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**PART 1**

**ALCOHOLIC BEVERAGES**

**§6-101. Definitions.**

For purposes of this Part, the following definitions shall apply:

**ALCOHOL** - ethyl alcohol of any degree or proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

**PERSON** - any individual whether a resident or nonresident of the Borough of Collingdale and whether male or female.

**PUBLIC WAY OR PLACE** - every way or place, of whatever nature, located within the Borough of Collingdale, open to the use of the public as a matter of right, for the purposes of vehicular or pedestrian travel.

*(Ord. 488, 4/4/1977, §1)*

**§6-102. Public Consumption Prohibited.**

It shall be unlawful for any person to willfully consume in or upon public ways or places within the Borough of Collingdale any beverage containing any percentage of alcohol whatsoever.

*(Ord. 488, 4/4/1977, §2)*

**§6-103. Open Containers.**

The possession of an open container containing a beverage with any percentage of alcohol whatsoever in or upon the public ways or places of the Borough of Collingdale shall be prima facie evidence of consumption of such beverage in violation of this Part.

*(Ord. 488, 4/4/1977, §3)*

**§6-104. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

*(Ord. 488, 4/4/1977, §4; as amended by Ord. 568, 10/5/1987)*



**PART 2**  
**DISORDERLY CONDUCT**

**§6-201. Disorderly Conduct Prohibited.**

1. Disorderly conduct as herein defined is hereby prohibited within the Borough of Collingdale.
2. It shall constitute disorderly conduct within the meaning of this Part to do any act, use any word, or employ any conduct causing or tending to cause a disturbance of the peace and the good order of the Borough of Collingdale causing or tending to cause any danger to the inhabitants of the Borough of Collingdale or users of any thoroughfare located in the Borough of Collingdale.

*(Ord. 446, 9/11/1972, §§1, 2)*

**§6-202. Obstruction of Public Thoroughfares.**

Disorderly conduct within the meaning of this Part shall also include any act, word or conduct tending to willfully obstruct, wholly or partially, any street, sidewalk or portions thereof, any private walk of entrance, public access to public facilities or to business establishments, either personally or by vehicle or in any other manner. No arrest under this Section shall be made unless and until the violator refuses to comply with a duly sworn police officer's lawful direction to discontinue such unlawful conduct.

*(Ord. 446, 9/11/1972, §3)*

**§6-203. Offensive Acts.**

This Part shall include within the meaning of disorderly conduct fighting, drunkenness, the use of profane, indecent or inflammatory language, except language recognized to be within the realm of protected speech of the first amendment to the United States Constitution, making of unnecessary and unavoidable noise, spitting or expectorating upon places or areas resorted to by the public, casting, throwing or placing upon any portion of any sidewalk, public street, alley, vacant lot, park, lake or playground any material or paper, ashes, dirt, rubbish, litter or refuse substance, or the parking of any motor vehicle attended or unattended, in or adjacent to any park or recreation area during the hours when such park or recreation area is not open for use by the public, or any word, act or conduct prejudicial to the health of the residents of the Borough of Collingdale or persons lawfully within the Borough of Collingdale or tending toward the destruction of good morals as measured by the commonly accepted moral standard prevailing throughout the Borough of Collingdale.

*(Ord. 446, 9/11/1972, §4)*

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### **§6-204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

*(Ord. 446, 9/11/1972, §5; as amended by Ord. 568, 10/5/1987)*

**PART 3**

**LEWD MATERIALS**

**§6-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**AUDIENCE** - one or more persons who are permitted to view a performance for valuable consideration or in or from a public place.

**DISPLAY PUBLICLY** - exposing, placing, posting, exhibiting, or in any other fashion displaying in any location, whether public or private, material or a performance in such a manner that it may be readily seen and its content or character distinguished by viewing it in or from a public place or vehicle.

**DISSEMINATE** - manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.

**LEWD MATERIAL** - any material or performance in which all of the following elements are present:

- (1) Considered as a whole, by the average person, applying the contemporary community standards of the Borough, it appeals to the prurient interest in sex.
- (2) It depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined.
- (3) Taken as a whole, it lacks serious literary, artistic, political, educational or scientific values.

