

**PART SEVEN
GENERAL OFFENSES CODE**

**ARTICLE 730
DISTURBING THE PEACE**

- 730.01 Disorderly Conduct
- 730.02 Breach of Peace; Riotous Assemblages
- 730.03 Fights and Affrays; Public Drunkenness
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- 730.05 Aiding, Abetting or Inciting
- 730.06 Unnecessary Noises Declared a Nuisance
- 730.07 Sound Amplifiers
- 730.08 Horns and Other Loud Noises
- 730.09 Panhandling
- 730.99 Penalty
- 730.99.1 Guidelines for Police Officers in Making Certain Warrantless Arrests (15347 §1 2/15/17)

CROSS REFERENCES

- Disorderly Practices - 3rd Class §2403 (24) - (53 P.S. §37403 (24)
 - Disorderly Conduct - 3rd Class §2403 (55) - (53 P.S. §37403 (55)
 - Parade Permits - General Offenses 711.01
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730.01 DISORDERLY CONDUCT

No person shall unlawfully and willfully engage in or commit any disturbance, loud or unusual noise; use any profane, scandalous, insulting, obscene, lewd, filthy or other indecent language to any other person or in the hearing of any other person; make any immodest, immoral, lewd or other indecent sign or gesture; do or commit any other immodest, immoral, lewd or indecent act to or in the presence of any other person or abuse or annoy any person in any public street, alley, highway, park or any other place whatsoever within the City so as to disturb the good order, quiet and welfare of the inhabitants of the City. (6620 §1 6/5/51)

730.02 BREACH OF PEACE; RIOTOUS ASSEMBLAGES

No person shall engage in or commit a breach of the peace within the City or engage in riotous conduct or assemble themselves together and conduct themselves in a noisy, riotous, mischievous or grossly disorderly manner. (2876 §3 1/29/32)

730.03 FIGHTS AND AFFRAYS; PUBLIC DRUNKENNESS

No person shall wrongfully strike another or be engaged in any fight or affray or be or appear in a drunken or intoxicated condition, in any public street, highway or public place within the city. Any person so offending shall be subject to the penalty of this Article. (2876 §4 1/29/32)

730.04 LOITERING; OBSTRUCTING PUBLIC PLACES

A. No person shall loiter in a public place, as hereinafter defined, in such manner as to obstruct any public street, public sidewalk, public bridge, or other public place or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.

B. No person shall commit in or upon any public street, public sidewalk, public bridge, or other public place or public building any act which obstructs or interferes with the free and uninterrupted use of property or the lawful conducting of any business by anyone in or upon or facing or fronting on any such public street, public sidewalk, public bridge, or other public place or public building, in such manner as to hinder or impede or tend to hinder or impede the free and uninterrupted ingress and egress thereto.

C. Definitions, for purposes of this Section, are as follows:

1. **Loitering** means remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

2. **Public Place** means any place to which the public has access and includes any public street or public sidewalk, as well as the front of and the area immediately adjacent to any parking lot, store, restaurant, tavern or other place of business.

D. When any person causes or commits any of the conditions enumerated in subsections A or B hereof, a law enforcement officer for the City shall order that person to stop causing or committing such condition. If any person receiving any such order from a law enforcement officer fails or refuses to obey the same, that person shall be guilty of a violation of this Section and shall be subject to the penalties prescribed in Section 703.99 (12243 §1 4/6/77)

730.05 AIDING, ABETTING OR INCITING

Any person who shall aid, assist, encourage or abet any other person in the commission of any of the offenses prohibited by this Article or shall incite such commission shall be subject to the penalty of this article. (2876 §8 1/29/32)

730.06 UNNECESSARY NOISES DECLARED A NUISANCE

The use or operation of loudspeakers, sound devices or sound apparatus, the unnecessary blowing of horns or the making of unnecessary loud noises whereby the sound there from is cast upon the City streets is declared to be a public nuisance, disturbing to the public peace and injurious to the public interest. (5778 §3 11/12/47)

730.07 SOUND AMPLIFIERS

No person shall maintain and operate in or upon any streets of the City, buildings or premises adjacent thereto, in any motor or other vehicle upon the streets or in any airplane flying over the streets, any loudspeaker, sound device or sound apparatus of any kind, except as otherwise provided in Article 717, whereby the sound there from is cast upon the streets. (5778 §1 11/12/47)

730.08 HORNS AND OTHER LOUD NOISES

No person shall permit or commit the unnecessary blowing of horns or the making of unnecessary loud noises in or upon the streets of the City, in such manner as to cast such noises upon the streets, except for the proper use of horns or other devices as reasonable warning, in accordance with traffic laws. (5778 §2 11/12/47)

[Ed. Note: Article 703.09, Speakeasies, was removed by Ordinance 13216 passed on September 2, 1993.]

