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Part 1

Prohibiting Disorderly Conduct

§101. Disorderly Conduct Prohibited. Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa.C.S.A. §5503) is hereby prohibited within the Borough of Nazareth. A person is guilty of disorderly conduct, if he:

- A. Engages in fighting or in threatening, violent or turn tumultuous behavior.
- B. Makes unreasonable noise.
- C. Creates a hazardous or physically offensive condition by any act, which serves no legitimate purpose of the actor. Provided: as used in this Section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment places of business or amusement, any neighborhood, or any premises, which are open to the public.

(Ord. 369, 7/3/1967; as revised by Ord. 595, 10/7/1991)

§102. Penalty for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. (Ord. 369, 7/3/1967; as revised by Ord. 595, 10/7/1991)

Part 2

Alcoholic Beverages in Public Places

§201. Definitions.

ALCOHOLIC BEVERAGE - liquor and malt or brewed beverages, as those terms are more fully defined in the Liquor Code of Pennsylvania, April 12, 1951, P.L. 90, Article 1, §102, 43 P.S. §1-102, as amended.

PUBLIC PLACE - any place to which the public, or any substantial group thereof, has access, but shall not include an establishment licensed by the Pennsylvania Liquor Control Board. A public place shall include, but not be limited to, such places as public sidewalks, public streets, parking lots and the area to the front, rear or adjacent to any school, store, restaurant, tavern or other place of business. This definition shall be considered to be inclusive, rather than exclusive.

(Ord. 504, 12/6/1982, §1)

§202. Prohibited Behavior.

1. It shall be unlawful for any person to consume any alcoholic beverage in any public place within the Borough of Nazareth.

2. It shall be unlawful for any person to carry or possess any opened vessel containing any alcoholic beverage while in or about any public place within the Borough of Nazareth.

3. It shall be unlawful for any person to carry or possess any opened vessel containing any alcoholic beverage or to consume any alcoholic beverage while in a motor vehicle.

4. It shall be unlawful for any person to consume any alcoholic beverage on the property of another except with the consent of the owner(s) or legal occupant(s) thereof.

5. It shall be unlawful for any person to carry or possess any opened vessel containing any alcoholic beverage on the property of another with the consent of the owner(s) or legal occupant(s) thereof.

(Ord. 504, 12/6/1982, §2)

§203. 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 six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Ord. 504, 12/6/1982, §3; as amended by Ord. 595, 10/7/1991)

## Part 3

### Protection of Public Property

§301. Tampering With Public Property Prohibited. No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Nazareth, or any grass, walk, lamp, ornamental work, building, street light, or water or gas stop box on or in any of the streets, alleys, sidewalks or public grounds in the Borough of Nazareth. (Ord. 372, 7/3/1967, §1; as amended by Ord. 459, 11/6/1978)

§302. Posting Within Street and Sidewalk Lines and on Public Property Prohibited. It shall be unlawful for any person or persons to post upon or in any way to affix or attach to any public property or to any post, pole, tree, building or other structure or fixture, located upon or in any parks or public grounds within the Borough or within the lines of any street, alley or sidewalk, any written, printed, painted or other advertisement, bill notice, sign card or poster, except any notice required by law or order of court. (Ord. 372, 7/3/1967, §2)

§303. Tampering With Stakes, Posts and Monuments Prohibited. No person or persons shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Nazareth, made, placed or set, or hereafter made, placed or set or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the Borough, to evidence, the location, elevation, line, grade, corner or angle of any public street alley, sidewalk, curb, gutter, drain or other public work, matter or thing. (Ord. 372, 7/3/1967, §3)

§304. Tampering With Warning Lamps, Signs or Barricades Prohibited. No person or persons shall willfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks, bridges or public grounds in the Borough, as a warning of danger. (Ord. 372, 7/3/1967, §4)

§305. Removal of Material Prohibited. No person or persons shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Borough of Nazareth. (Ord. 372, 7/3/1967, §5)

§306. Exceptions. This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon, or to incidental results of work done thereon or therein upon permit from or by authority of the Borough. (Ord. 372, 7/3/1967, §6)

§307. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Provided; the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation. (Ord. 372, 7/3/1967, §7; as amended by Ord. 565, 8/1/1988; and by Ord. 595, 10/7/1991)

Part 4

Prohibiting Discharge of Firearms or Similar Device

§401. Discharge of Firearms Prohibited. Except in necessary defense of person and property and except as provided in §403 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough. (Ord. 370, 7/3/1967; as revised by Ord. 595, 10/7/1991)

§402. 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 pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in §403 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. 370, 7/ 3/1967; as revised by Ord. 595, 10/7/1991)

§403. 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; and,

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; and,

C. Any law enforcement officers when used in the discharge of their official duties.  
(Ord. 370, 7/3/1967; as revised by Ord. 595, 10/7/1991)

§404. Penalties for Violation. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, and in default of payment, to imprisonment for a term not to exceed thirty days. (Ord. 370, 7/3/1967; as revised by Ord. 595, 10/7/1991)

## Part 5

### Ball Playing, Snowballing, and Stone Throwing

§501. Ball Playing, Snowballing and Throwing of Other Missiles onto Public Ways Prohibited. Ball playing, including the throwing, kicking or knocking of any ball, snowballing, and the throwing of any stone or other missile of any kind upon or onto any of the public streets, alleys or sidewalks in the Borough of Nazareth is hereby prohibited. (Ord. 371, 7/3/1967)

§502. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed (30) days. (Ord. 371, 7/3/1967; as amended by Ord. 459, 11/6/1978; by Ord. 565, 8/1/1988; and by Ord. 595, 10/7/1991).

