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PART 1
DESTRUCTION OF NOTICES

§101 Tampering with Official Notices Prohibited. The destruction, removal, defacement, or mutilation of ordinances or notices posted by the authorities of the Municipality in the streets and highways thereof, or upon private property where such notices are required by law to be posted, is hereby prohibited.

**PART 2
LITTERING**

§201 Unlawful Acts. It shall be unlawful for any person to:

- 201.1 Throw, dump, or cause or permit to be thrown or dumped, from a vehicle or tractor, any garbage, bottles, cartons, containers, glass, paper, or other rubbish or debris of any kind, including snow and ice, upon any highway, street, lane, alley, wayside or sidewalk situate within the Municipality, except in places or receptacles maintained for that purpose; or
- 201.2 Throw, dump, or deposit and leave, or cause or permit to be thrown, dumped, or deposited and left, any garbage, bottles, cartons, containers, glass, paper, or other rubbish or debris of any kind, including snow and ice, upon any public or private property situate within the Municipality, except in places or receptacles maintained for that purpose; or
- 201.3 Distribute or cause to be distributed by throwing, handing or placing any handbills, circulars or other advertising matter or devices or waste in or upon any street, sidewalk or alley of the Municipality, or to distribute or cause to be distributed by throwing or placing any handbills, circulars or other advertising matter or devices or waste paper in or upon any lawn, yard, porch or vestibule of any building in the Municipality in such a manner that the materials may be scattered by the wind or other elements.

§202 Presumption in Prosecutions. In any prosecution hereunder:

- 202.1 Proof of the throwing or dumping of any garbage, bottles, cartons, containers, glass, paper or other rubbish or debris of any kind from a vehicle or tractor shall create rebuttable presumption that the same were thrown, dumped, or caused or permitted to be thrown or dumped, from such vehicle or tractor by the operator thereof, provided that such presumption may be rebutted in the manner provided in subsection 202.2 of this section;
- 202.2 If at any hearing or proceeding the operator shall testify, under oath or affirmation, that he did not throw or dump, or cause or permit to be thrown or dumped, any garbage bottles, cartons, containers, glass, paper or other rubbish or debris of any kind, and shall submit himself to any examination as to identity of the person responsible for the throwing or dumping, and reveal the name of such person, if known to him, then the presumption arising as set forth in subsection 202.1 above shall be overcome and removed from the case.

PART 3
MALICIOUS MISCHIEF

- §301 Malicious Mischief Prohibited. Acts of malicious mischief involving public property are hereby prohibited. For purposes of this Part 3, such offense is defined as “the entry by any person or persons, or refusal to leave, any public property in violation of regulations of the Municipality or of any school district situate within the Municipality, where such regulations have been conspicuously posted on such property, or where immediately prior to such entry, or subsequent thereto, such regulations are made known, orally, or in writing, by an officer of the Municipality or school district, its agent, or a police officer.”
- §302 Enforcement. It shall be the duty of the policemen, constables, and peace officers of the Municipality to institute criminal proceedings against any and all persons violating any of the provisions of this Part 3 in accordance with law and the Pennsylvania Rules of Civil Procedure.
- §303 Disposition of Fines. All fines and penalties imposed and collected under the provisions of this Part 3 shall be paid into the Municipal Treasury, for the use of the Municipality, within thirty (30) days after the same are collected, and shall be credited to the Municipal Fund.

PART 4
OBSCENITY AND PORNOGRAPHY

§401 General Provisions and Intent.

401.1 This Part 4 shall be known as “Obscenity and Pornography Regulations.”

401.2 It is hereby declared and determined by the Municipality that:

401.2.1 Commercial exploitation of explicit sexual conduct through the public exhibition of obscene films and live theatre productions and the display and/or sale of obscene publications and the use of so-called massage parlors and model studios for purposes of obscenity, assignation or prostitution constitutes a debasement and distortion of fundamental human sexuality central to family life, community welfare and the development of human personality.

401.2.2 Such exploitation adversely affects the quality of life, property values, commerce and total community environment of the Municipality.

401.2.3 Such activities are detrimental to the best health, safety, convenience, morals and general welfare of the Municipality and the citizens and businesses thereof.

401.2.4 Such activities are declared to be a public nuisance and procedures are herein established for the abatement thereof.

§402 Definitions.

Knowledge or knowledge of such nuisance: having knowledge of the contents and character of the patently offensive sexual conduct or other content which appears in the Motion Picture Film, Publication, or Live Theatre Production, or knowledge of the acts of obscenity, assignation, or prostitution which occur in any Place.