**MATERIAL** - any printed matter, visual representation or sound recording including, but not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, three-dimensional forms, sculptures, and phonograph, tape or wire recordings including videos.

**NUDITY** - uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

**PANDER** - advertising or propagandizing in connection with the sale of material, the offering of a service, or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.

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**PERFORMANCE** - any live or reproduced exhibition including, but not limited to, any play, motion picture film, dance or appearance presented to or performed before an audience.

**PERSON** - any individual, partnership, firm, association, corporation or other legal entity.

**PRURIENT INTEREST** - desire or craving for sexual stimulation or gratification. In determining prurient interest, the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons including, but not limited to, homosexuals or sado-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.

**PUBLIC PLACE or VEHICLE** - any street, alley, park, boulevard, school or other public property or any dance hall, rental hall, theater, amusement park, liquor establishment, store, depot, place of public accommodation, or other private property in the Borough generally frequented by the public for the purposes of education, recreation, amusement, entertainment, sport, shopping or travel; or any vehicle for public transportation, owned or operated by the government, either directly or through a public corporation or authority, or owned or operated by any nongovernmental agency for the use, enjoyment or transportation of the general public.

**SADO-MASOCHISTIC ABUSE** - flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.

### **SEXUAL CONDUCT -**

- (1) Masturbation.
- (2) Sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital.
- (3) Any erotic fondling or touching of the covered or uncovered genitals, buttocks, pubic area, or any part of the breasts of the female, whether the conduct described in subsection (1) through (3) is engaged in alone or between members of the same or opposite sex, or between humans and animals or humans and inanimate objects.
- (4) Actual or simulated display or exhibition of the human pubic area or genitals or any part thereof.
- (5) Sexual excitement, as hereinafter defined.
- (6) Sado-masochistic abuse as herein defined.

**SEXUAL EXCITEMENT** - the facial expressions, movements, utterances or any other physical responses of a human male or female, whether alone or with others, whether clothed or not, who is in an apparent state of sexual stimulation or arousal, or experiencing the physical or sensual reactions of humans engaging in or witnessing sexual conduct.

As used in this Part, the masculine shall include the feminine and neuter.

(*Ord. 386, 7/11/1967; as revised by Ord. 568, 10/5/1987*)

**§6-302. Disseminating and/or Promoting Lewd Material.**

It shall be unlawful for any person to disseminate and/or promote and/or display publicly lewd material in the Borough. A person shall be guilty of the offense of disseminating and/or promoting and/or displaying publicly lewd material if, knowing its content and character, he:

- A. Disseminates or causes to be disseminated any lewd material in or from a public place or vehicle, or for valuable consideration; or has in his possession any lewd material with intent to so disseminate; or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him, for such dissemination of lewd material; or
- B. Sells an admission ticket, or pass to premises where there is being exhibited or is about to be exhibited lewd material or a performance which contains lewd material; or
- C. Admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which contains lewd material; or
- D. Produces, presents, directs, or knowingly allows the use of any business, building, vehicle or place, owned, leased, conducted or managed by him to be used for a performance which contains lewd material before an audience; or
- E. Participates in that portion of a live performance before an audience which makes the performance contain lewd material; or
- F. Panders, displays publicly, or disseminates door-to-door, any lewd material, or causes such pandering, public display or door-to-door dissemination.

(*Ord. 386, 7/11/1967; as revised by Ord. 568, 10/5/1987*)

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### **§6-303. Penalties.**

Any person who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days. Each day a violation of this Part continues shall constitute a separate offense.

*(Ord. 386, 7/11/1967; as revised by Ord. 568, 10/5/1987)*

### **§6-304. Injunction.**

The Solicitor of the Borough may institute proceedings in equity in the Court of Common Pleas of Delaware County for the purpose of enjoining any violation or potential violation of this Part.

*(Ord. 386, 7/11/1967; as revised by Ord. 568, 10/5/1987)*

**PART 4**

**CURFEW**

**§6-401. Short Title.**

This Part shall be known and may be cited as Curfew Ordinance.