**PART 6**  
**Fireworks**

**§601. Definitions.** The Borough adopts the definitions of the Fireworks Act with respect to all defined terms found therein, which are incorporated hereby by reference, but sets out herein, for purposes of clarity, the definitions of “Consumer Fireworks” and “Display Fireworks” as follows:

A. Consumer Fireworks. 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 Products 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 shall be permitted at all times throughout the Commonwealth of Pennsylvania. The term “consumer fireworks” does not include devices as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times through this Commonwealth.

B. Display Fireworks. Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- (1) salutes that contain more than two grains or 130 milligrams of explosive materials;
- (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and
- (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

**§602. Regulation of Consumer Fireworks.**

A. The Borough adopts the regulations of the Fireworks Act, which are incorporated herein by reference as same apply to Consumer Fireworks, subject to addition and more stringent penalties as noted herein.

B. Consumer Fireworks may only be operated by a person of at least eighteen (18) years of age.

C. A person of legal age to purchase, possess and use Consumer Fireworks may not intentionally ignite or discharge:

- (1) Consumer Fireworks on public or private property without the express permission of the Borough or private property 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; and



(5) Consumer Fireworks within one hundred fifty (150) feet of an occupied structure.

D. It shall be a violation of this Ordinance for any person to ignite or discharge Consumer Fireworks, or for the owner or tenant of real property within the Borough to permit the ignition or discharge of Consumer Fireworks by another person on or from such property, between the hours of 10:00 p.m. and 7:00 a.m.

**§603. Regulation of Display Fireworks.** The Borough adopts the regulations of the Fireworks Act, which are incorporated herein by reference as same apply to Display Fireworks, subject to the additional and more restrictive regulations set forth herein and specifically governing the granting of permits for such use in the Borough:

A. A permit shall require the posting of a bond of not less than Fifty Thousand (\$50,000.00) Dollars, but may be in a greater amount if determined appropriate by the Borough, or its designee, based upon the recommendations of the Chief of Police, the Fire Department, or Public Works Department - up to a maximum of One Million (\$1,000,000.00) Dollars - conditioned for the payment of all damages which may be caused to a person or property by reason of the display and arising from an act of the permittee or an agent, or an employee or a subcontractor of the permittee.

B. The permittee shall purchase and maintain general liability insurance per requirements set forth below which policy shall be written for not less than the limits of liability specified by the Borough or that which may be required by law, whichever is greater. Further, the permittee shall also purchase and maintain the appropriate insurance that would respond to claims under the Workers Compensation Acts and other Employee Benefit Acts as it relates to claims for damages because of bodily injury, including death, and other claims for damages (when applicable by law). The Borough, its officers, employees, and volunteers are to be named as "Additional Insured" on a primary, non-contributory basis for both operations and completed operations on the permittee's commercial general liability policy which the permittee must maintain for the periods of set-up, display and clean up. Certificates of Insurance evidencing the requested insurance shall be filed with the Borough at least two (2) weeks prior to the commencement of any Display Fireworks event.

Minimum Requirements of Insurance:

- \$1,000,000 each occurrence (Bodily Injury and Property Damage)
- \$2,000,000 General Aggregate
- \$2,000,000 Products/Completed Operations Aggregate
- \$1,000,000 Per Person or Organization (Personal and Advertising Injury) must obtain insurance and a Certificate of Insurance

C. The permittee must execute an indemnification and hold harmless agreement with respect to the Borough (and any identified parties involved with or sponsoring the Display Fireworks event) in a standard form approved by the Borough Solicitor.

D. Permit fees shall be as established by resolution of the Borough Council.

E. It shall be a violation of this Ordinance for any person to ignite or discharge Display Fireworks between the hours of 10:00 p.m. and 7:00 a.m. without the express written consent of the Borough or its designee.

**§604. Police Enforcement.** The Borough Police shall be responsible for enforcement of this Ordinance pursuant to §1121(b) of the Borough Code.

**§605. Penalties.** Any person who violates any provision of this Ordinance commits a summary offense, and upon conviction shall be subject to the following penalties<sup>1</sup>:

- A. First violation - A fine of not less than \$50.00 nor more than \$100.00;
- B. Second violation - A fine of not less than \$100.00 nor more than \$300.00; and
- C. Third violation - A fine of not less than \$500.00 nor more than \$1,000.00, or thirty days in prison, or both.

**§606. Conflicts with statutory provisions.** In all matters that are regulated by the law of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations, or other Ordinance of the Borough, as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this Ordinance. This Ordinance controls in all circumstances where the state requirements or the requirements of other Ordinance of the Borough are not as strict as those contained in this Ordinance.

**§607. Severability.** If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion, and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

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<sup>1</sup>It is specifically understood that any penalties or restitution imposed upon a juvenile shall be jointly and severally the obligation of the parents or guardians and treated as an injury to the Borough compensable in accordance with the Domestic Code at 23 Pa. C.S.A. §5503(a) and subject to the limitations thereon as set forth in said Code.