730.09 PANHANDLING

1. **"Panhandling"** for the purpose of this Article, is any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Article. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

2. Prohibited After Dark:

Any person who panhandles after sunset or before sunrise is guilty of a summary offense.

3. Prohibited in Certain Places:

Any person who panhandles, when the person solicited is in any of the following places, is guilty of a summary offense:

- a. At any bus stop or train stop;
- b. In any public transportation vehicle or facility;
- c. In any vehicle on the street; or
- d. On private property, unless the panhandler has permission from the owner or occupant.

4. Manner of Panhandling:

Any person who panhandles in any of the following manners is guilty of a summary offense:

- a. By coming within three (3') feet of the person solicited, until that person has indicated that he does wish to make a donation;
- b. By blocking the path of the person solicited along a sidewalk or street;
- c. By following a person who walks away from the panhandler;

- d. By using profane or abusive language, either during the solicitation or following a refusal;
- e. By panhandling in a group of two (2) or more persons;
- f. By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat. (13336 §1 5/18/95)

730.99 PENALTY

A. Any person violating the provisions of this article shall be fined not more than Six Hundred (\$600.00) Dollars or imprisoned not more than ninety (90) days, or both. (11995 §1 2/21/73; 13034 §1 3/6/91; 13216 §1 9/2/93)

B. Alternative adjudication may be made pursuant to the provisions of 42 Pennsylvania C.S.A. §1520 for Section 703.04, Loitering. (13216 §1 9/2/93)

730.99.1 GUIDELINES FOR POLICE OFFICERS IN MAKING CERTAIN WARRANTLESS ARRESTS

A. A police officer is authorized to make an arrest without a warrant when the officer observes conduct constituting a summary offense as set forth herein and in 42 Pa.C.S.A § 8902(a), as may be amended, and such conduct imperils the personal security of any person or endangers public or private property.

B. Arrests authorized under this Section 730.99.1 shall proceed in accordance with Pennsylvania Rules of Criminal Procedure 440 and 441, as may be amended.

C. This Section 730.99.1 shall not modify, restrict or otherwise prohibit a police officer from making any other warrantless arrests or arrests for summary offenses where such arrests have otherwise expressly been authorized by any other statute.

**ARTICLE 731
DAYTIME CURFEW**

- 731.01 Legislative Intent
- 731.02 Definitions
- 731.03 Curfew Established
- 731.04 Penalty
- 731.05 Severability

731.01 LEGISLATIVE INTENT

The City Council of the City of Allentown makes the following finding:

- (1) The following daytime curfew restrictions encourage school attendance. (13583 § 6/19/97)

731.02 DEFINITIONS

- (1) **MINOR or CHILD.** Any person under the age of eighteen (18) who has not been emancipated under Pennsylvania law.
- (2) **CUSTODIAN. A PARENT or PERSON WITH LEGAL CUSTODY** as defined in the Pennsylvania Code to whom the care or supervision of the child has been temporarily and lawfully delegated or assigned.
- (3) **PUBLIC PLACE.** Any public street, private street, sidewalk, public building and appurtenant space, park, parking lot or vacant lot in which the public may enter and exit freely.
- (4) **EMERGENCY.** An unforeseen circumstance or the resulting state that demands for immediate action including, but not limited to a fire, natural disaster, automobile accident, or any other situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) **ESTABLISHMENT.** Any privately owned place where business is carried on for a profit or any place of amusement or entertainment to which the public is invited.
- (6) **REMAIN.** To stay, linger, tarry, wait, or remain. (13583 §1 6/19/97)

731.03 CURFEW ESTABLISHED

Daytime Curfew

1. It shall be unlawful for any minor of compulsory school age enrolled in any elementary or secondary school to be or remain in or upon any public place or on the premises of any establishment within the City between the hours of 9:00 AM and 2:30 PM on any day in which school is in session, UNLESS such minor is on a scheduled vacation or holiday observed by the school, or that child has permission to be absent from school or to be in a public place or establishment from an authorized school official. In case the minor is educated through a home school program pursuant to Pennsylvania School Code § 1327.1 (Home Education), the minor's custodian shall be deemed an authorized school official.