Obscene Matter: any Matter -

(1) Which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(2) Which depicts or describes patently offensive representations or descriptions of

(a) Ultimate sexual acts, normal or perverted, actual or simulated; or

- (b) Masturbation, excretory functions, or exhibition of the genitals or genital area; and
- (3) The matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

Live Theater Production: any dramatic, musical or comedic production performed in the presence of a live audience.

Massage: any method of treating the superficial soft parts of the human body, for remedial, hygienic or other purposes, consisting of rubbing, stroking, kneading, or any similar treatment, accomplished by hand or by the use of any instrument.

Massage Parlor: any building or structure or portion thereof, located within the Municipality, which is open to members of the general public, with or without the payment of a fee, at which massage services are offered.

Matter: a Motion Picture Film, Live Theatre Production, Publication, or all three.

Model Studio:

- (1) Any Place where there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the Place; or
- (2) Any Place where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.
- (3) Exception. The words Model Studio do not include:
 - (a) Any studio which is operated by any state college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized there under to issue and confer, a diploma or honorary diploma; or

- (b) Any Place where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection (a) of this subsection.

Motion Picture Film:

- (1) Any film or plate negative;
- (2) Any film or plate positive;
- (3) Any film designed to be projected on a screen for exhibition;
- (4) Any films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen; or
- (5) Any videotape or any other medium used to electronically reproduce images on a screen.

Nude:

- (1) Completely without clothing; or
- (2) With the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the covered male genitals in a discernibly turgid state.

Person: any individual, partnership, firm, association, corporation or other legal entity.

Place: includes, but is not limited to, any building, structure or space, or any separate part or portion there, whether permanent or not, or the ground itself.

Publication: any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or a Motion Picture Film which is displayed in an area open to the public, offered for sale or exhibited in a coin-operated machine.

Sale: a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer of possession of, obscene matter.

§403 Obscene Films, Live Theatre Productions, Publications and Places Exhibiting the same Declared a Public Nuisance: Abatement Thereof.

- 403.1 Any and every Place in the Municipality where obscene Motion Picture films or Live Theatre Productions are publicly exhibited or possessed for the

purpose of such exhibition; and any and every Place in the Municipality where obscene publications are publicly disseminated or sold, or possessed for the purpose of such dissemination, is a public nuisance.

403.2 Any and every obscene Motion Picture Film or Live Theatre Production which is publicly exhibited, and any and every obscene Publication which is publicly displayed, disseminated or sold, or possessed for such purpose, is a public nuisance per se.

403.3 From and after service on the Place, or its manager, or acting manager, or person then in charge of such Place, of a true and correct copy of this Part 4 and a true and correct copy of the Summons and Complaint to abate a nuisance, all monies paid thereafter as admission price to such exhibitions or productions, or purchase price of such publications, are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

§404 Massage Parlors or Model Studios Used for Purposes of Obscenity, Assignment, or Prostitution, or upon which such Acts Occur, Declared a Public Nuisance: Abatement Thereof.

404.1 Every Massage Parlor or Model Studio, which, as a regular course of business, is used for the purposes of obscenity, assignment, or prostitution, and every such Massage Parlor or Model Studio in or upon which acts of obscenity, assignment, or prostitution, are held or occur, is a public nuisance which shall be enjoined, abated and prevented.

404.2 From and after service on the Place, or its manager, or acting manager, or person then in charge of such Place, of a true and correct copy of this Part 4 and a true and correct copy of the Summons of Complaint to abate a nuisance, all monies or other valuable consideration paid for services rendered to customers are also declared to be a public nuisance, as personal property used in conducting and maintaining a declared public nuisance.

§405 Knowledge of Nuisance Presumed from Notice or Summons and Complaint; Responsibility of Parties Therefore: Abatement of Such Nuisances.

405.1 Upon and after receiving notice through service of a true and correct copy of this Part 4 and a true and correct copy of the Summons and Complaint to abate a nuisance or Notice by the Municipal Solicitor of the character of the obscene Film, Production, Publication, or Place, any and every Person who shall own, legally, or equitably, lease, maintain, manage, conduct or operate a Place in the Municipality which is declared to be a public nuisance as set forth and stated in §403 or §404 of this Part 4 is deemed to be a Person who has knowledge of such nuisance for the purpose of this Part 4, and may, thereafter, be responsible for its maintenance, and liable therefore.

405.2 The Places and Matters declared to be public nuisances under §403 or §404 shall be abated as provided for herein.

§406 Who May Take Action; Posting of Bond.

