expose another to risk of violence, contempt or hatred on the basis of race, color, creed or religion by the use of what is commonly known as graffiti.
- E. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of eighteen (18) years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this Ordinance, as herein defined, either by words, overt act or by failing to act.
- F. All persons directly or indirectly involved in acts of graffiti vandalism may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others who knowingly make available the tools, writing material, ladders, materials or assistance, serve as lookouts, or who knowingly supply funds to acquire such materials for such purposes.
- G. No minor shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any public property, highway, street, alley, sidewalk or park, or while on any private property, unless the owner or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession while on his or her property.

§304. Violations and penalties; removal of graffiti by the Township

- A. Any person who shall violate, fail, neglect or refuse to comply with Section 303(A) or (B) shall, upon conviction thereof, be sentenced to pay a fine not

exceeding One Thousand and 00/100 Dollars (\$1,000.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not exceeding thirty (30) days. Each day that a violation of this Ordinance continues shall be considered a separate offense.

- B. Any person who shall violate Section 303(C)-(G) of this Ordinance shall, upon summary conviction thereof, be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) nor more than One Thousand and 00/100 Dollars (\$1,000.00) and the costs of prosecution, and in default of payment thereof, shall undergo imprisonment in the Berks County Prison for a period not exceeding thirty (30) days.
- C. If the owner, occupant or other responsible agent of the property fails to remove graffiti or give consent for removal within ten (10) days after the second notice of violation has been issued, the Township may proceed to remove the graffiti, by itself or by contract.
- D. Except where the legal fees, administrative and filing costs exceed the cost of removal, a bill for costs of removal shall be delivered to the property owner, occupant and any other responsible agent and, in the event of nonpayment, the Township may file a lien against the property in the amount of such costs. Liability for costs of removal shall be in addition to liability for any fine imposed.

(Ordinance No. 2008-08, 10/21/08)