

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 998**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR
DISRUPTIVE CONDUCT AND NUISANCES, PROMOTING PUBLIC
HEALTH, LIFE, SAFETY, MORALS, WELFARE, PEACE, DECENCY,
DIGNITY, AND TRANQUILITY OF THE BOROUGH, PRESCRIBING
PENALTIES FOR VIOLATION THEREOF, REPEALING ALL
INCONSISTENT ORDINANCES OR PARTS THEREOF AND
ESTABLISHING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Definitions and Word Usage

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

Alcoholic Beverages: Any spirit, wine, beer, ale or other liquid containing more than one-half of a percent (1/2%) of alcohol by volume which is fit for beverage purposes.

Alley: A narrow access-way intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Bicycle: A device having two or more tandem wheels, one or more having a diameter of not less than 13 inches, and propelled by human power or, in part by small electric or gas motor, excluding from this definition such devices having training wheels attached.

Container: Any bottle, can or other vessel in which alcoholic beverages are contained.

Nuisance: Such activity, existence of a condition, or state of being, which based upon actual conditions in the Borough, shall be offensive to public life, health, safety, morals, welfare, peace, decency, dignity, reasonable and comfortable use of property, and the tranquility of the community.

Person: Includes an individual, organization, corporation, partnership, business trust, estate, trust, association, and any other legal or commercial entity.

Roadway: That portion of the street improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.

Shrub: See definition of "Tree"

Sidewalk: That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property intended for use by pedestrians.

Street: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a public or private school or public or historical park.

Tobacco: Lighted or unlighted cigarettes, cigars, pipe or other lighted smoking products and smokeless tobacco or vaping in any form.

Traffic way: The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

Tree: Any tree, shrub, ornamental growth or woody plant grown in or upon any street, alley, sidewalk, yard, and/or private property within the Borough of Bangor.

Section 2. Prohibiting Disruptive Conduct and Disturbance of the Peace

- A. Disruptive conduct is hereby prohibited within the Borough of Bangor. Any person who shall willfully make or cause to be made by any loud, boisterous and unseemly noise or disturbance 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 disruptive conduct.
- B. Disturbance of the peace is hereby prohibited within the Borough of Bangor. Any person who shall be guilty of any willful 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 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.

Section 3. Prohibiting the Injury, Defacement, Tampering with or Removal of Certain Property

- A. No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Bangor, or any grass, walk, lamp, ornamental work, building, street light, fire hydrant, or water or gas stop box on or in any street, alley, sidewalk or public ground in the Borough of Bangor.
- B. 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 Bangor, made or 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, location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, matter or thing.
- C. 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, sidewalk, bridges or public grounds in the Borough, as a warning of danger.
- D. No person or persons shall take any earth, stone or other material from any street, alley, or public ground in the Borough of Bangor. This Paragraph 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 therein upon permit from or by authority of the Borough.

Section 4. Prohibiting the Throwing of Objects Upon or Onto Any Public Street

Ball playing, including 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 Bangor is hereby prohibited.

Section 5. Activities and Conditions Constituting a Nuisance

When based upon actual conditions in the Borough, the following activities shall be deemed to be a nuisance:

- A. The accumulation of junk, garbage and rubbish and the storage of abandoned or junked automobiles, on private and public property, and the carrying on of any offensive manufacture or business.

- B. The ownership, maintenance, inhabitation, use, or offering for use, any structure on public or private grounds which may be dangerous, unwholesome, or offensive to the public.
- C. Any act or conduct such as might tend to cause riot, panic, violence, or general disturbance.
- D. The use of indecent, vile, and profane language audibly upon the public streets, lanes, alleys, parks, squares, commons, public buildings, public places, churches, schools or any public place within the Borough.
- E. The congregation or assembling at, near, or about a place where a fire is in process, or where the fire or police apparatus have been summoned by an alarm or necessity, and thereby hindering, delaying or obstructing any such apparatus, its men and equipment, or rendering dangers by such assembly, the management or handling of such apparatus.
- F. The neglect or refusal to promptly regard and obey the orders of any police officer or fireman in respect to the discharge of their duties in the enforcement of the laws and ordinances of the Borough, and at any place where a fire or emergency incident is in progress.
- G. Parking a disabled vehicle (i.e. one that is incapable of being operated in a safe and legal manner) on a street in excess of 48 hours.
- H. Offering for sale any vehicles on a street or traffic way.
- I. The repairing or performing of any mechanical or repair work on any motorized vehicle or automobile in or on any street.