The Municipal Solicitor or any Citizen of the Commonwealth of Pennsylvania resident within the Municipality may maintain an action of an equitable nature in the name of the Municipality upon the relation of such Municipal Solicitor or Citizen to abate a nuisance.

No Bond shall be required of the Municipal Solicitor. If such action is instituted by a Private Citizen, a bond shall be required in the amount of not less than five hundred dollars (\$500), to secure to the defendants the proximate damages which may be sustained, including attorney's fees, if any court finds that there were no reasonable grounds for said action.

The Municipal Solicitor shall have the right to present arguments and authorities on behalf of either party.

§407 Remedies.

407.1 Money damages may be recovered

407.1.1 For compensation for loss or harm suffered in person or property by the Municipality or Private Citizen flowing from such nuisance; and

407.1.2 As exemplary or punitive damages for the sake of example or to punish the offender, where it is shown that the offender has been guilty of malice. Malice means an intent to do a wrongful act, that is, an intent to maintain, permit, or allow a nuisance to exist.

407.2 Preliminary and permanent injunctions may be issued to prevent the further maintenance of a nuisance and to prevent the further sale or exhibition of obscene Motion Picture Films, Live Theatre Productions or Publications. The procedures for obtaining such injunctions shall be governed by the rules of civil procedure, preserving the right of trial by jury upon the application for permanent injunction.

Upon the application for preliminary injunction the court shall set the matter for a hearing no earlier than two days and no later than five days from the date of service of the Summons and Complaint.

Upon the trial on the merits of the permanent injunction, if the court finds a Place to be a nuisance, the court may issue an order closing the Place to all uses and purposes for the period of one year. If the offenders or persons owning, in control or in charge of such Place certify that the nuisance has

been abated and that the Films, Productions or Publications, found to be obscene shall not be exhibited, sold or otherwise disseminated and, at the discretion of the court, post a bond in an amount not to exceed the value of personal property possessed or contained at such Place for the maintenance of the nuisance, the court may release such person or persons from the closure order. The release shall remain in effect for one year or until the nuisance is found to exist at the Place before the expiration of one year. The bond shall be deposited with the court prior to the release of any closure order and shall be returned to the person posting said bond, without interest at the expiration of one year, provided that the nuisance is not maintained or re-established within that year.

§408 Forfeiture to the General Fund of the Municipality; Cost of Abatement; Manner of Collection.

408.1 If the existence of the nuisance is established on the trial, a judgment shall be entered which shall permanently enjoin the defendants, and any other person with notice or knowledge of the action and judgment, from maintaining the nuisance at said Place and the defendants from maintaining such nuisance elsewhere, and the entire expenses of such abatement action shall be recovered by the plaintiff as part of his costs.

408.2 The cost of abatement shall include the following:

408.2.1 Investigative costs.

408.2.2 Court costs.

408.2.3 Reasonable attorney's fees arising out of the preparation for, and trial of the case, and appeals there from, and other costs allowed on appeal.

408.2.4 Printing costs of trial and appellate briefs, and all other papers filed in such proceedings.

Such cost of abatement may be made a special assessment against the Place or the parcel of land upon which such place is located. Upon its determination in a civil action, such shall, by separate legal proceeding, be made a lien against such property and a personal obligation against any Person, and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

408.3 Upon judgment of the plaintiff in legal proceedings brought pursuant to this Part 4, an accounting shall be made by such defendant or defendants of all monies or valuable consideration received by them which have been declared to be a public nuisance under §403 or §404 of this Part 4. Such monies or their equivalent and any valuable consideration received shall be forfeited to the General Fund of the Municipality or to the Municipality as property of the Municipality if any valuable consideration received be not money.

§409 Severability Clause. If any court shall determine that any word, clause, phrase, sentence, paragraph, or subsection of this Part 4 is unconstitutional, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a clause or phrase or word or other portion hereof render any other word, clause, phrase, sentence, paragraph or section unconstitutional, but instead shall be severed there from entirely, with the balance of this Part 4 in its entirety remaining in full force and effect.

**PART 5
CURFEW FOR TAVERNS**

§501 General Provisions and Intent.