2. **Custodian's Responsibility:** It shall be unlawful for any custodian of any minor of compulsory school age to knowingly permit such minor to be or remain in or upon any public place or on the premises of any establishment within the City between the hours of 9:00 AM and 2:30 PM on any day in which school is in session, UNLESS such minor is on a scheduled vacation or holiday observed by the school, or that child has permission to be absent from school or to be in a public place or establishment from an authorized school official. In case the minor is educated through a home school program pursuant to Pennsylvania School Code § 1327.1 (Home Education), the minor's custodian shall be deemed an authorized school official.

3. **Accomplice:** It shall be unlawful for any person to act as an accomplice in violating any of the provisions of the Daytime Curfew. A person is an accomplice of a minor in violation of the Daytime Curfew if with the intent of promoting or facilitating the commission of the offense, they:

(a) Solicit the minor to commit the offense; or

(b) Aid or agree or attempt to aid such other person in planning or committing the offense.

731.04 PENALTY

Daytime Curfew Violation

1. **First Offense.** Any minor who shall fail to comply with the provisions of this ordinance relating to daytime curfew on a first offense shall be arrested and apprehended, taken into custody and transported to police headquarters for proper identification. After identification has been properly ascertained, it shall be entered into the data base by the City. The arresting or apprehending officer shall properly notify the custodian of such minor and, unless requested by such custodian to place the minor in a school other than public school, he or she shall place said child in the public school in which the minor is, or should be enrolled, subject to the appropriate disciplinary action, including but not limited to, in-school suspension.

Second and Succeeding Offenses. Any minor who shall fail to comply with the provisions of this ordinance relating to daytime curfew on a second or succeeding offense, shall, on summary conviction thereof, be sentenced to pay a fine not to exceed Six Hundred (\$600.00) Dollars for each offense, together with costs, and in default of payment of such fine and costs shall be referred by the District Justice to the Juvenile Court pursuant to the Juvenile Act, 42 Pa. C.S. § 6301, *et seq.* In lieu of a fine, community service may be assigned by a District Justice at his or her discretion.

2. **Age Determination.** When taking children into custody, the Police Department shall use its reasonable judgment in determining age, and in doubtful cases may require proof thereof, and until such proof is established, the determination based on such officer's judgment shall prevail.

3. **Multiple Offenses.** Any minor, whether a resident or nonresident of the City, who shall violate this article three (3) or more times shall be reported to the proper juvenile authorities of the County of Lehigh for appropriate action pursuant to the Juvenile Act, 42 Pa.C.S. § 6301, *et seq.*

4. **Offense of the Parent:** Any custodian having control or charge of any minor of compulsory school age, who shall fail to comply with the provisions of this ordinance relating to daytime curfew shall, on summary conviction thereof, be sentenced to pay a fine not to exceed Six Hundred (\$600.00) Dollars for each offense, together with costs, and in default of payment of such fine and costs, shall be sentenced to imprisonment not to exceed ninety (90) days. In lieu of a fine, community service may be assigned by a District Justice at his or her discretion.

5. **Offense of Accomplices:** Any person found to be an accomplice shall, on summary conviction thereof, be sentenced to pay a fine not to exceed Six Hundred (\$600.00) Dollars for each offense, together with costs, and in default of payment of such

fine and costs, shall be sentenced to imprisonment not to exceed ninety (90) days. In lieu of a fine, community service may be assigned by a District Justice at his or her discretion.