Section 6. Prohibiting Bicycle Riding on Any Sidewalk

- A. It shall be unlawful for any person to ride or operate any bicycle upon any sidewalk in the Borough of Bangor, except for any such bicycle or device which shall have training wheels attached and/or is intended for use and being used by children under ten (10) years of age.
- B. A bicycle shall be operated only on the roadway as near to the right-hand side as possible. The operator of a bicycle shall obey all official traffic signals and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- C. The operator of a bicycle shall not carry any other person upon the handlebar, frame or any part of the bicycle. This provision shall not be construed to prohibit the use of bicycles built to be operated by two or more persons.

- D. The operator of a bicycle emerging from a driveway or building shall yield the right-of-way to all pedestrians on the sidewalk and to all vehicles on the roadway.
- E. Operators of bicycles shall not ride in any manner other than single file except on paths or parts of the roadway set aside for the exclusive use of bicycles.
- F. The operator of a bicycle shall not indulge in any abnormal or trick riding and shall keep at least one hand on the handlebar at all times while in use.
- G. Operators of bicycles shall not hitch onto vehicles or buses upon a roadway.
- H. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

Section 7. Fireworks

By reference, herein, Act 43 of 2017, Article XXIV, Fireworks, as amended, is made part of this Ordinance in the same manner as if the text were written herewith.

Section 8. Noise

The making of unnecessary noises upon, near or adjacent to the streets, public property or across a real property boundary within the Borough by automobile horns, engines, machinery, explosives, fireworks, whistles, bells, sirens, radios, amplifying systems or otherwise is declared to be a public nuisance.

- A. The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this Section:
 - 1. Radios, music players, television sets, musical instruments, electronic amplification equipment and similar devices. Operating, playing or permitting the operation or playing of any radio/speaker, television, musical instrument, sound amplifier, automobile stereo or similar device with produces, reproduces or amplifies sound:
 - a. At any time of the day in such a manner from any source as to create a noise disturbance across a real property line or between the hours of 10:00 p.m. and 7:00 a.m. the next day when such noise is deemed a nuisance by any Police Officer; or

- b. In such a manner as to create a noise disturbance across any real property line when operated in or on a motor vehicle on a public right-of-way or public space; or
 - c. In such manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier, or
 - d. At such a sound intensity that the sound is audible from a distance of 40 feet in any public area, street or sidewalk of the Borough when the sound is in any public area, street or sidewalk of the Borough.
2. Stationary nonemergency signaling devices. Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period.
3. Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing.
4. Loudspeakers/public address systems. Using or operating any loudspeaker, public address system or similar device:
 - a. Such that sound therefrom creates a noise disturbance across a real property line; or
 - b. Between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.
5. Vehicle repairs and testing. Repairing, rebuilding or testing any motor vehicle or motorcycle in such manner as to cause a noise disturbance across a real property line.
6. Power tools and building construction. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, or similar device used outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a real property line, except to affect an emergency repair after giving notice of such emergency repair to the Borough Manager or Police Department.

7. Animal noises. No person shall keep any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in its vicinity.

B. The provisions of this Section shall not apply to:

1. The emission of sound, including radios, public address systems or other communications devices, from a police, fire or ambulance vehicle, device or building.
2. The emission of sound from a municipal and/or utility services vehicle, device or building.
3. The sound of any bell or chime used in conjunction with places of religious worship.
4. The use of devices such as public-address systems, amplifying systems, bull horns, musical instruments, tape messages or similar devices which are used at political or labor rallies, or athletic events or other Borough licensed, permitted or authorized events.

Section 9. Prohibiting the Consumption and Possession of Alcoholic Beverages

- A. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property, including, without limitation, all buildings owned by the Borough, and all Borough parking lots and Borough owned properties within the Borough of Bangor (except as provided for in Section 9C below), nor shall any person consume any alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway or other outdoor private property open to public view without the express or implied permission of the owner, his agent, or other party in lawful possession thereof.
- B. Possession. No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Borough of Bangor, nor shall any person possess any container or alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway, or other outdoor private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof; except as provided for in Section 9C below.
- C. Exceptions. Provided, however, that the provisions of Sections 9A and 9B of this Ordinance shall not apply to the interior portions of any private dwelling, habitat or

building; nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in the definition of Alcoholic Beverages; and provided further, that the provision of said Sections 9A and 9B above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board, and to persons then and there patrons of said licensee; and further provided that the provisions of said Sections 9A and 9B above shall not apply to public and private parties, functions, and celebrations conducted upon Borough streets or property where such event is being conducted pursuant to permission obtained from the Borough of Bangor for the conduct of such event, and where a special activity permit has been obtained from the Borough of Bangor authorizing the consumption and possession of alcoholic beverages at such party, function or event. The fee for such special activity shall be set forth by resolution as adopted from time to time.