*(Ord. 490, 9/7/1977, §1)*

**§6-402. Purpose and Findings.**

The Borough Council has found that the number and seriousness of crimes committed by minors against persons and property within the Borough is increasing and has created a menace to the preservation of public peace, safety, health, morals and welfare. The purpose of this Part is to prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

*(Ord. 490, 9/7/1977, §2)*

**§6-403. Definitions.**

For the purposes of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

**BOROUGH** - the Borough of Collingdale, Delaware County, Pennsylvania.

**ESTABLISHMENT** - any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

**MINOR** - any person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age.

**OPERATOR** - any individual, firm, association, partnership or corporation operating, managing or conducting any establishment and whenever used in any clause prescribing a penalty the term “operator” as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

**PARENT** - any person having legal custody of a minor (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis or (iv) as a person to whom legal custody has been given by Order of Court.

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**REMAIN** - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totalling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home to implement that thought with additional precision and precaution, numerous exceptions are expressly defined in §6-405 so that this is not a mere prohibitory or presence type curfew ordinance.

**STREET** - a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.

**TIME OF NIGHT** - referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Borough, prima facie the time when observed in the Borough Administrative Offices.

**YEAR OF AGE** - continues from one birthday such as the 17th to (but not including the day of) the next, such as the 18th birthday, making it clear the 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 18-year-olds might be involved.

*(Ord. 490, 9/7/1977, §3)*

### **§6-404. Curfew for Minors.**

It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets within the Borough of Collingdale at night during the period ending at 5 a.m. and beginning:

- A. At 10:30 p.m. during the days Sunday through Thursday, inclusive.
- B. At 12:01 a.m. during the days Friday and Saturday.

*(Ord. 490, 9/7/1977, §4)*

### **§6-405. Exceptions.**

In the following exceptional cases a minor on a Borough street during the nocturnal hours for which §6-404 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow-citizens) shall not, however, be considered in violation of the Curfew Ordinance:

- A. When accompanied by a parent of such minor.

- B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to the Mayor, at the Borough Municipal Building a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Mayor of the Borough specifying when, where and in what manner said minor will be on the streets at night (during the hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.
- D. In case of reasonable necessity but only after such minor's parent has communicated to the Borough Municipal Building personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the Borough Municipal record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.
- E. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- F. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probably time of termination, has been given in writing to, and duly filed for immediate reference by the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situation) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.
- G. When authorized, by special permit from the Mayor, carried on the person of the minor thus authorized, as follows. When normal or necessary night-time activities of a minor may be inadequately provided for by other provisions of this Part, then recourse may be had to the Mayor of the Borough either for a regulation as provided in subsection (H) or for a special permit as the circumstances warrant. Upon the Mayor's finding of necessity for the use of the streets to the extent warranted by a written application signed by a minor and by a parent of such minor if feasible stating: (i) the name, age and address of such minor, (ii) the name, address and telephone number of a parent thereof, (iii) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (iv) the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable, and (v) the street, or route and the beginning and ending of the period of time involved by date and hour, the Mayor may

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grant a permit in writing for the use by such minor of such streets at such hours as in the Mayor's opinion may reasonably be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Mayor or if unavailable to the police officer authorized by the Mayor to act on his behalf in an emergency, at the police station.

- H. When authorized, by regulation issued by the Mayor, in other similar cases of reasonable necessity, similarly handled but adapted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Mayor permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the purposes of this Curfew Ordinance.
- I. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant dated or re-issued not more than 45 days previously signed by the Chief of Police and briefly identifying the minor, the addresses of his home and of his place of employment and his hours of employment.
- J. When the minor is with parental consent in a motor vehicle. This contemplates normal travel. From excess of caution this clearly exempts bona fide interstate movement through Borough of Collingdale. This also exempts interstate travel beginning or ending in the Borough of Collingdale.
- K. When the minor is 17 years of age, if and when the Mayor shall have determined by formal rule first reported to Borough Council, spread upon its minutes and so reported in the press, finding the facts as to the extent (minimal) of juvenile delinquency in such age group permitting such rule, currently, in the best interests of said minors and of the Borough, finding that the Curfew Ordinance should be relaxed, then the Mayor by such formal rules, covering a period of time designated therein or until decision thereof not exceeding 1 year from the date thereof, may take appropriate action excepting designated minors, minors in a defined group or area, or all minors (as the current facts may warrant) 17 years of age at that date or attaining 17 years of age during the period that such formal rule is and remains in effect.
- L. Each of the foregoing exceptions and their several limitations such as provisions for notification are severable, as hereinafter provided but here re-emphasized, and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools will be considered by Council as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, ward, precinct and neighbor-

hood spokesmen, parents, officers and persons in authority concerned positively with minors as well as with juvenile delinquency.