501.1 This Part 5 shall be known as “Tavern Regulations.”

501.2 It is hereby declared and determined by the Municipality that:

501.2.1 After-hours Patrons and Guests at or on the premises of Taverns in the Municipality create unreasonable and offensive noise;

501.2.2 It is necessary to the safety, health, convenience and general welfare of the citizens of the Municipality to regulate Taverns from which reasonable and offensive noise may emanate;

501.2.3 It is necessary to the health, safety, convenience and general welfare of the citizens of the Municipality to require that all Patrons and Guests vacate Tavern Premises at or before 2:30 A.M. (Prevailing Time); and

501.2.4 It shall be unlawful for Patrons and Guests to remain on or at Tavern Premises after 2:30 A.M. (Prevailing Time).

§502 Definitions.

Patron(s) or Guest(s): any natural person other than regular employees of the Tavern.

Premises: any building, structure or space and adjacent areas, including but not limited to doorways, sidewalks and parking lots.

Tavern: any establishment which is licensed by the Pennsylvania Liquor Control Board to serve or to sell alcoholic beverages. “Tavern” shall include, but shall not be limited to, the following: bar, billiard room, cabaret, club, discotheque, nightclub, pub, restaurant or saloon.

Tavernkeeper: any Person who has any ownership interest in a Tavern and any Person who is employed to work on Tavern Premises by any Person who has any ownership interest in a Tavern.

§503 Unlawful Acts.

503.1 It is unlawful for any Tavernkeeper to permit or to require any Patrons or Guests to remain in or on the Premises of a Tavern after 2:30 A.M. (Prevailing Time).

503.2 It is unlawful for any Patrons or Guests to remain in or on the Premises of a Tavern after 2:30 A.M. (Prevailing Time).

PART 6
DRUG PARAPHERNALIA

§601 Definitions.

“Drug Paraphernalia”: all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of 35 P.S. §§780-101 to 780-144 (“The Controlled Substance Drug, Device and Cosmetic Act”). It includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parentally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (f) Miniature cocaine spoons, and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetor pipes;
 - (i) Electric pipes;
 - (k) Chillums;
 - (l) Bongs;
 - (m) Ice pipes or chillers;

In determining whether an object is Drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of 35 P.S. §§780-101 to 780-144.

- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of 35 P.S. §§780-101 to 780-144; the innocence of an owner, or of anyone in control of the object as to a direct violation of 35 P.S. §§780-101 to 780-144 shall not prevent a finding that the object is intended for use, or designed for use as Drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use.

§602 Offenses.

602.1 Possession of Drug Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 35 P.S. §§780-101 to 780-144.

602.2 Manufacture or Delivery of Drug Paraphernalia. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise

introduce into the human body a controlled substance in violation of P.S. §§780-101 to 780-144.

602.3 Advertisement of Drug Paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

§603 Civil Forfeiture. All drug paraphernalia as defined by §601 of this Part 6 shall be subject to forfeiture to the Municipality, and no property right shall exist in them.

PART 7
WARRANTLESS ARRESTS/SUMMARY

§701 Pursuant to authority under 42 Pa. C.S. §8902, for any of the following offenses, a police officer shall, upon view, have the right of arrest without a warrant, upon probable cause, when there is ongoing conduct that imperils the personal security of any person or endangers public or private property.

701.1 18 Pa. C.S. §5503 (disorderly conduct)

701.2 18 Pa. C.S. §5505 (public drunkenness)

701.3 18 Pa. C.S. §5507 (obstructing highways and other public passages)

701.4 18 Pa. C.S. §6308 (purchase, consumption, possession or transportation of liquor or malt or brewed beverages)

§702 Pursuant to Rule 71 of the Pennsylvania Rules of Criminal Procedure, or its successor rule, as amended from time-to-time, when a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to paragraph (a) or taken before the proper issuing authority under paragraph (b).

702.1 When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:

702.1.1 The defendant is a resident of the Commonwealth;

702.1.2 The defendant poses no threat of immediate physical harm to any other person or to himself or herself;

702.1.3 The arresting officer has reasonable grounds to believe that the defendant will appear as required; and

702.1.4 The defendant does not demand to be taken before an issuing authority.

A citation shall be issued to the defendant at the time of release and thereafter the case shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure 55-59 as if the proceedings had been instituted by issuing a citation to the defendant.

702.2 When the defendant has not been released from custody under paragraph (a), the defendant shall be taken without unnecessary delay before the issuing authority where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:

702.2.1 The Commonwealth is not ready to proceed or the defendant requests a postponement, and in either event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial; or

702.2.2 The defendant's criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information.

PART 8
REGULATION OF COMMERCIAL LEAF BLOWERS

§801 General Provisions. The operation of commercial leaf blowers is prohibited except between the hours of 7:00 AM and 7:00 PM, Monday through Saturday inclusive. The term “commercial leaf blower” is defined as a truck or trailer mounted leaf blower unit capable of moving air at a rate equal or greater than five thousand (5,000) cubic feet per minute.