Section 10. Discharge of Firearms Prohibited

- A. Except in necessary defense of person and property and except as provided in Section 10C of this Ordinance, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Bangor.
- B. 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 of Bangor, except as provided in Section 10C of this Ordinance, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.
- C. Section 10 of this Ordinance shall not apply to:
 1. Persons licensed to hunt in this Commonwealth while engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania;
 2. 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;
 3. Any law enforcement officers when used in the discharge of their official duties; and
 4. Members of the Bangor Police Department engaged in target practice activities at an authorized site.

Section 11. Possession and Use of Tobacco by Minors Prohibited

It shall be unlawful for any minor under the age of eighteen (18) years to use or possess tobacco, in any form, within the Borough of Bangor on any Borough owned property, on any public street, street, traffic way, alley or sidewalk.

Section 12. Maintenance of Trees and Shrubs

A. Tree trimming required. All trees and shrubs shall be kept trimmed by the property owner of the property on which any tree or shrub is located so that the minimum clearance of any overhang over any public walkway/sidewalk shall be at least 9 feet, and the minimum clearance of any branches over any public street or highway shall be at least 15 feet. No branch, limb, or bough of any such tree or shrub shall obstruct travel upon any street, alley, or sidewalk; nor shall any street lighting be obscured. All trees and shrubs standing on private property and having branches projecting over or into a public walkway, sidewalk, street, or highway shall be kept trimmed by the owner of such property so that the lowest branches shall have the minimum clearance specified above.

B. Tree trimming penalty. In the event that the owner of such property shall neglect or refuse to trim such tree upon notification, in writing, by the Borough to do so, the Borough may, after the expiration of the date specified in said notification, cause such trimming to be done at the expense of the owner, and the entire cost thereof shall be a lien upon said premises and shall be filed and collected by the Borough in the same manner as municipal claims are filed and collected. Notice shall be sent by any of the following: certified mail, regular mail or posting of the property. In emergency circumstances, as determined by the Borough, the notice identified above may require immediate action by the property owner. Except for such emergency situations, at least 10 days' notice is required before action to trim a tree may be undertaken as noted previously.

C. Tree removal required. All trees, or portions of trees, which are dead or decayed to such an extent that they become a public nuisance or threaten the health, safety and welfare of the public shall be removed by the owner of the property upon which such trees exist. The Borough Manager, Code Enforcement Officer, or his/her designee shall determine when a dead or decaying tree becomes a public nuisance or threatens the health, safety, and welfare of the public. Notice shall be given by the Borough in the manner identified in Section 12B above relative to tree trimming.

D. Tree removal penalty. In the event that such property owner fails to remove the offending tree within 30 days after written notice from the Borough to do so (notice to be provided in the same manner as is provided with respect to tree trimming in Section 12B above), then the Borough may remove the tree, and the entire cost of removal shall be assessed and collected from the property owner, filed and collected by the Borough in the same manner as municipal claims are filed and collected. The Borough's cost of removal shall be a lien upon the property until such cost is paid.

Section 13. Violations and Penalties

Any person violating any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 for every offence and costs of prosecution, and, in default of payment of such fine and costs, to incarceration in the County prison for not more than 30 days.

Section 14. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing the following Ordinances:

#428, enacted August 3, 1953
#433, enacted August 2, 1954
#434, enacted September 7, 1954
#527, enacted September 13, 1965
#596, enacted November 8, 1971
#597, enacted November 8, 1971
#598, enacted November 8, 1971
#599, enacted November 8, 1971
#600, enacted November 8, 1971
#602, enacted November 8, 1971
#603, enacted November 8, 1971
#611, enacted November 8, 1971
#672, enacted September 11, 1978
#713, enacted September 10, 1984
#757, enacted July 10, 1989
#810, enacted November 13, 1995
#813, enacted March 11, 1996
#870, enacted September 8, 2003
#930, enacted June 14, 2010
#931, enacted August 9, 2010
#978, enacted July 9, 2018

Section 15. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 16. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 23rd day of August,
2021.

Borough Council of the Borough of Bangor

BY: James W Kresge
James Kresge, President

ATTEST: Tracy Palmer
Tracy Palmer, Secretary

APPROVED by the Mayor this 13th day of September, 2021.

BY: Brooke Kerzner
Brooke Kerzner, Mayor