

CODIFIED ORDINANCES OF YORK
PART SEVEN - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF YORK
PART SEVEN - GENERAL OFFENSES CODE

ARTICLE 705
Keeping of Animals

705.01	Purpose; greater standards to prevail.	permit standards.
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CROSS REFERENCES

Animals at large - see 3rd Class §2403(8) (53 P.S. §37403(8))
Power to regulate animals - see 3rd Class §2403 (8), (9)
(53 P.S. §37403(8), (9))
Dogs - see GEN. OFF. Art. 717

705.01 PURPOSE; GREATER STANDARDS TO PREVAIL.

(a) This article is enacted to regulate the maintenance, keeping or possession of animals within the City of York, Pennsylvania, in order to promote the health, safety and general welfare of its inhabitants.

(b) Where the provisions of this article impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this article shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this article, the provision of such other statute, ordinance, regulation or resolution shall be controlling.
(Ord. 02-8. Passed 4-8-02.)

705.02 DEFINITIONS; WORD USAGE.

(a) The following definitions shall apply in the interpretation and enforcement of this article:

- (1) "Animal" means any domestic animal or fowl, any wild animal or any household pet, including birds, fish, reptiles and insects.
- (2) "Domestic Animal" means any animal normally or ordinarily domesticated or raised in this area or climate as livestock or for work or breeding purposes or normally or ordinarily kept as a household pet.
- (3) "Household Pet" means any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.
- (4) "Keeper" means any person, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.
- (5) "Menagerie" means a collection of animals kept in cages or exhibition by a full-time professional trainer.
- (6) "Officer" means any police officer or duly appointed animal control officer or code enforcement officer or his or her designee.
- (7) "Owner" means any person having a right of property or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.
- (8) "Person" means any person, firm, partnership, association or corporation.
- (9) "Wild Animal" means any animal, including bird, fowl, reptile or insect not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

(b) In this article the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.
(Ord. 02-8. Passed 4-8-02.)

705.03 KINDS OF ANIMALS PERMITTED.

Any person is permitted to maintain, keep or possess within the City of York, subject to the numerical limitations of Section 705.06, any of the following animals which classification shall be strictly construed:

Cage birds (the term includes parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in households; it excludes wild birds captured or rescued and kept in cages, as well as poultry).

Cats.

Dogs.

Ferrets.

Frogs.

Gerbils.

Goldfish and carp.

Guinea pigs.

Hamsters.

Lizards.

Mice, white.

Rabbits, restricted to European type rabbits commonly kept as pets.

Rats, white.

Salamanders (any tailed amphibian).

Snakes, nonpoisonous.

Toads.

Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas.

Turtles.

Vietnamese pot bellied pig.

(Ord. 02-8. Passed 4-8-02.)

705.04 KEEPING OF ANIMALS REGULATED.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

- (a) The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided. The enclosure shall not be within one hundred (100) feet of any dwelling or public street.
 - (b) Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be ratproof and flytight and, after every such collection, shall cause such container or receptacle to be kept closed. At least once a week every such keeper shall cause all litter and droppings so collected to be disposed of in such a manner as not to permit the presence of fly larvae.
 - (c) Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a ratproof and flytight building, box, container or receptacle.
- (Ord. 02-8. Passed 4-8-02.)

705.05 HOUSEHOLD PETS.

It shall be unlawful for any person to keep any household pet except as provided in this section:

- (a) If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there and as to sanitation, to ensure that no public nuisance shall be created or maintained and no threat to the health of persons living in the dwelling or elsewhere than in such dwelling shall be created.
 - (b) If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 705.04 of this article, insofar as the same applies to domestic animals, shall be applicable to the keeping of such household pet.
- (Ord. 02-8. Passed 4-8-02.)

705.06 LIMITATIONS ON NUMBER OF ANIMALS.

Except for species of fish, it shall be unlawful to keep more than six animals six months of age or older on any premises, regardless of the number of owners, unless said premises is a zoo, petting zoo, menagerie, kennel, aviary, cattery, pet shop or veterinary clinic which has received zoning approval to operate as such, as well as the appropriate licenses and/or certifications required for said operation.
(Ord. 02-8. Passed 4-8-02.)

705.07 ENFORCEMENT OF PROVISIONS.

The enforcement of the provisions of this article will be jointly shared by the Bureau of Police and the Bureau of Permits and Health Licensing as defined by "officer" in the definitions. The officer is hereby authorized to enter upon any premises within the City of York for the purpose of investigating possible violation of this article.
(Ord. 02-8. Passed 4-8-02.)

705.08 APPLICATION FOR PERMIT TO EXCEED THE NUMBER OF PERMITTED ANIMALS.

(a) The application for a permit for the keeping of more than six animals from the permitted list shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- (1) The type and number of animals to be covered by the permit.
- (2) The purpose of keeping such animals.
- (3) The period of time for which the permit is requested.
- (4) A description of the quarters in which the animals will be kept and the facilities for sanitation and disposal of animal wastes.
- (5) The circumstances, if any, under which the animals will be removed from their quarters.
- (6) Biographical information about the applicant and any other person to be placed in charge of the animals.
- (7) Such additional information as the officer may require.

(b) In addition to such verified information, the officer shall consider all other relevant conditions, including but not limited to:

- (1) The odor emanating or likely to emanate from the premises to persons off the premises.
- (2) The noise emanating or likely to emanate from the premises to persons off the premises.
- (3) The attitudes of the applicant's neighbors to the proposed permit.
- (4) The security with which the animals will be restrained.
- (5) Prior complaints regarding animals at the premises.

(Ord. 02-8. Passed 4-8-02.)

705.09 ISSUANCE OF PERMIT; REVOCATION; PERMIT STANDARDS.

(a) The officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The officer shall also have the power to revoke the permit for cause.

(b) The officer shall also have the power to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this article. He/she shall be responsible to determine whether any person is violating any provisions of this article or the rules and regulations adopted hereunder. In making such determination the officer shall consider the following standards:

- (1) All animals and animal quarters shall be kept in a clean and sanitary condition with adequate ventilation.
 - (2) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
 - (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
 - (4) The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
 - (5) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
 - (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibilities for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
 - (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of York and the rules and regulations that may accompany this article in any way connected with animals, specifically including anticruelty laws.
 - (8) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the officer question the health of any animals, he/she shall have the authority to require an examination of a doctor of veterinary medicine with such examination to be at the owner's expense.
 - (9) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to the permittee's obligation to comply with this article.
 - (10) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.
- (Ord. 02-8. Passed 4-8-02.)

705.10 PERMIT FEES.

The applicant for any permit to exceed the limitation of permitted animals contained in Section 705.06 shall, at the time of his/her application, pay to the City of York a nonrefundable fee of twenty dollars (\$20.00) to cover the costs of processing the permit application and the issuance of the permit. Upon issuance, the permit shall be for the calendar year or part thereof and thereafter renewable for a like fee of twenty dollars (\$20.00) each calendar year or part thereof.

(Ord. 02-8. Passed 4-8-02.)

705.11 IMMUNIZATION.

No person shall keep any dog or cat as a pet within the City unless such pet is immunized against rabies by the time it has reached eight months of age. Such immunization must be repeated in accordance with the recommendations of the vaccine manufacturer.
(Ord. 4-1985 §1. Passed 6-18-85.)

705.12 DISEASED ANIMALS.

No person shall bring within the City any sick or diseased animal, or any goods, wares, rags or other material, produce or wares infected with any contagious disease.
(Ord. 4-1985 §1. Passed 6-18-85.)

705.13 INCITING ANIMALS TO FIGHT.

(a) No person shall incite or urge any dog, fowl or other animal to fight, either for amusement, sport or wager.

(b) No person shall breed any dog, fowl or other animal for the purpose of fighting, either for amusement, sport or wager.
(Ord. 14-1999. Passed 11-16-99.)

705.14 CRUELTY TO ANIMALS.

No person shall cruelly beat, injure or wound any animal or fowl.
(Ord. 4-1985 §1. Passed 6-18-85.)

705.99 VIOLATIONS AND PENALTIES.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00) and not exceeding six hundred dollars (\$600.00), plus costs, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each prohibited animal and each animal in excess of the maximum limit of animals shall constitute a separate violation, and each day that a violation of this article continues shall constitute a separate offense.
(Ord. 02-8. Passed 4-8-02.)

ARTICLE 709
Civil Emergencies

709.01	Proclamation by Mayor; measures imposed.	709.03	Termination of emergency.
709.02	Effective date of proclamation.	709.99	Penalty.

CROSS REFERENCES

Mayor's emergency powers - see Act of 12-16-69 (P. L. 372) (53 P.S. §36203)

Firearms used in civil emergency - see GEN. OFF. 725.01

709.01 PROCLAMATION BY MAYOR; MEASURES IMPOSED.

Whenever, in the judgment of the Mayor or, in the event of his inability to act, the President of Council, it is determined that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

- (a) To impose a curfew upon all or any portion of the City requiring all persons in such designated curfew areas, to forthwith remove themselves from the public streets, alleys, parks or other public places.
- (b) To order the closing of any business establishments anywhere within the City for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.
- (c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
- (d) To call upon regular and auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace within the City. (Ord. 110-1968 §1.)