731.05 SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the provisions, sentences, clauses, sections or parts of this ordinance. That this ordinance shall go into effect ten days after passed by City Council and signed by the Mayor pursuant to Section 219 of the Home Rule Charter. (13583 §1 6/19/97)

ARTICLE 732 PROPERTY DESTRUCTION

- 732.01 False Reports to Bureau of Police
- 732.02 Injuring or Destroying Property
- 732.03 Crossing Police Lines
- 732.99 Penalty

CROSS REFERENCES

- False Alarms and Reports -- 18 P.S. §4905, 4906
 - Vehicle Accident Reports -- Traffic Article 509
 - Damaging Traffic Control Devices -- Traffic 513.03
 - Damaging Parking Meters - Traffic 533.12
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732.01 FALSE REPORTS TO BUREAU OF POLICE

No person shall knowingly make, or cause to be made, any false report or misleading call or request for any of the services of the Bureau of Police. (9558 §1 8/8/61)

732.02 INJURING OR DESTROYING PROPERTY

No person shall in any manner willfully injure or break, dig up, remove, pull down, destroy or deface any of the public buildings, lamps or lamp posts, shade trees or any other property, either public or private, within the City. (Ordinance passed 10/17/1897)

732.03 CROSSING POLICE LINES

No person shall cross a police line without the express permission of the designated City authority. A "police line" means the boundary of an area which has been temporarily isolated or set apart by ropes, barricades or other methods, in pursuance of official duties by the Bureaus of Police, Fire, Inspections and other City agencies, and which boundary or line is plainly marked by a sign bearing the inscription "**POLICE LINE - DO NOT CROSS**". (11967 §1 11/15/72)

732.99 PENALTY

Any person violating the provisions of this article shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days, or both. (11995 §1 2/21/73)

ARTICLE 733 TRESPASS

- 733.01 Property Defined
- 733.02 Entry or Remaining on Property Limited by Order
- 733.03 Property Partly Open to Public
- 733.04 Orders Not to Enter or Remain
- 733.05 Violations
- 733.99 Penalty

CROSS REFERENCE

733.01 PROPERTY DEFINED

The term "property" as used in this article includes all buildings, structures and land owned or leased by the City of Allentown, the City of Allentown Authorities, the School District of the City of Allentown, churches, private schools, parochial schools and institutions, hospitals and charitable institutions. (12004 §1 4/18/73)

733.02 ENTRY OR REMAINING ON PROPERTY LIMITED BY ORDER

Any person who enters or remains in or upon property which is at times opened to the public does so with license and privilege unless he fails or refuses to obey an order not to enter or remain, personally communicated to him or publicly announced by the person in charge of such property or his designee. (12004 §2 4/18/73)

733.03 PROPERTY PARTLY OPEN TO PUBLIC

A license or privilege to enter or remain on property which is only open to the public is not a license or privilege to enter or remain in any part of the property which is not open to the public. (12004 §3 4/18/73)

733.04 ORDERS NOT TO ENTER OR REMAIN

The person in charge of property or his designee shall further have the right to order any person that is a disruptive influence, or whose actions are inconsistent with the purposes for which the property is opened, or who is a threat to the safety of other persons on the property or the property itself, not to enter or remain on said property. Any person ordered not to enter or remain on such property that enters or remains on said property enters or remains without license and privilege. (12004 §4 4/18/73)

733.05 VIOLATIONS

Any person who enters or remains upon the property as set forth in this article without license and privilege violates the provisions of this article. (12004 §5 4/18/73)

733.99 PENALTY

Any person violating any provisions of this article or section shall upon conviction be fined not more than Three Hundred (\$300) Dollars or imprisoned not more than ninety (90) days or both. (12004 §6 4/18/73)

**ARTICLE 734
WEAPONS**

- 734.01 No Carrying or Discharging of Weapons
- 734.02 Exceptions
- 734.03 Police Action Against Violators
- 734.04 Reserved
- 734.05 Reserved
- 734.98 Severability
- 734.99 Penalty

Discharge of Weapons – 3rd Class §2403 (26) (53 P.S. §2403 926)
Uniform Firearms Act – 18 P.a. C.S.A. §6101 *et seq.*

734.01 NO CARRYING OR DISCHARGING OF FIREARMS OR WEAPONS

- A. No person shall use, carry or discharge air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety upon any property owned by the City. (9828 §1 6/19/62; 14638 §1 11/6/2008; 15183 §1 2/04/2015)
- B. No person shall use, carry or discharge air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety within the limits of the City. (14638 §1 11/6/2008)
- C. No person shall unlawfully discharge firearms of any kind, within the limits of the City or upon any property owned by the City. (14638 §1 11/6/2008; 15183 § 02/04/15)

