

CHAPTER VII

CONDUCT

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Section 1. Disorderly Conduct Prohibited. Disorderly conduct is hereby prohibited within the Borough of Tamaqua. Any person who shall wilfully make or cause to be made any loud, boisterous and unseemly noise or disturbance, to the annoyance of the peaceable residents nearby, or near to any public street or alley, or public ground within the Borough, whereby the public peace is broken or disturbed, or the traveling public annoyed, shall be guilty of disorderly conduct.¹ (Ordinance 304(17), April 13, 1971, Section 1)

Section 2. Disturbance of the Peace Prohibited. Disturbance of the peace is hereby prohibited within the Borough of Tamaqua. Any person who shall be guilty of any wilful act causing or tending to cause a disturbance of the peace and good order of the Borough, or causing or tending to cause any danger, discomfort or annoyance to inhabitants

1. Section 4 of this ordinance repealed Ordinance 259.

of the Borough or to users of any of the public streets or alleys in the Borough; or who shall fight or quarrel or incite others to fight or quarrel; or who shall publicly make use of obscene or indecent language; or who shall loaf or loiter or congregate upon any of the public streets or alleys or public grounds in the Borough, to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any of the public grounds in the Borough, whereby the public peace is broken or disturbed or the traveling public annoyed shall be guilty of disturbance of the peace. (Ordinance 304(17), April 13, 1971, Section 2)

Section 3. Penalty for Disorderly Conduct or Disturbance of the Peace. Any person who shall violate any provision of this ordinance² shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. (Ordinance 304(17), April 13, 1971, Section 3)

Section 4. Use of Firearms Restricted. No person shall fire or discharge any gun or other firearm within the limits of the Borough of Tamaqua except: (a) in necessary defense of person or property; (b) on a rifle range established for the purpose and approved as such by the Mayor of the Borough; and (c) while hunting game where allowed by the game laws of Pennsylvania. 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 hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. (Ordinance 304(18), April 13, 1971)

Section 5. Ball Playing, Snowballing and Throwing Stones and Other Missiles upon or onto Streets, Alleys and Sidewalks 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 Tamaqua is hereby prohibited. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than five (5) days. (Ordinance 304(19), April 13, 1971)

2. Sections 1 to 3 of this chapter.

Section 6. Unlawful to Tamper with Public Property or Property on Street, Alley, Sidewalk or Public Ground. No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Tamaqua, or any grass, walk, lamp, ornamental work, building, street light, fire hydrant, sewer or water or gas stop box on or in any of the streets, alleys, sidewalks or public grounds in the Borough of Tamaqua or any property or facilities of, or pertaining to, the waterworks of the Tamaqua Borough Authority.³ (Ordinance 304(20), April 13, 1971, Section 1)

Section 7. Unlawful to Tamper with Stakes and Monuments. 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 Tamaqua, 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. (Ordinance 304(20), April 13, 1971, Section 2)

Section 8. Unlawful to Tamper with Warning Lamps, Signs or Barricades. No person or persons shall wilfully 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. (Ordinance 304(20), April 13, 1971, Section 3)

Section 9. Unlawful to Take Material from Street, Alley or Public Ground. 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 Tamaqua. (Ordinance 304(20), April 13, 1971, Section 4)

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3. Section 7 of this ordinance repealed an undated and untitled ordinance enacted prior to 1875 making it unlawful to injure or tamper with street lamps or public property or to make indecent markings on public property and also repealed Ordinance 23, enacted prior to 1865.

Section 10. Exceptions to Provisions Relating to Tampering with, Injuring or Removing Certain Property. This ordinance⁴ 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. (Ordinance 304(20), April 13, 1971, Section 5)

Section 11. Penalty for Tampering with, Injuring or Removing Certain Property. Any person who shall violate any of the provisions of this ordinance⁵ shall, upon conviction thereof, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than ten (10) 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. (Ordinance 304(20), April 13, 1971, Section 6)

Section 12. Unlawful to Maintain or Operate Certain Noisemaking Devices. It shall be unlawful for any person, firm, corporation, association or organization to maintain and operate in, from or upon any streets of the Borough of Tamaqua, or buildings or premises adjacent thereto, or in any motor or other vehicle upon said Borough streets or in any aircraft flying over said streets, any radio, mechanical musical instrument, loud speaker, amplifier or other noisemaking device of any kind and for any purpose whatsoever whereby the sound therefrom is cast upon said streets.⁶ (Ordinance 213, March 14, 1950, Section 1)

Section 13. Certain Noisemaking Devices Declared Public Nuisances. The use of such radio, mechanical musical instrument, loud speaker, amplifier or other noisemaking devices as aforesaid whereby the sound therefrom is cast directly upon said Borough streets so as to be distinctly and loudly audible upon such streets in violation of this ordinance is hereby declared to be a public nuisance. (Ordinance 213, March 14, 1950, Section 2)

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4. Sections 6 to 11 of this chapter.
 5. Sections 6 to 11 of this chapter.
 6. Section 5 of this ordinance repealed all inconsistent ordinances and parts of ordinances.

Section 14. Certain Noisemaking Devices Excepted. This ordinance⁷ shall not apply to the electrical amplification of clock chimes; nor to the proper use in or upon motor vehicles, motorcycles, bicycles, trains and other moving vehicles or horns or other devices used as reasonable warning devices in accordance with traffic laws and ordinances in such cases made and provided; nor to the use of any mechanical musical instrument or amplifying device as used by any church, lodge, or fire company for the playing of religious music, hymns or Christmas music. (Ordinance 213, March 14, 1950, Section 3)

Section 15. Penalty for Maintaining or Operating Certain Noisemaking Devices. Any person who shall violate any provision of this ordinance⁸ shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. (Ordinance 213, March 14, 1950, Section 4, as amended by Ordinance 304(6), April 13, 1971, Section 1)

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7. Sections 12 to 15 of this chapter.
 8. Sections 12 to 15 of this chapter.