709.02 EFFECTIVE DATE OF PROCLAMATION.

The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.
(Ord. 110-1968 §2.)

709.03 TERMINATION OF EMERGENCY.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after five days from the issuance thereof or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first. However, such emergency shall be extended only for such additional periods of time as determined necessary by resolution of Council. If the Mayor is unable to obtain a quorum at a meeting of Council to vote upon extending the time of the emergency, such time of emergency shall be automatically extended for a period not exceeding forty-eight hours beyond the time for the termination thereof to permit the Mayor to attempt to obtain a quorum of the Council for such purpose. (Ord. 110-1968 §3; Ord. 55-1969.)

709.99 PENALTY.

Whoever willfully violates the terms of any curfew imposed under this article, or who willfully fails or refuses to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein, shall, upon conviction thereof be fined not more than six hundred dollars (\$600.00) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than thirty days. (Ord. 26-1989 §1. Passed 3-21-89.)

ARTICLE 713
Disorderly Conduct and Disturbing the Peace

713.01	Disorderly conduct.	713.05	Vehicle noises. (Repealed)
713.02	Loitering.	713.06	Locomotive noises. (Repealed)
713.03	Liquor consumption in public places.	713.07	Unlawful publications.
713.04	Sound trucks and amplifiers prohibited. (Repealed)	713.08	Gambling.
		713.09	Voiding of human excretion.
		713.99	Penalty.

CROSS REFERENCES

Disorderly establishments or practices - see 3rd Class §2403(24)
(53 P.S. §37403(24))

Disorderly conduct - see Crimes Code §5503 (18 Pa. S. §5503)

Loitering and prowling at night - see Crimes Code §5506
(18 Pa. S. §5506)

Noise - see GEN. OFF. Art. 714

Barking dogs - see GEN. OFF. 717.09

713.01 DISORDERLY CONDUCT.

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another, by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(b) No person, while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

- (2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(c) Violation of any Commonwealth statute of which an element is operating a motor vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of subsection (b) hereof.

713.02 LOITERING.

(a) Prohibited Conduct. No person shall loiter in any public or private place at a time, or under any circumstance or in such a manner as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- (3) Create or cause to be created an immediate, actual, physical violent reaction from another person, which violent reaction will cause a threat to the peace and order of the public.
- (4) Interfere with, obstruct, harass, curse or threaten or do physical harm to another member or members of the public.
- (5) Commit in or upon any public street, right of way, sidewalk or any other public place or building any act which interferes with the uninterrupted use of the property or lawful business conducted thereon, including the facing or fronting on any such public street, right of way, sidewalk, or place, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- (6) Commit acts that demonstrate an intent to hire a prostitute or any other person to engage in sexual activity and/or who loiters in or within view of any public place for the purpose of being hired to engage in sexual activity. Conduct included herein shall include, but not be limited to, the random waving at or flagging down of vehicles.
- (7) Commit acts that demonstrate an intent or desire to enter into or encourage third parties to engage in a drug transaction.

(b) Exceptions.

- (1) A gathering of persons shall not be considered to be guilty of loitering if it has a legitimate purpose for being in the public place.
- (2) Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(c) Police Officer's Responsibility. When any person causes or commits any of the conditions enumerated in subsection (a) hereof, a police officer, in the exercise of reasonable judgment, may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section.

(d) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) “Loitering” includes the following activities: lingering, hanging around, delaying, lurking, hiding, prowling, sauntering and moving slowly about, where such conduct is not due to physical defect or conditions, the systematic checking of doors and windows or the flight or concealment of a person, who is engaged in one of the above activities, upon the appearance of a police officer and includes physical and verbal acts which are commonly associated with the commission of a crime or the attempt to commit a crime. This definition includes committing the aforementioned acts on foot, as well as by motor vehicle, bicycle, or any other means of conveyance.
- (2) “Private place” means and includes places privately owned but open to the public generally, such as shopping centers, retail stores, transportation terminals, movie theaters, office buildings, restaurants, and all distinctly private residences and apartment houses.
- (3) “Public place” means public streets and alleyways, public restrooms, public sidewalks, public parks and public buildings.
(Ord. 14-2000. Passed 9-5-00.)

713.03 LIQUOR CONSUMPTION IN PUBLIC PLACES.

No person shall consume, use or distribute any alcoholic beverage, spiritous or intoxicating liquors upon any public park or public property of the City; provided, however, that the consumption, use and distribution of alcoholic beverages, spiritous or intoxicating liquors upon public property, streets and sidewalks of the City shall not be a violation of this section in situations where special permission for such activity has been granted by the Mayor, with the advice and consent of Council, as part of a street fair permit, and is otherwise lawful under the laws of the Commonwealth of Pennsylvania.
(Ord. 21-1979. Passed 9-18-79.)

713.04 SOUND TRUCKS AND AMPLIFIERS PROHIBITED.

(EDITOR’S NOTE: This section was repealed by Ordinance 9-1980, passed June 3, 1980. See Article 714 for relevant provisions.)

713.05 VEHICLE NOISES.

(EDITOR’S NOTE: This section was repealed by Ordinance 9-1980, passed June 3, 1980. See Article 714 for relevant provisions.)

713.06 LOCOMOTIVE NOISES.

(EDITOR’S NOTE: This section was repealed by Ordinance 73-1989, passed August 1, 1989.)

713.07 UNLAWFUL PUBLICATIONS.

No person, firm, partnership or corporation shall bring or cause to be brought into the City, or buy, sell or cause to be sold or bought, or advertise, lend, give away, offer, show, exhibit, post or distribute or cause to be distributed, or design, copy, draw, photograph, print, etch or engrave, cut, carve, make, publish or otherwise prepare or assist in preparing or receive subscriptions for, any book, pamphlet, paper, magazine, picture, drawing, figure, image or other engraved, printed or written matter: which may reasonably tend to incite riot or other public disorder; which advocates disloyalty to or the overthrow of the government of the

United States of America or of the Commonwealth of Pennsylvania by means of any artifice, scheme or violence; which urges any unlawful conduct or encourages or tends to encourage a breach of the public peace or good order of the community; or which is offensive to public morals or decency, or which contains blasphemous, obscene, libelous or scurrilous language. (Ord. 58-1950 Sec. 1, 2.)

713.08 GAMBLING.

No person shall engage in the practice of gambling in any public place.

- (a) For purposes of this section, gambling shall be defined as: any game involving cards, dice, roulette or similar game of chance, entered into between two or more persons, a purpose of which is to secure economic gain.
 - (1) Economic gain shall include proceeds in the form of monies or property or any tabulation or notation indicating the same.
 - (2) It shall be prima facie evidence of gambling whenever there is an exchange of monies or property between two or more persons, during or immediately after, being engaged in any of the aforementioned games or two or more person who are in close proximity to gambling paraphernalia or money in such a fashion as to indicate recent use of paraphernalia and monies. (Ord. 11-98. Passed 10-6-98.)

713.09 VOIDING OF HUMAN EXCRETION.

The voiding of human urine or excrement on any street, sidewalk, public property or private property is prohibited. (Ord. 47-2005. Passed 11-15-05.)

713.99 PENALTY.

(a) Whoever violates any provision of this article, except Section 713.02(a)(2) or Section 713.09, shall be fined not less than fifty dollars (\$50.00) nor more than six hundred dollars (\$600.00) and costs of prosecution and/or undergo incarceration for a period of not more than thirty days. (Ord. 47-2005. Passed 11-15-05.)

(b) Whoever violates any provision of Section 713.02(a)(6), relating to loitering, shall be sentenced to the following:

- (1) On the first conviction thereof, a fine of not less than five hundred dollars (\$500.00);
- (2) Upon a second conviction thereof, a fine of not less than six hundred dollars (\$600.00) and a minimum period of incarceration of not less than thirty days;
- (3) Upon a third or subsequent conviction, a fine not less than six hundred dollars (\$600.00) and a minimum period of incarceration of not less than ninety days;
- (4) Upon any conviction under this article, when the acts composing the offense are committed within a 1,000 foot radius of any school, a minimum fine of not less than six hundred dollars (\$600.00) and a period of incarceration of not less than ninety days. For purposes of this subsection, the distance from such school shall be determined by the map attached to original Ordinance 14-1998, noted as Appendix 713.99 (b)(5).

- (5) For purposes of this subsection (b), “school” means any public school licensed by the Commonwealth of Pennsylvania and maintained by the School District of the City of York and means any private school licensed by the Commonwealth of Pennsylvania maintained by private individuals or religious organizations or corporations. A map locating such public schools and private schools is attached to original Ordinance 14-98, noted as Appendix 713.99(b)(5), and incorporated herein; the map may be amended hereafter by resolution.
(Ord. 14-98. Passed 10-20-98; Ord. 14-2000. Passed 9-5-00.)
- (c) Whoever violates Section 713.09, relating to voiding of human excretion:
 - (1) Shall be fined a minimum of one hundred dollars (\$100.00) or a maximum of three hundred dollars (\$300.00) and/or imprisonment not to exceed forty-eight hours and shall pay the costs of prosecution.
 - (2) May be ordered by the court, in addition to the penalties in subparagraph (1), to perform a minimum of eight hours and a maximum of forty hours of community service.
 - (3) Those who are under the age of eighteen and found by the court to have violated the provisions of this subsection may be sentenced to perform a minimum of eight hours and a maximum of forty hours of community service in place of paying a fine or serving a term of imprisonment.
(Res. 156-2005. Passed 11-15-05.)