734.02 EXCEPTIONS

- A. Section 734.01 of this Article shall not apply at indoor or outdoor ranges approved for the firing or discharge of the aforementioned weapons (9828 §2 6/19/62;-14638 §1 11/6/2008; 15183 §1 2/4/15)

B. Notwithstanding anything contained herein, this Article shall not apply to the lawful possession, transportation, carrying of firearms accordance with State law, 18 Pa. C.S.A. §6101 et seq. commonly known as the Uniform Firearms Act; (14638 §1 11/6/08; 15183 §1 2/4/15)

C. Section 734.01 of this Article shall not apply for the lawful use of force, including deadly force, with a firearm for self-defense to protect against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat, in accordance with applicable State law, 2011, June 28, P.L. 48, No. 10, § 1, effective in 60 days [Aug. 29, 2011], commonly known as the Castle Doctrine. (15183 §1 2/4/15)

D. Notwithstanding anything contained herein, this Article shall not apply to the lawful hunting and/or trapping of game or wildlife governed by, and in accordance with, the State Game and Wildlife Code (Game Law), 34 Pa.C.S.A. §§101-2965, on property other than property owned by the City. (15183 §1 2/4/15)

734.03 POLICE ACTION AGAINST VIOLATORS

The Chief of Police shall have the right to seize, take, possess, remove and upon proper process destroy any weapons herein mentioned involved in a violation of the provisions of this Article. (9828 §3 6/19/62; 15183 §1 2/4/15)

734.04 (RESERVED) (15183 §1 2/4/15)

734.98 SEVERABILITY

If any provision of this Article or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Article which can be given effect without the invalid provision or application, and for this purpose the provisions of this Article are declared severable. (14632 §1 10/2/08)

734.99 PENALTY

A. Any person violating Sections 734.01, 734.02 or 734.03 of this article shall be fined not more than One Thousand (\$1,000) Dollars or imprisoned more than ninety (90) days, or both. (11995 §1 2/21/73; 13034 §5 3/6/91; 14632 §1 10/2/08; 14638 §1 11/6/2008)

ARTICLE 735 PARAPHERNALIA

- 735.01 Definitions
- 735.02 Ban of Sale, Give Away or Display
- 735.03 Exemptions
- 735.04 Constructions; Severability
- 735.99 Penalty

735.01 DEFINITIONS

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Cocaine spoon** means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.

2. **Controlled substance** means any drug, substance or immediate precursor enumerated in Section 4 of the Act of April 14, 1972, P.L. 233, No. 64, as amended, (35 PSA Section 780-104) (being Section 4 of what is commonly known as the "Controlled Substance, Drug, Device and Cosmetic Act" of 1972).

3. **Marijuana or hashish pipe** means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.

4. **Paraphernalia** means any containers and other objects primarily adapted or designed for use in storing or concealing controlled substances; objects primarily adapted or designed for use in injecting, ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with 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 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;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers.

5. **Person** means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

6. **Premises** means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons. (12419 §1 6/18/80)

735.02 BAN OF SALE, GIVE AWAY OR DISPLAY

It shall be unlawful for any person to sell, offer for sale, dispense, give away or display any cocaine spoon, marijuana pipe, hashish pipe, or any other paraphernalia as herein defined in or upon any premises. (12419 §1 6/18/80)

735.03 EXEMPTIONS

The prohibition contained in Section 723.02 hereof shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, paramedics, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injection. (12419 §1 6/18/80)

735.04 CONSTRUCTION, SEVERABILITY

If any provisions of this article shall be declared unconstitutional or invalid, such decision shall not affect the remaining portions of this article. The City Council hereby declares that the said article would have been enacted and each article and subsection thereof irrespective of the fact that any one or more of the articles and subsections, clauses, or phrases, may or might be found by court action or decision to be unconstitutional or otherwise invalid. (12419 §1 6/18/80)

735.99 PENALTY

Any person who violates any provision or provisions of this article or who shall fail to comply with any requirements thereof shall be guilty of a violation, and for each and every such violation, upon summary conviction thereof, shall be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and costs of prosecution, and in default of payment of such fine and

costs, to imprisonment for not more than ninety (90) days; provided, each day that a violation continues shall be deemed a separate offense. (12419 §1 6/18/80; 13034 §7 3/6/91)