PART 9
BARKING DOGS

- §901 Noise Disturbance. It shall be illegal within the Municipality for any person to own, possess or control any dog which barks, yelps, howls or makes other similar offensive noise continuously or repeatedly for a period of at least fifteen (15) minutes regardless of whether the dog is physically situated in or upon private property. Such noise shall be considered a nuisance and shall be illegal provided that the exception set forth in §902 does not apply.
- §902 Exception. Barking or other noises made by a dog in response to a person who is trespassing upon private property in or upon which the dog is lawfully situated.
- §903 Enforcement. The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Municipal Police Department, or upon such other person as may be designated by the manager.
- §904 Warnings. Any person who shall violate any provision of this Ordinance shall upon the first offense, be given a written warning notice by personal service or by certified mail, return receipt requested. Such notice shall inform such person that he/she is in violation of this Ordinance and subject to the penalties described. It shall be a condition precedent to any enforcement action for penalties or fines, to show that within the previous twelve (12) month period a written warning was served upon or sent to the person owning and/or possessing the dog.

PART 10
ALCOHOLIC BEVERAGES

§1001 Definitions.

- 1001.1.1 Alcoholic Beverages. All “liquor” and “malt or brewed beverages” as defined by the Pennsylvania Liquor Code, 47 P.S. §1-102.
- 1001.1.2 Parks. All parks, parklets, recreation facilities and traffic islands, as such terms are defined in Chapter XI, §101 of the Mt. Lebanon Code.
- 1001.1.3 Private Property. All property that is not Public Property.
- 1001.1.4 Public Property. Property that:
 - 1001.1.4.1 Consists of streets, alleys, sidewalks, Parks, parking lots, parking garages, steps and other corridors through which either vehicles or persons may travel; and
 - 1001.1.4.2 That is owned or maintained by the Municipality, an Authority, Allegheny County, the Commonwealth of Pennsylvania, or another governmental body.

§1002 Prohibited Conduct.

- 1002.1 No person shall consume alcoholic beverages or carry or possess an open container of alcoholic beverages on: (i) Public Property, or (ii) Private Property unless the person has the express permission of the landowner or tenant of such Private Property.
- 1002.2 The prohibition in subsection 1102.1 shall not apply to:
 - 1002.2.1 Outdoor Seating/Assembly Areas as provided for in §621 of the Zoning Ordinance and for which a permit has been issued;
 - 1002.2.2 Block parties held under permit issued by the Municipality;
 - 1002.2.3 Events sponsored by the Municipality;
 - 1002.2.4 Events for which a special permit is issued by the Manager pursuant to §1003.

§1003 Special Permit. The Manager may issue a special permit pursuant to §1002.2.4, subject to the following requirements:

- 1003.1 The sponsor of the Event applies for a permit on a form prepared by the Municipality, supplies the information listed therein, and pays a fee as set by the Commission by resolution from time to time;
- 1003.2 The applicant furnishes the Manager with a certificate of insurance, in an amount at least equal to one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate, indemnifying the Municipality against liability;
- 1003.3 The Event is located at least seventy-five (75) feet from any residential district;
- 1003.4 The Event shall meet all applicable requirements of the Municipality, County and State;
- 1003.5 There be maintained on any sidewalk adjacent to the curb a minimum of five (5) feet of unobstructed space for the passage of pedestrians; for any such sidewalk along which parallel parking of motor Vehicles is permitted, a minimum of six (6) feet of unobstructed space adjacent to the curb must be maintained for the passage of pedestrians;
- 1003.6 The Event area shall be kept clean from all litter and debris;
- 1003.7 Appurtenances: All appurtenances must be removed from the Public Area at the conclusion of the Event:
 - 1003.7.1 Space heaters are permitted only with utility hookups. Fuel tanks are prohibited;
 - 1003.7.2 Temporary railings, ropes, fencing or other physical delineations of the Event area are not permitted unless preapproved for traffic or crowd control;
- 1003.8 Outside cooking and food preparation is permitted only if the Applicant submits an acceptable plan to control garbage, which plan must provide for (i) an adequate number and size of receptacles and (ii) removal promptly after the Event;
- 1003.9 No music or other audio performance may be broadcast in the Event area unless the Applicant provides a set time after which the music or audio will cease, and such time is approved by the Manager;
- 1003.10 The Event permit shall be valid for the period of time specified in the Permit, not to exceed one (1) day.