ARTICLE 714
Noise

714.01	Purpose.	714.06	Variances and Noise Control
714.02	Title.		Board; application and fee.
714.03	Definitions.	714.07	Enforcement.
714.04	Prohibited acts; violations.	714.08	Repealer.
714.05	Exemptions.	714.99	Penalty.

CROSS REFERENCES

Preventing noises - see 3rd Class §2403(25) (53 P.S. §37403(25))
Unreasonable noise as disorderly conduct - see 18 C.P.S.A. §5503

714.01 PURPOSE.

The Council finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the residents as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the City.
(Ord. 27-2007. Passed 9-4-07.)

714.02 TITLE.

This article shall also be known as the "City of York Noise Control Ordinance".
(Ord. 27-2007. Passed 9-4-07.)

714.03 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings herein given, except where the context clearly indicates a different meaning.

- (a) "Brake retarder" means a motor/engine retarding device, or any retarding device or system that brakes on the motor or engine rather than on the wheels as a means of slowing or stopping a truck, truck tractor, motor carrier vehicle, motor vehicle or vehicle.
- (b) "Construction operation" means the erection, repair, renovation, demolition or removal of any building or structure and the excavation, filling, grading, and regulation of lots in connection therewith.
- (c) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

- (d) “Emergency work” means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (e) “Motor carrier vehicle” means a truck, truck tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.
- (f) “Motor vehicle” means a vehicle, which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.
- (g) “Muffler” or “sound-dissipative device” means a device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.
- (h) “Noise” means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (i) “Noise disturbance” means any sound, which does any one of the following:
 - (1) Endangers or injures the safety or health of humans or animals;
 - (2) Annoys or disturbs a reasonable person of normal sensitivities;
 - (3) Endangers or injures personal or real property;
- (j) “Person” means an individual or individuals, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association, or any other group of legally recognized entity.
- (k) “Powered model vehicle” means any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.
- (l) “Property line (boundary)” means an imaginary line, drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separate of properties, and also, for any two or more buildings, sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public rights of way shall be deemed to be across the property line. For the purpose of this definition, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.
- (m) “Public right of way” means any street, avenue, boulevard, highway, sidewalk, alley or similar place, which is owned or controlled by a governmental entity.
- (n) “Public space” means any real property or structures thereon which are owned or controlled by a governmental entity.
- (o) “Real property” means all land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public rights of way.
- (p) “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

- (q) “Truck” means a motor vehicle designed, used or maintained primarily for the transportation of property.
- (r) “Truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (s) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.
(Ord. 27-2007. Passed 9-4-07.)

714.04 PROHIBITED ACTS; VIOLATIONS.

(a) Noise Disturbance Prohibited. No person shall make, continue or cause to be made or cause to be continued any noise disturbance by any means, nor shall any person suffer, allow or permit any noise disturbance, by any means, to be made or continued from or at any property, whether public or private, real or personal, that is subject to such person’s right to control.

(b) Specific Prohibitions. The following acts and the causing thereof are declared to be noise disturbances and therefore in violation of this article:

- (1) Radios, television sets, musical instruments and similar devices.
Operating, playing or permitting the operation, or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, high-fidelity equipment or similar device which produces, reproduces or amplifies sound:
 - A. At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturdays and during the hours from 9 p.m. Saturdays and noon on Sundays so as to be plainly audible across a property line (boundary).
 - B. In such a manner as to create a noise disturbance across a property line (boundary), or at fifty feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right of way or public space; or
 - C. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger or a common carrier.
- (2) Yelling and shouting, etc. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:
 - A. On the public streets between the hours of 9:00 p.m. and 7:00 a.m.; or
 - B. At any time or place in such a manner as to create a noise disturbance.
- (3) Construction.
 - A. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:

1. Between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturday and after 9 p.m. Saturdays and noon on Sundays or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential real property line (boundary), except for emergency work or work authorized by special permit issued by the City.
- B. This section shall not apply to the use of domestic power tools subject to subsection (b)(4) hereof.
- (4) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturdays and during the hours from 9 p.m. Saturdays and noon on Sundays so as to cause a noise disturbance across a residential property line (boundary).
- (5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property line (boundary). This section shall not apply to municipal or utility services in or about the public right of way.
- (6) Animals and birds. Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks or makes other sounds continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.
- (7) Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) or between the hours of 9:00 p.m. and 7:00 a.m. Monday through Saturdays and during the hours from 9 p.m. Saturdays and noon on Sundays.
- (8) Street sales. Offering for sale or selling by shouting or outcry or by any other amplified or non-amplified sound within any residential or commercial area except between the hours of 8:00 a.m. and 9:00 p.m. and at no time in such a manner as to violate Section 714.05.
- (9) Tampering. The following acts or the causing thereof are prohibited:
 - A. The removal or rendering inoperative by any person other than for purposes of maintenance, repair or replacement of any muffler or sound dissipative device or element of design or noise label of any product;
 - B. The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the Police Department, provided that such device or the immediate area is clearly labeled in accordance with noise control regulations to warn of the potential illegality; and

- C. The use of a product which has had a muffler or sound dissipative device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.
- (10) Vehicle, motorboat or aircraft repairs and testing. Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary) Monday through Saturdays and during the hours from 9 p.m. Saturdays and noon on Sundays.
- (c) Motor Vehicle Prohibitions.
- (1) Motor vehicle and motorcycles on public rights of way. No person shall operate or cause to be operated on a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle, exceeds the level set forth in Pennsylvania Department of Transportation Regulations Title 67, Chapter 157, Subchapter B, 67 Pa. Code §157.11.
- (2) Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).
- (3) Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle.
- (4) Sound trucks. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth in subsection (c)(1) hereof.
- (5) Motor/engine retarder devices. No person shall use a brake retarder or other motor/engine retarding device while operating a truck, truck tractor, motor carrier vehicle, motor vehicle or any other vehicle within the City. The prohibition against use of a Jake brake or other motor/engine retarding device shall not apply to an "emergency vehicle" as defined in Pennsylvania Title 75 when said emergency vehicle is actually responding to an emergency call.
- (6) No person shall cause or allow the tires of a motor vehicle, which the person is operating, to squeal except when necessary in order to avoid a collision with another person, vehicle or other property.
(Ord. 27-2007. Passed 9-4-07.)

714.05 EXEMPTIONS.

The following sounds are exempted from the provisions of this article:

- (a) Amplified Announcements. Electronically amplified announcements at athletic events.
- (b) Blasting. Blasting under permit by the Bureau of Fire, which blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by such permit.
- (c) City Permitted Concerts, etc. Band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors, provided that:
 - (1) Such activities do not occur between the hours of 11 p.m. and 8:00 a.m., unless otherwise permitted by the City to operate later.
- (d) Emergency Work. Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- (e) Municipal and Utility Services. Sounds resulting from the repair or replacement of any municipal, cable television or utility installation in or about the public right of way.
- (f) School and Public Activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events or other public programs, activities or events, other than fireworks or fireworks displays and motor vehicle racing events.
 - (1) Any person responsible for any activity or event involving fireworks or fireworks displays shall apply with the Police Department for an application for a special variance from noise control, in accordance with Section 714.07(b), prior to applying for a Fire Bureau fireworks permit.
 - (2) Any person involved in any motor vehicle racing event shall apply for a special variance from noise control with the Police Department.
- (g) Warning Devices. Sounds made by warning devices operating continuously for three minutes or less, except that in the event of an actual emergency, the time limitation shall not apply. (Ord. 27-2007. Passed 9-4-07.)

714.06 VARIANCES AND NOISE CONTROL BOARD; APPLICATION AND FEE.

- (a) Variances.
 - (1) Authority. The Noise Control Board shall have the authority to grant variances, consistent with the provisions of this section, after public hearing, upon application of any person who owns, controls or operates any sound source which does not comply with the provisions or standards of this chapter.
 - (2) Application. The application shall state the standard, provision or section from which the variance is being sought and the period of time and reasons for which the variance is sought. It shall contain information which demonstrates that bringing the sources of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, and it shall contain any other supporting information which may reasonably be required.