(Ord. 490, 9/7/1977, §5)

**§6-406. Parental Responsibility.**

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any Borough street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term “knowingly” includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent’s legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(Ord. 490, 9/7/1977, §6)

**§6-407. Police Procedures.**

A policeman of the Borough, upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Ordinance, normally shall take the minor to the Borough Police Station where a parent shall immediately be notified to come for such minor. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer there and then on duty for accurate, fair, impartial and uniform enforcement, and recording. In the absence of convincing evidence such as a birth certificate, a policemen on the street shall in the first instance use his best judgment in determining age.

- A. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policemen may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.
- B. In any event such policemen shall within 24 hours file a written report with the Chief of Police.
- C. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on

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behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

(*Ord. 490, 9/7/1977, §7*)

### **§6-408. Unlawful Conduct of Owners or Operators of Establishments.**

No operator of an establishment or their agents or employees shall knowingly permit any minor to remain upon the premises of said establishment between the hours of 10:30 p.m. and 5 a.m. of the following day, except that on Fridays and Saturdays the hours shall be from midnight to 5 a.m.

(*Ord. 490, 9/7/1977, §8*)

### **§6-409. Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.
2. Any minor who shall violate any of the provisions of the Curfew Ordinance more than three times shall be reported by the Mayor to the Delaware County Juvenile Authorities and shall then be taken under the Juvenile Act 11 P.S. sec 50-101 *et seq.* before the juvenile court for the treatment, supervision and rehabilitation of such minor.
3. A like procedure before the juvenile authorities shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of the Curfew Ordinance cannot be made effective by the imposing of penalties under this §6-409.
4. Any operator of an establishment and any agent or employee of any operator who shall violate the provisions of this Part shall be sentenced to pay a fine of not more than \$300 for each violation, and/or to imprisonment in the Delaware County Jail at Broadmeadows for a period not exceeding 90 days.

(*Ord. 490, 9/7/1977, §9; as amended by Ord. 568, 10/5/1987*)

### **§6-410. Construction.**

Severability is intended throughout and within the provisions of the Curfew Ordinance. If any provision, including inter alia any exception, part, phrase or term, or the application thereof to any person or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. From excess of caution, the Mayor is authorized to give advisory opinions, in writing or immediately reduced to writing which shall be binding, and shall be adhered to by the police, until this Part is amended in such respect interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good

faith, signed letters addressed to him at the Borough administration building, questioning as (i) ambiguous, (ii) as having a potentially chilling effect on constitutional rights specifically invoked, or (iii) as otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of said three categories. Borough Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. Council does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

(Ord. 490, 9/7/1977, §10)

**§6-411. Continuing Evaluation.**

Borough Council will continue its evaluation and updating of the Curfew Ordinance.

- A. Accordingly, there shall be compiled and informally reported to Borough Council through effective channels by such Borough administrative personnel as designated by the Mayor all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Mayor's special permits and the Mayor's regulations hereinbefore authorized, and the Mayor's advisory opinions, for consideration by the appropriate committee and by Borough Council in further updating and continuing evaluation of the Curfew Ordinance.
  
- B. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Mayor and relevant committees of Borough Council through their respective chairmen in coordinated efforts shall work with existing and may organize voluntary groups, and shall stimulate volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases reliable steps toward the good life the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good and a better life, for minors 17 or less years of age, and with the working of the Curfew Ordinance, community-wise and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of minors and of other persons, and of property and other interests, important to the welfare of the people of the Borough of Collingdale.

(Ord. 490, 9/7/1977, §11)



**PART 5**

**LITTERING**

**§6-501. Littering Prohibited.**

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough or on or near any alley, highway or stream located in said Borough, except in accordance with any Borough ordinance dealing with the collection of garbage, refuse, trash or solid waste.