- (3) Public notification. Public notice of an application and the date, time and place of the public hearing to be held thereon for a variance shall be given by publishing notice thereof in a newspaper of general circulation in the City at least once, not less than three days prior to the scheduled public hearing, and by, if practicable, conspicuously posting the premises that is the source of the sound for which the variance is sought.
- (4) Hearing. The Board shall hold a public hearing to decide variance applications presented to it. Any person who claims to be affected by allowance of the variance may become a party to the hearing.
- (5) Review standards. In determining whether to grant or deny the application, the Board shall balance the hardship to the applicant versus the adverse impact to the public health, safety and welfare and shall consider at a minimum the following conditions:
 - A. The physical characteristics of the emitted sound;
 - B. The times and duration of the emitted sound;
 - C. The geography, zone and population density of the affected area;
 - D. Whether the public health and safety is endangered;
 - E. Whether the sound source predates the receivers; and
 - F. Whether compliance with the standards from which the variance is sought would produce hardship without equal or greater benefit to the public.
- (6) Decision. The Board shall render a written decision in granting or denying the application for variance and, if denied, shall state the reasons therefore. The Board's decision shall be made available to the applicant and any other person who requests it in writing. In granting a variance the Board may attach reasonable conditions, including but not limited to placing a time limit on the permitted activity and/or establishing a time schedule within which the source of sound or activity for which the variance was sought must be brought into compliance with this article. Where the grant of a variance is conditioned, the variance shall not become effective until all conditions are agreed to and/or complied with by the applicant. Noncompliance with any condition of the variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the variance was granted. Variances may be granted for a period of up to one year. The person obtaining the variance may reapply for additional variance periods under terms set forth by the applicant and the Board.
- (7) Appeals. Appeal from an adverse decision of the Board shall be made to the Court of Common Pleas of York County.

(b) Special Variances. The Chief of Police, the Police Commissioner or his designee may, upon application and guided by the standards for review set forth in subsection (a)(5) hereof, grant special variances for infrequent events or activities which do not exceed twenty-four hours in duration. Such special variances are not renewable except by action of the Board pursuant to subsection (a) hereof. The Board shall hear and decide all appeals from the denial of a special variance, the practice and procedure thereon to be in accordance with subsection (a) hereof.

(c) Noise Control Board. The Noise Control Board for the purposes of this chapter shall be the Nuisance Abatement Board of Appeals as established by Article 1751 of the Codified Ordinances, which Board, in addition to its other duties as outlined by Article 1751 of the Codified Ordinances, shall have full authority to carry out the duties of the Noise Control Board, as set forth in this chapter. All applications to the Board shall be filed through the Director of the Department of Community Development or his or her designee and shall be accompanied by application fee, which shall be set by Council. The hearing shall be held not more than thirty days following the filing of the application and the decision thereon rendered within forty-five days of the last hearing in the case before the Board. (Ord. 27-2007. Passed 9-4-07.)

714.07 ENFORCEMENT.

This article shall be enforced by the Bureau of Police. In addition, the Bureau of Fire Services and all City inspectors shall be authorized to enforce this article as part of their day-to-day inspection duties. The Dog Law Enforcement Officer shall be authorized to enforce Section 714.04(b)(6) and in so doing shall have the powers of a police officer except the power of arrest. (Ord. 27-2007. Passed 9-4-07.)

714.08 REPEALER.

All ordinances or parts of ordinances conflicting with the provisions of this article are hereby repealed. It is hereby declared that the provisions of the Dog Law Ordinance codified as Article 717 are not in conflict with this article and shall remain in full force and effect. (Ord. 27-2007. Passed 9-4-07.)

714.99 PENALTY.

(a) Whoever violates any provisions of this article shall, upon conviction thereof in a summary proceeding, be fined not less than one hundred fifty dollars (\$150.00) and not more than one thousand dollars (\$1,000) for a first offense, not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000) for a second offense, and not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000) for a third or subsequent offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than ninety days, or both. Each day during which a violation occurs shall constitute a separate offense.

(b) This article and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law. (Ord. 27-2007. Passed 9-4-07.)

ARTICLE 715
Unlicensed Sale of Alcoholic Beverages

- | | | |
|--------|---|--------------------|
| 715.01 | Purpose. | |
| 715.02 | Keeping, operating and employment prohibited. | 715.99 Penalty. |
| 715.03 | Patronizing prohibited. | |

CROSS REFERENCES

Misrepresentation to obtain liquor - see 18 C.P.S.A. §6307 et seq.
Inducement of minors to buy liquor - see 18 C.P.S.A. §6310
B.Y.O.B. Club - see BUS. REG. & TAX. Art. 336

715.01 PURPOSE.

Council finds it to be in the interest of the residents of the City of York and the general public to provide for the regulation of conduct it deems to be offensive; to prevent vice, disorder and immorality; and to promote public peace, health and safety, and to this end Council enacts this article. (Ord. 4-1979 §1. Passed 5-1-79.)

715.02 KEEPING, OPERATING AND EMPLOYMENT PROHIBITED.

No person shall keep, operate or be employed at any house or establishment wherein intoxicating liquor is sold without a license to do so. (Ord. 4-1979 §1. Passed 5-1-79.)

715.03 PATRONIZING PROHIBITED.

No person shall patronize any house or establishment wherein intoxicating liquor is sold without a license to do so. (Ord. 4-1979 §1. Passed 5-1-79.)

715.04 PERMITTING USE OF PROPERTY PROHIBITED.

No person who has legal or equitable ownership in or the right to possession of any property in the City shall knowingly permit such property to be used as a house or establishment where persons are engaged in the unlicensed sale of alcoholic beverages.
(Ord. 4-1979 §1. Passed 5-1-79.)

715.99 PENALTY.

(a) Whoever violates Section 715.02 or 715.04 shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days.

(b) Whoever violates Section 715.03 shall upon conviction thereof be fined not less than ten dollars (\$10.00) nor more than six hundred dollars (\$600.00) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than thirty days. (Ord. 29-1989 §1. Passed 3-21-89.)

EDITOR'S NOTE: The next printed page is page 10Q.

ARTICLE 716 Real Estate Used For Illicit Drug Sales

716.01	Purpose.		
716.02	Permitting use of real estate for illicit drug sales.	716.05	Eviction proceedings as defense.
716.03	Discrimination forbidden.	716.99	Penalty.

CROSS REFERENCES Controlled substance sales - see 35 P.S. §780-113

716.01 PURPOSE.

Council finds it to be in the interest of the residents of the City and the general public to provide for the regulation of conduct it deems to be offensive; to prevent vice, disorder and immorality; and to promote public peace, health and safety, and to this end Council enacts this article. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.02 PERMITTING USE OF REAL ESTATE FOR ILLICIT DRUG SALES.

No person who has legal or equitable ownership of real estate (property) located in the City shall knowingly allow that real estate to be used as the site for the sale of illicit narcotics or controlled dangerous substances, after having received written notice from the City that a present occupant or tenant of that property has been convicted of selling illicit narcotics or controlled dangerous substances at that property. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.03 DISCRIMINATION FORBIDDEN.

Nothing in this article shall be construed to encourage or authorize the discrimination by lessors against any person(s) based upon race, creed, religion, sex, age or national origin. Rather, it is the intent of this article to hold persons accountable for acquiescing in the continued use of their property as the location of illegal drug sales, after having received notice as set forth in Section 716.02, (Ord. 25-1988 §1. Passed 12-6-88.)

716.04 CRITERIA FOR ESTABLISHING VIOLATIONS.

The conviction for violation of this article shall be determined by the appropriate judicial authority based upon the totality of the circumstances present, including but not limited to:

- (a) Owner having received notice as set forth in Section 716.02;
- (b) Conduct of tenants and their visitors as observed by lessor; and
- (c) Information regarding suspected illegal activities received by owner from third parties, such as other tenants of the property or persons residing or working in the vicinity of the property. (Ord. 25-1988 § 1. Passed 12-6-88.)

716.05 EVICTION PROCEEDINGS AS DEFENSE.

No person shall be charged with the violation of this article if such person has instituted eviction proceedings against the tenant(s) whose suspected criminal activities would otherwise give rise to potential liability under this article. The owner (lessor) is required, however, to move forward expeditiously with any such eviction proceedings.
(Ord. 25-1988 §1. Passed 12-6-88.)

716.99 PENALTY.

Whoever violates any provision of this article shall upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days. (Ord. 25-1988 § 1. Passed 12-6-88.)

ARTICLE 717
Dogs

717.01	Duties of Dog Law Enforcement Officer.	717.07	Power to make arrest.
717.02	Seizure of dogs at large.	717.08	Leash requirement.
717.03	Disposition of impounded dogs; notice and redemption.	717.09	Barking dogs. (Repealed)
717.04	Affidavit of humane disposition.	717.10	Removing dog excrements.
717.05	Agreement with humane association.	717.99	Penalty.
717.06	Return and disposition of money received.		

CROSS REFERENCES

Dog Law - see 3 P.S. §460-101 et seq.; 7 Pa. Code Ch. 21 et seq.
 Dogs at large - see 3rd Class §2403(8) (53 P.S. §37403(8));
 GEN. OFF. 705.01
 Dogs in parks - see GEN. OFF. 741.02(s)

717.01 DUTIES OF DOG LAW ENFORCEMENT OFFICER.

The Dog Law Enforcement Officer shall be the executive officer in charge of activities relating to dogs. In addition to other duties defined in this article, he shall have charge of the dog pound, and cause it to be kept clean and in a sanitary condition. He shall perform all other duties which may be prescribed by the Director of Public Safety.
 (1944 Code Ch. 3 § 15.)

717.02 SEIZURE OF DOGS AT LARGE.

It shall be the duty of the Dog Law Enforcement Officer to seize and detain any dog, whether licensed or not, which is found running at large, either upon the public streets, highways, parks or other public property of the City, or upon the property of any person which is other than the owner of such dog, and unaccompanied by the owner or keeper. Such officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog found running at large, unaccompanied by the owner or keeper, when he is in immediate pursuit of any dog. A State dog warden or a local police officer is hereby authorized to kill any dog which is found running at large and which is deemed after due consideration by that officer to constitute a threat to the public health and welfare of the City. (Ord. 11-1995 §1. Passed 7-5-95.)

717.03 DISPOSITION OF IMPOUNDED DOGS; NOTICE AND REDEMPTION.

(a) It shall be the duty of the Dog Law Enforcement Officer to dispose of any dog, forty-eight hours after capture and detention, which does not bear a proper license tag, if found running at large. He shall cause any dog bearing a proper license tag which is seized and detained to be properly kept and fed, and shall cause immediate notice either personal or by registered mail to be given to the person in whose name the license was registered, to claim such dog, within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. These expenses are hereby fixed at two dollars (\$2.00) for the first forty-eight hours or less of detention, and fifty cents (50¢) per day thereafter.

(b) If, after ten days from the giving of such notice, such dog has not been claimed, the Dog Law Enforcement Officer or his agent shall dispose of the dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog shall be considered equivalent to the expense of its detention.
(1944 Code Ch. 3 §17, 18.)

717.04 AFFIDAVIT OF HUMANE DISPOSITION.

As required by 7 Pennsylvania Code Section 25.3, it shall be the duty of the Dog Law Enforcement Officer quarterly to execute and forward to the Middletown District Office of the Department of Agriculture, a sworn return upon blanks furnished by the Department, in order to obtain from the Commonwealth the fees prescribed by law for such holding and humane disposition.

717.05 AGREEMENT WITH HUMANE ASSOCIATION.

Any humane association which meets the approval of the Director of Public Safety may enter into a working agreement with the Director for the purpose of finding proper homes for the dogs apprehended, assist in their public or private sale, and do such acts and things in cooperation with the Dog Law Enforcement Officer which the Director approves.
(1944 Code Ch. 3 §20.)

717.06 RETURN AND DISPOSITION OF MONEY RECEIVED.

The Dog Law Enforcement Officer shall, at least once a month, make a return to the Director of Public Safety, under oath or affirmation, of moneys received by or through him or his assistants, by virtue of his office, or on account of any matter connected with his office. Immediately upon making such return, he shall pay over such amount to the City Treasurer, which shall become a part of the General Fund. He shall in like manner pay into the City treasury all fees received by him from the Commonwealth on account of the humane disposition of dogs, as well as any moneys received from the public or private sale of dogs. (1944 Code Ch. 3 §21.)

717.07 POWER TO MAKE ARREST.

The Dog Law Enforcement Officer is hereby invested with power to make arrests and to have all the powers, duties, obligations and privileges conferred by law upon police officers of cities of the third class.
(1944 Code Ch. 3 §23.)

717.08 LEASH REQUIREMENT.

All dogs must wear a collar displaying current license and current rabies vaccination verification tags and shall be under control of a leash when on City sidewalks or streets or upon any public property such as parks and buildings of the City.
(Ord. 7-1996 §1. Passed 5-21-96.)

717.09 BARKING DOGS.

(EDITOR'S NOTE: This section was repealed by Ordinance 9-1980, passed June 3, 1980. See Article 714 for relevant provisions.)

717.10 REMOVING DOG EXCREMENTS.

No owner or keeper of any dog shall allow or permit any such dog to excrement upon any public property of the City unless such owner or keeper removes the excrement and disposes of same in a sanitary manner.
(Ord. 23-1992 §2. Passed 10-6-92.)

717.99 PENALTY.

Whoever violates any provision of this article shall upon conviction be fined not less than five dollars (\$5.00) nor more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ten days.
(Ord. 30-1989 §1. Passed 3-21-89.)

ARTICLE 725

Firearms and Weapons

725.01	Firearms: use in state of emergency.	725.02	Switchblade knives.
		725.99	Penalty.

CROSS REFERENCES

Discharge of firearms - see 3rd Class §2403(26) (53 P.S. §37403(26))
 Uniform Firearms Act - see Crimes Code §6101 et seq. (18 Pa.S. §6101 et seq.)
 Carrying firearms during emergency prohibited - see Crimes Code §6107 (18 Pa.S. §6107)
 Civil emergencies - see GEN. OFF. Art. 709

725.01 FIREARMS: USE IN STATE OF EMERGENCY.

(a) No person shall discharge or carry guns, rockets, powder or any other dangerous instrument or combustible material or any other deadly weapon upon the streets or other public places or in any place to which the public has access within the City, during the period a state of emergency exists due to a proclamation issued by the Mayor or any extension of such proclamation by Council. (Ord. 51-1969 §1; Ord. 65-1969 §2.)

(b) The Pennsylvania State Police or any sheriff, police officer or constable shall seize, take, remove or cause to be removed from the person of any offender any or all weapons described in subsection (a) hereof which are in violation of this section. (Ord. 51-1969. §2.)

725.02 SWITCHBLADE KNIVES.

(a) No person in the City shall wear under his clothes or conceal about his person or display in a threatening manner, any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.

(b) No person in the City shall sell, offer for sale, or display any knife or knives having the appearance of a pocket knife, the blade or blades which can be opened by a flick of a button, pressure on the handle, or other mechanical devices. Such knife is hereby declared to be a dangerous or deadly weapon.

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(c) The Chief of Police is hereby authorized to confiscate, remove and destroy any knife herein described, which is carried, concealed, offered for sale or displayed in violation of this section. (Ord. 7-1956 §2-4.)

725.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction thereof, be fined not more than six hundred dollars (\$600.00) and costs of prosecution for each offense, and in default of payment thereof shall be imprisoned for not more than thirty days.
(Ord. 31-1989 §1. Passed 3-21-89.)

ARTICLE 729
Litter and Weeds

729.01	Papers, circulars and handbills.	729.04	Weeds.
729.02	Litter in streams and waters.	729.99	Penalty.
729.03	Carcasses and animal matter.		

CROSS REFERENCES

Power to prohibit nuisances - see 3rd Class §2403(16)
(53 P.S. §37403(16))

Scattering rubbish - see Crimes Code §6501 (18 Pa.S. §6501)

Peddlers causing litter - see BUS. REG. & TAX. 333.09

729.01 PAPERS, CIRCULARS AND HANDBILLS.

No person shall throw, place or deposit or cause to be thrown, placed or deposited in the streets, alleys or other highways or public places of the City, or on the sidewalks, yards or porches of any dwellings or other buildings within the City, any paper, advertisement, handbill, circular or waste paper. However, nothing herein shall apply to newspapers and addressed envelopes. (1944 Code Ch. 12 §21; Ord. 59-1952.)

729.02 LITTER IN STREAMS AND WATERS.

No person shall throw or dump, or permit to be thrown or dumped into any lake, stream, creek, fountain or public body of water within the City, or on the banks adjacent thereto, any garbage, bottles, cans, rubbish, wire, glass, cardboard, paper, wood cartons, boxes, cinders, ashes, vehicles or parts of vehicles, building material, dirt, sinks, tubs, washers, dryers or other abandoned or discarded materials and devices. (Ord. 21-1970 §1.)

729.03 CARCASSES AND ANIMAL MATTER.

No person shall place or cause to be placed in any alley or street or upon any yard or vacant lot of this City, any animal carcass, fish offal or other offensive animal matter. (1944 Code Ch. 12 §12.)

729.04 WEEDS.

No owner of property in the City shall permit weeds to grow thereon or in public highways or private alleys adjacent thereto. (1944 Code Ch. 12 §22.)

1989 Replacement

729.99 PENALTY.

Whoever neglects or refuses to comply with or violates any provision of this article shall, upon conviction thereof, for every such offense, be fined not less than fifty dollars (\$50.00) nor more than six hundred dollars (\$600.00) and in default of payment thereof shall be imprisoned for not more than thirty days. (Ord. 32-1989 §1. Passed 3-21-89.)

ARTICLE 733
Air Rifles and Sling Shots

733.01	Possession, sale at retail or use prohibited.	733.03	Exceptions as deadly weapons.
733.02	Device seizure and destruction.	733.99	Penalty.

CROSS REFERENCES

Sale and use of air rifles - see Crimes Code 18 Pa. S. §6304

Firearms - see GEN. OFF. Art. 725; Crimes Code 18 Pa. S. §6101 et seq.

733.01 POSSESSION, SALE AT RETAIL OR USE PROHIBITED.

No person, firm or corporation, shall 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 City limits any air rifle or air pistol, commonly known as a B-B gun, sling shot or any similar device. A sale "at retail" means any sale of less than one dozen such articles or any sale to anyone who is not a bona fide dealer therein. (Ord. 46-1950 §1.)

733.02 DEVICE SEIZURE AND DESTRUCTION.

The Chief of Police is hereby authorized to seize, remove and destroy any air rifle or air pistol, commonly known as a B-B gun, sling shot or similar device, which is used or discharged within the City or which is held or possessed in violation of this article. (Ord. 46-1950 §2.)