*(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)*

**§6-502. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or, to imprisonment for a term not to exceed 90 days.

*(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)*



**PART 6**

**USE AND SALE OF GUNS WHICH ARE NOT FIREARMS**

**§6-601. Use and Sale of Air Guns and Other Weapons Not Firearms.**

1. Hereafter it shall be unlawful for any person, firm or corporation to either use, store, sell, offer or expose for sale at retail, or have in their possession with intent to sell at retail or with intent to use within the Borough of Collingdale any air gun, air pistol, air rifle, spring gun or pistols, or any implement not a firearm which impels with force a projectile of any kind.
2. "At retail" shall mean any sale of less than one dozen such articles or any sale to anyone not a bona fide dealer therein.

*(Ord. 279, 5/1/1951, §1)*

**§6-602. Authorization to Seize and Destroy Guns.**

The Chief of Police or any police officer of the Borough of Collingdale is hereby authorized and directed to seize, remove and destroy any air gun, air rifle, air pistol, spring gun or any implement not a firearm which impels with force a projectile of any kind which shall be used or discharged within the Borough of Collingdale or which shall be held and possessed in violation of this Part.

*(Ord. 279, 5/1/1950, §2)*

**§6-603. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

*(Ord. 279, 5/1/1950, §3; as amended by Ord. 568, 10/5/1987)*



**PART 7**

**DISORDERLY PROPERTY**

**§6-701. Definitions.**

As used in this Part, the following terms shall have the meanings as indicated:

**DISORDERLY PROPERTY**—any house, room, apartment or premises where frequent requests for police services for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug use and/or sale, loitering, gaming or other behavior prohibited by Part 6 of this Chapter.

**FREQUENT REQUEST FOR POLICE SERVICES**—more than three police responses to the same property within any preceding 60 day period

*(Ord. 643, 5/2/2005)*

**§6-702. Prohibition Against Maintenance of Disorderly Property.**

It shall be unlawful for any property owner, occupier, lessee or tenant to maintain, keep, lease, permit or allow a disorderly property, room, apartment or other premises to exist within the Borough of Collingdale.

*(Ord. 643, 5/2/2005)*

**§6-703. Declaration of Public Nuisance.**

Any such disorderly house, room, apartment or other property or any part thereof causing or intending to cause interference with or be disruptive to the peace and well-being of the surrounding neighborhood and/or greater community, or which may cause or tend to cause any danger or any persons or property shall be declared to be a public nuisance.

*(Ord. 643, 5/2/2005)*

**§6-704. Notification.**

After the third police response as defined above, the Chief of Police shall within 5 days, notify the occupier or resident of the property and owner thereof, in writing by either certified mail, posting or personal service, of the Borough's intent to initiate charges with the district justice and further to allow the occupier or resident of said property and its owner an additional 5 day period, commencing on the date of service to notify the Police Chief in writing of said occupier, resident or owner's desire to meet with the Police Chief shall meet as quickly as practical with the property occupier, resident and/or owner within 5 days thereof in an attempt to reach an accommodation on the pending violations. Should the parties fail to meet within a reasonable period of time or

be unable to meet an accommodation satisfactory to the Borough, the Chief of Police shall immediately proceed forthwith to initiate charges against for violation of this Part before the district justice.

*(Ord. 643, 5/2/2005)*

**§6-705. Violation and Penalty.**

1. Any person, firm or corporation or legal entity owning, operating, maintaining, or patronizing a disorderly property within the Borough of Collingdale shall upon summary conviction be liable to pay a fine of no more than \$1,000, plus the cost of prosecution for each offense, shall be incarcerated for a term not exceeding 90 days.
2. Upon conviction under the terms of this Part, the Borough of Collingdale may immediately revoke the Use and Occupancy and/or Inspection Permit of any property found to be a Disorderly Property.
3. Continuation of a violation(s) of this Part after the date of notification by the Chief of Police to remedy the violation(s) as set forth herein above, shall constitute for each day the violation continues a separate and distinct violation.

*(Ord. 643, 5/2/2005)*