733.03 EXCEPTIONS AS DEADLY WEAPONS.

The provisions of this article shall not apply to air guns, air pistols, gas-powered guns or pistols having rifled barrels, and being commonly used for target practice and the shooting of small game. For the purpose of this article, such articles shall be deemed to be a deadly weapon and subject to the laws of the City and Commonwealth of Pennsylvania with respect to the sale and use thereof. (Ord. 46-1950 §3.)

733.99 PENALTY.

Whoever violates any of the provisions of this article shall, upon conviction thereof be fined not more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof shall be imprisoned for not more than thirty days. (Ord. 33-1989 §1. Passed 3-21-89.)

1989 Replacement

Adopted per Bill No. 13, Ordinance No. 11 of 2008

**ARTICLE 737
Minors Curfew**

737.00	Purpose.	737.03	Exceptions.
737.01	Definitions.	737.04	Penalty.
737.02	Curfew.		

CROSS REFERENCES

Dance curfew - see 3rd Class §2638 (53 P.S. §37638J)
 Offenses involving minors - see Crimes Code §6301 et seq. (18 Pa. S. §6301 et seq.)
 Curfew during civil emergencies - see GEN. OFF. 709.01

737.00 PURPOSE

The Minors Curfew is not intended to infringe upon the freedoms of resident youth, but rather to assure that minors have adequate parental/guardian supervision during focal times of the day, and to offer support to minors and parents/guardians experiencing curfew concerns.

737.01 DEFINITIONS.

The following words, terms and phrases, when used in this article shall have the meanings herein given:

- A.Minor - Any person under the age of eighteen (18) years of age.
- B.Public Place - Any public street, highway, road, alley, park, playground, sidewalk, vacant lot, or other area generally open to the public.
- C.Establishment - Any organization or place of business carried on for profit or for non-profit purposes, or any place of amusement or entertainment in which the public is invited.
- D.Operator - Any individual, firm, association, partnership, or corporation operating, managing, conducting or working for any establishment; and, whenever used in any clause prescribing a penalty, the term “operator,” as applied to associations or partnerships shall include members or partners as well as employees or agents thereof, and as applied to corporations, shall include officers of the corporation thereof, and, in the case of any business or other entity operating under a fictitious name, shall include the owner, and his or her employees or other agents.
- E.Court – Any Magisterial District Justice Office or the York County Court of Common Pleas.

737.02 CURFEW.

A. Unless accompanied by a parent/guardian, it shall be unlawful for any minor to be at or remain in or upon any public place between the hours of eleven o’clock (11:00) P.M. and six o’clock (6:00) A.M.

B. No operator of any establishment shall permit any minor to remain upon the premises of said establishment between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00)

A.M. unless the minor is accompanied by a parent/guardian. Additionally, all operators of such establishments within the boundaries of the City of York must post notice in a readily readable size and location within their establishment stating that all patrons under the age of eighteen who are not accompanied by a parent/guardian must vacate the premises at 10:30 PM. Furthermore, all operators of such establishments must make a verbal announcement at 10:30 PM stating that all patrons under the age of eighteen who are not accompanied by a parent/guardian must vacate the premises immediately.

737.03: EXCEPTIONS.

The provisions of this article shall not apply to:

- A. Any minor attending an activity sponsored by school, religious, non-profit, governmental, or similar organization in which the activity is supervised by adults.
- B. Any minor or operator of an establishment in which the minor is employed in lawful employment during curfew hours.
- C. A minor operating a vehicle during nighttime curfew hours, if the minor possesses a valid senior driver's license.
- D. Any minor traveling directly from their lawful place of employment to their home after working past curfew hours, or is immediately traveling from an activity described in subsection (A), which occurred past curfew hours, and is not engaged in any other activity.
- E. Any minor on active duty in the United States Armed Forces.

737.99. PENALTIES

- A. A minor and/or parent/guardian may be cited if the minor is found in violation of curfew. The fine for the first offense shall be up to fifty dollars (\$50) and the costs of prosecution. Upon second violation of this ordinance (including situations wherein the first violation had occurred in another jurisdiction), the fine shall be a minimum of fifty dollars (\$50) and a maximum of two hundred dollars (\$200) and the costs of prosecution. Upon third or subsequent violations of this ordinance (including situations wherein the first or second violation had occurred in other jurisdictions), the fine shall be a minimum of one hundred dollars (\$100) and a maximum of one thousand dollars (\$1,000) and the costs of prosecution.
- B. The court is encouraged, when appropriate, to consider counseling and/or community service or other diversionary programs as an alternative sentence to the penalties prescribed above.
- C. The court is encouraged to refer unpaid curfew fines and/or sentences to Juvenile Probation.
- D. Any operator of an establishment knowingly allowing minors to be upon their premises between the hours of eleven (11:00) PM and six (6:00) AM, or failing to post notice/make announcement per 737.02(B) above, shall pay a fine not exceeding one thousand dollars (\$1,000), or a term of imprisonment not exceeding ninety days, or both for each minor found to be in violation of curfew upon the establishment and/or for each day not in compliance with the posting notice/making verbal announcement stipulation.

AMENDED BY ORDINANCE 22-2008

Amended by Resolution No. 99-08, Amended by Resolution No. 100-08

ARTICLE 741

Park Conduct

741.01	Council control of monuments.	741.04	Fishing in Kiwanis Lake
741.02	Prohibited acts.	741.05	Permitted advertising.
741.03	Public meetings.	741.99	Penalty

CROSS REFERENCES

Bicycles prohibited in parks – see TRAF. 533.09
Littering in bodies of water – see GEN. OFF 729.02

741.01 COUNCIL CONTROL OF MONUMENTS

(a) Council shall have power to grant permission to any church, school, fire, company, secret order or society of charity, to erect or build a monument or statue upon public parks.

(b) All permits to build or erect any monument, memorial or statue in public parks shall be issued by the City Engineer who, with Council shall have full charge and control of the location and construction of all monuments, memorials or statues to be erected in such public parks (1944 Code Ch. 20§1,2.)

741.02 PROHIBITED ACTS

No person shall do or assist in doing any of the following acts in any of the public parks of the City:

- (a) Perform any disorderly or immoral act.
- (b) Throw any stones or missiles.
- (c) Gamble or play any game of chance.
- (d) Practice fortune telling.
- (e) Solicit a contribution or subscription of money or other valuable thing.
- (f) Cast or deposit any rubbish, refuse, ashes, garbage, stones or sand, except in a container provided by the City for such purpose.
- (g) Ride or drive any **motorized** vehicle except on highways.
- (h) Sell or offer or display for sale any goods, wares, merchandise, refreshments or any other thing.
- (i) Remove any seats or benches from their resting places.
- (j) Willfully deface, injure, break, cut or destroy any building, seats, benches, trees, plants, shrubbery, grass, flowers, monuments, fountains or other property pertaining to such parks, or dig any hole or cut any sod therein.
(1944 Code Ch. 20 §8.)

- (k) Post any sign, banner, advertisement or circular, except as provided in Section 741.05 (Ord. 10-1987 §1. Passed 5-5-87)
- (l) Play any game or engage in any sport or contest except at places designated and set aside by the City as a public playground for such purposes.
- (m) Obstruct any roadway or path.
- (n) Ride or drive any horse or other animal in any park except on the highways thereof.
- (o) Bring any dog into a public park unless such dog is on leash.
(1944 Code Ch. 30 §8.)
- (p) Be on park premises before 6:00 a.m. or after 10:00 p.m. unless participating in activities sponsored by the City and/or the Advisory Council on Recreation and Parks. (Ord. 12-1986 §1. Passed 9-2-86).
- (q) **Tobacco Use.** No person shall smoke at any City facility designated as a park, playground or pool by Exhibit A (View Exhibit A: [Permit Fees & List of Parks](#)) of Article 741. Exemptions are listed in subsection (3). All City facilities in which smoking is prohibited shall be posted to prohibit smoking. For the purposes of this subsection, “smoking” means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device used for tobacco. “Tobacco use” means the smoking of tobacco products in any form. Failure to comply with this subsection shall result in the following penalty:
 - 1. A warning and requirement to immediately cease tobacco use in the City Park for the first offense.
 - 2. A twenty-five dollar (\$25.00) fine and requirement to immediately cease tobacco use in the City park for a second or subsequent offense.
 - 3. Exemptions: Continental Square shall be exempt from the smoking prohibition.

741.03 PUBLIC MEETINGS

(a) Designation of Park Facilities.

- (1) Proposed designation. The Recreation **and Parks** Director shall classify all City park property under a uniform system of classification and designate for each such classification the use or uses which, in his/her judgment should be permitted therein. Categories of classifications which the Recreation **and Parks** Director shall designate may include, but are not limited to, parks, playgrounds, playlots, and leased facilities. The Recreation **and Parks** Director shall classify all City park property under the following classification system:
 - A. “Public Forums” shall be defined as areas open to any legal public assembly pursuant to the limitations set forth herein.
 - B. “Limited Use Areas” shall be defined as those buildings, improvements, and other areas for which a specific use or occupancy is intended. Such areas shall include, but not be limited to, picnic and pavilion areas, playgrounds, basketball and tennis courts, etc.
 - C. “Areas or Facilities Not Designated for Public Assembly” shall be defined as those buildings, improvements and

other areas not open to the general public. Such areas shall include not be limited to, maintenance, storage, employee and operational areas.

- D. "Special Facilities" shall be defined as those buildings, improvements and other areas designed or designed for a specific use and occupancy. Such facilities shall include but not be limited to the Farquar Park Band Stand, stages, boat launch, miniature golf course and batting cages. Use of these facilities may involve a rental, admission, team or other related fee. The Recreation and Parks Director shall then record the designations for each park and shall transmit the same promptly to City Council, which shall then approve, amend or reject the designations. Thereafter, the Recreation and Parks Director may, from time to time, as he/she shall deem necessary and proper, amend or revise his/her designations and shall promptly transmit in writing the amendments or revisions to City Council, which shall approve, amend or reject the same. All such designations, and the Recreation and Parks Director's amendments and revisions thereof, shall be in full force and effect from the time that the same are expressly approved as such or as amended by City Council.

- (2) Public review of proposed designation. Simultaneous with the transmission to City Counsel of the plats or maps required by this ordinance, or of any written amendments or revisions thereof, the Recreation and Parks Director shall file a duplicate copy of the same with the City Clerk, which duplicate copy shall be available for public inspection in the Office of the City Clerk during normal business hours.

(b) Rules and Regulations. The Recreation and Parks Director may, from time to time, establish reasonable rules and regulations, for the use of each facility in the Park System and for obtaining permits pursuant to this chapter. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of City employees and of the public, the safety and maintenance of Park property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all Park facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of Park property.

(c) Permit Requirements.

- (1) General. No person shall, without a permit:

- A. Conduct a public assembly, parade, picnic, or other event involving more than twenty-five individuals;

- B. (EDITOR'S NOTE: This subsection B is intentionally left blank by Ordinance 33-2003, passed September 9, 2003);
- C. Conduct an exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission **involving more than twenty-five individuals;**
- D. Exhibit or display any motion picture, television program, light or laser light display, or similar event **involving more than twenty-five individuals;**
- E. Operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;
- F. Create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
- G. Station or erect any building, tent, canopy, stand, bandstand, state, tower, scaffold, sound stage, platform, rostrum or other structure;
- H. Station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- I. Sell or offer for sale any goods or services;
- J. (EDITOR'S NOTE: This subsection J. is intentionally left blank by Ordinance 33-2003, passed September 9, 2003)
- K. Bring, land or cause to ascend or descent or alight within the Park, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation (a kite shall not be considered an "apparatus for aviation" for purposes of this subsection);
- L. Conduct any sporting event **involving more than twenty-five individuals;**
- M. Ride any horse on any driveway, roadway, path or trail; or
- N. Bring onto property a tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes.

(2) Permits for activities involving more than 100 individuals. No activity involving more than one hundred individuals shall be held within two thousand five hundred feet nor within two hours of any other activity involving more than one hundred individuals.

(d) Application for Permits.

(1) Filing written application.

A. Special Event Permit. Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form and within such time as shall be prescribed by the Recreation and Parks Director. Applications involving any of the following activities shall be filed with the Recreation and Parks Director or his/her designee.

1. An event involving more than twenty-five individuals;
2. The sale or offering for sale any good or service;
3. The sale or service of alcohol on Park property;
4. Advertising or commercial activities;
5. Activities involving more than one park;
6. A religious or political event involving more than twenty-five individuals;
7. Creation or emission of any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
8. Stationing or erecting any building, stand, bandstand, state, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;
9. Use of any electrical or electronic device or equipment requiring outdoor auxiliary power;
10. Bring land or cause to ascend or descend or alight within the Park, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation (a kite shall not be considered an "apparatus for aviation" for purposes of this subsection);
11. Riding of a horse or horses; or
12. Use of mechanical rides.

B. Spontaneous Events

- (2) Media/motion picture/commercial photography. Any person seeking the issuance of a permit for filming of a media broadcast (other than a news transmission), motion picture, or still commercial photography shall file a written application for permits with the Recreation and Parks Director or his/her designee on a form and within such time as shall be prescribed by the Recreation and Parks Director.
- (3) Recreational permits. Any person seeking to reserve Park facilities for any event involving less than twenty-five people and not including the items covered in paragraph (d)(1)A., above, shall file a written application with the Recreation and Parks Bureau on a form and within such time as shall be prescribed by the Recreation and Parks Director.

- (4) Special facilities. Any person seeking the issuance of a permit for use of Park property designated as a special facility shall file a written application for permit with the Recreation **and Parks** Director or his/her designee on a form and within such time as shall be prescribed by the Recreation **and Parks** Director.
- (5) Application fee. For any activity described in this chapter, Section 741.03(d)(1), no application for permit shall be considered unless the applicant shall have paid at the time for filing an application for permit the required application fee in the amount in accordance with the schedule of fees set by the Recreation **and Parks** Director and approved by the City Council. **The application fee is subject to the waiver provisions of §741.03(f) (1)-(3).**
- (6) Indemnification agreement for events where the applicant expects attendance of more than 100 people. No application for permit shall be granted unless the applicant shall have executed an agreement with the City, on a form to be prescribed by the Recreation **and Parks** Director, in which the applicant shall promise and covenant to cleaning up and restoring the park upon conclusion of the event or activity; and to indemnify the City and hold the City harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the Permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.
- (7) **(Editor's Note: This subsection, 741.03 (d)(7) is intentionally left blank by Ordinance 22-2008, passed June 3, 2008.)**
- (8) Fees for use of park facilities. No application for permit shall be granted unless the applicant has paid, within the time prescribed by the Recreation **and Parks** Director, a user fee and any other required fee in an amount in accordance with the schedule of fees set by the Recreation **and Parks** Director and approved by City Council. No application for permit shall be granted unless all required fees are paid as set forth herein.
- (9) Insurance. **In the event the applicant expects more than 100 people to attend, applicant shall procure and maintain at all times during its use of Park property, insurance in such amounts and with such coverages as shall reasonably be required by the City and shall name the City as an additional insured thereunder. The amounts and type of insurance required shall be determined by the Public Works Department based upon the size of the event and the nature of the facilities involved in it. The Department of Public Works shall prepare a uniform schedule of insurance guidelines and the amount of insurance required is not based on or influenced by, the nature of the event, and specifically whether it involves controversial expressive activity likely to incite violence or onlookers or opponents. Applicant shall**

provide the City with a certificate from an insurer evidencing such coverage prior to applicant's use of Park property, and within the time prescribed by the Recreation and Parks Director. The certificate shall also provide that the insurer shall give the City reasonable advance notice of insurer's intent to cancel the insurance coverage provided. No insurance is required for an event where less than 100 people are expected to attend. The insurance requirement is subject to the waiver provisions of §741.03 (f)(1)-(3).

(10) Permits not transferable. No permit or preliminary approved permit application may be transferred.

(e) Processing of Application for Permits.

(1) Order. Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated in order of receipt of fully executed applications accompanied by the application fee.

(2) Conditional approval. Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If, within the time prescribed by the Recreation and Parks Director, any required fee is not paid, or an insurance certificate evidencing the requisite insurance is not filed with the Department of Public Works, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied and no written notice of denial will be required. For events or activities which involve the use of special facilities, or activities described in this chapter, Section 741.03(d)(1)A.3., 4., 7., 8., 9 or 10, above all terms and conditions for issuance of the permit, including securing insurance and payment of all fees, must be completed at least thirty days prior to the event unless a longer time period is prescribed by the Recreation and Parks Director.

No permit shall be issued unless all applicable fees are paid within the times prescribed by the Recreation and Parks Director. Failure to pay fees within that time shall cause the application to be deemed denied, without further notice to the applicant.

(3) Written denials. If no written denial or conditional approval is issued within fourteen days of the date on which a permit application is fully completed, executed and filed with the appropriate officer or employee, as designed by the Recreation and Parks Director, the application shall be deemed to have been granted a conditional approval pursuant to Section 6.b., above. Provided, however, the City may extend the period of review for

an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to subsection (e)(2), above.

(4) Notice of extended review or denial of issuance of permit. Written notice of denial or notice of extension shall be served on the applicant by personal deliver, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

(5) Contents of notice: grounds for denial. Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and where feasible, shall contain a proposal by the City for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses of activities which do not reasonably permit multiple occupancy of the particular area, the City shall propose an alternate place, if available for the same time, or an alternative time, if available for the same place.

To the extent permitted by law, the City may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on any prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of **any** prior permit issued to or on behalf of the applicant. The City may also deny an application for permit on any of the following grounds:

- A. The application for permit (including any required attachments and submissions) is not fully completed and executed;
- B. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, within the times prescribed by the Recreation **and Parks** Director;
- C. The application for permit contains a material falsehood or misrepresentation;
- D. The applicant is legally incompetent to contract or to sue and be sued;
- E. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;

- F. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
- G. The use or activity intended by the applicant would conflict with the previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- H. The proposed use or activity is prohibited is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter, subsection (a), above;
- I. The use or activity intended by the applicant would present an unreasonable danger to the health, safety or welfare of the applicant, or other users of the Park, of City employees or of the public;
- J. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering of sale of any goods or services ; or
- K. The use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the City.

(6) Amendment or revision of applications. Any amendment or revision or an application or permit shall **for** purposes of determining the priority of the application of permit, relate back to the original filing thereof; but the time in which the City shall grant or deny the application for permit and service notice of such granting or denial shall be computed from the date of the amendment or revision.

(f) Procedures for Review; Waivers.

(1) Review by Director of the Department of Public Works

- A. Any applicant who is denied a permit or denied a request for a waiver of **an application fee**, user or certificate of insurance, or a permittee who has **received a** fine pursuant to this section may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Director of the Department of Public Works;
- B. The Recreation **and Parks** Director shall have seven days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial;

- C. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;
 - D. If such notice is not served upon the applicant or permittee within the seven (7) days of the date upon which the appeal was filed, **then the denial shall be deemed reversed.**
- (2) Form of appeals. Any appeals filed pursuant to this section shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City, and any other papers material to the determination.
- (3) Waiver of requirements. Any requirements for **an application fee**, user fee, or certificate of insurance shall be waived by the **Recreation and Parks Director**, if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using Park property for the proposed activity. Fees for equipment and services shall not be waived pursuant to this subsection. Application for a waiver of **an application fee**, user fee, or certificate of insurance shall be made **in writing** and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the **Recreation and Parks Director** to determine whether the requirement(s) would be so financially burdensome that it would preclude the applicant from using Park property for the proposed activity. If it appears that the applicant does not have sufficient funds to satisfy the user fee requirements prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the Solicitor's Office shall require the applicant to pay such user fee out of the proceeds of the proposed event. If no written denial is issued within fourteen (14) days of the date on which the application for such waiver is fully completed, executed and filed with the Solicitor's Office, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements. Denials of **requests** for such waivers shall be subject to appeal procedures contained in subsection (f)(2) hereof.
- (g) Violations and Penalties. Any person who shall fail or refuse to perform any act, duty or obligation imposed by this chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and costs of

prosecution, and in default of payment thereof, may be imprisoned for not more than 30 days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues
(Ord. 02-10. Passed 4-16-02.)

741.04 FISHING IN KIWANIS LAKE

(a) No person other than children under sixteen years of age shall fish in Kiwanis Lake, located in Farquhar Park. (1944 Code Ch. 20 §11.)

741.05 PERMITTED ADVERTISING

The Administration may sell advertising to be placed in Hoffman Field Numbers 1, 2 and 3, Memorial Stadium and the Municipal Ice Rink. The Administration, with the consent of Council by resolution, may designate additional public parks to receive advertising and promulgate rules and regulations governing all aspects of advertising to be placed within a designed public park.
(Ord. 10-1987 §2. Passed 5-5-87)

741.99 PENALTY

Except for the penalties outlined for violating subsection 741.02(q) and 741.03(g), whoever violates any other provisions of this article shall, on conviction, be fined not more one thousand dollars (\$1,000) and in default of payment thereof shall be imprisoned not more than five days. The court may waive, when appropriate, the penalties outlined in this subsection in lieu of completion of community service or other diversionary programs as an alternative sentence.

ARTICLE 745 Pigeons

745.01	Pigeon structures.	745.04	Destruction authorized.
745.02	Sanitary maintenance.	745.99	Penalty.
745.03	Feeding prohibited.		

CROSS REFERENCES

Destruction of animals - see 3rd Class §2403(9)
(53 P.S. §37403(9))
Fowl at large - see GEN. OFF. 705.01

745.01 PIGEON STRUCTURES.

No person shall keep, maintain or harbor any pigeons within the City, unless such person uses a suitable house or coop, which shall not be more than 800 cubic feet in size. Not more than 200 adult pigeons shall be kept by any one person at any time. Pigeon houses or coops may also have an attached runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying around.
(Ord. 25-1970 §1; Ord. 30-1970 §1.)

745.02 SANITARY MAINTENANCE.

All pigeon houses, coops or runways shall be maintained in such proper sanitary condition as to avoid any offensive odors, and no pigeons shall be kept which create any loud and excessive noises. (Ord. 25-1970 §2.)

745.03 FEEDING PROHIBITED.

No person shall intentionally feed pigeons at large. (Ord. 25-1970 §3.)

745.04 DESTRUCTION AUTHORIZED.

Pigeons at large and not banded, may be captured and destroyed by any humane means by any representative of the Board of Health, or any property owner, upon whose property any such pigeon is found at large. (Ord. 25-1970 §4.)

745.99 PENALTY.

Whoever violates any provision of this article, shall upon conviction be fined ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for each subsequent offense, plus the costs of prosecution. In default of payment thereof, such person shall be imprisoned for not more than ten days for the first offense and thirty days for any offense thereafter. (Ord. 25-1970 §5.)

ARTICLE 753
Streets and Sidewalks

753.01	Placing injurious material	753.03	Obstructions.
753.02	Grease, oil, gasoline, acid, caustic substance or syrup.	753.04	Unauthorized posting.
		753.99	Penalty.

CROSS REFERENCES

Power to prohibit street obstructions - see 3rd Class §2403(16)
(53 P. S. §37403(16))
Depositing waste on highways - see Vehicle Code §3709
Peddlers obstructing streets - see BUS. REG. & TAX. 333.09
Unlawful publications - see GEN. OFF. 713.07
Snow removal - see S.U. & P.S. Art. 911

753.01 PLACING INJURIOUS MATERIAL.

No person shall throw, deposit or place in any sidewalk, street or alley within the City, any nails, tacks, crockery, scrap iron, glass, tin, wire or any other articles or things which may damage or injure any person, vehicle or animal. (1944 Code Ch. 12 §13.)

753.02 GREASE, OIL, GASOLINE, ACID, CAUSTIC SUBSTANCE OR SYRUP.

(a) No person shall throw, place or spill upon any street, alley or other highway of the City any oil, grease, gasoline, acid, caustic substance or syrup.

(b) No person shall cause or permit any oil, grease, gasoline, acid, caustic substance or syrup to run or drain from any premises owned, occupied or used by such person into or upon any street, alley or other highway of the City. (Ord. 22-1981 §1. Passed 10-6-81.)

(c) Doing or permitting any of the acts prohibited by this section shall be deemed to constitute a nuisance which may be abated in the manner now provided by law for the abatement of nuisances. (Ord. 66-1947 §4.)

753.03 OBSTRUCTIONS.

No person shall place, keep or cause to be placed or kept upon any street, alley, public square or sidewalk in the City unless otherwise provided for in Sections 1303.01(n) and 1308.07(b)(5) of the Codified Ordinances any wagon, cart, dray, sleigh, sled, carriage, box, bale, basket, crate, cask, lumber, goods, wares or merchandise. However, nothing in this section shall apply to persons engaged in building or improving, loading or unloading, packing or unpacking merchandise or other materials. (Ord. 30-1987 §1. Passed 11-17-87.)

753.04 UNAUTHORIZED POSTING.

No person shall use any telegraph, telephone, electric light poles, or any awnings, poles, trees, or any public property of the City, for placing any advertisements thereon. (1944 Code Ch. 19 §1.)

753.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof shall be imprisoned not more than thirty days. (Ord. 35-1989 §1. Passed 3-21-89.)

ARTICLE 755 Police and Fire Alarms

755.01	Purpose.	755.07	Negligent use.
755.02	Definitions.		Alarm systems connected to
755.03	Declared a public nuisance.		County control.
755.04	Unlawful to use alarm declared a	755.09	Permission to install.
	public nuisance.	755.10	False alarm response charge.
755.05	Outdoor audible alarms.	755.99	Penalty.
755.06	Corrections of deficiencies.		

CROSS REFERENCES

False alarms - see 18 C.P.S.A. §4905
False reports - see 18 C.P.S.A. §4906

755.01 PURPOSE.

Council finds it to be in the interest of the residents of the City and the general public to prevent and deter the installation, maintenance and use of police and fire alarms that provide repetitious false alarms. (Ord. 13-1979 §1. Passed 8-21-79.)

755.02 DEFINITIONS.

(a) "Owner" means the person or persons, corporation, business entity, tenant or tenants, occupants of a building, or person or persons in control or possession of the building which receive the direct benefit of protection from such alarm, and furthermore shall include any person or persons, corporation or business entity which has a contract for the express purpose of monitoring the police alarm, fire alarm, smoke detector or any other type of alarm.

(b) "Police Alarm" includes alarms commonly referred to as "burglar alarms" and "hold-up alarms". (Ord. 2-1990 §1. Passed 3-20-90.)

755.03 DECLARED A PUBLIC NUISANCE.

The use of police or fire alarms, whether audible or direct-line type of alarms, are expressly permitted subject to the following conditions:

- (a) Direct-line radio or other electronic police or fire alarms shall be installed by competent workmen so that such devices shall not emit false alarms.
- (b) Any alarm system that produces false alarms shall constitute a public nuisance if such system activates more than one false alarm in any thirty day period, or two false alarms in any ninety day period, or three false alarms in any 180 day period, or four false alarms in any 365 day period.
- (c) Any police officer or fire fighter who responds to a false alarm shall report the same to the Police Commissioner/Chief of Police or Fire Chief as appropriate, who shall monitor and maintain records concerning such false alarms.
- (d) When any alarm system shall constitute a public nuisance as set forth hereunder, the Police Commissioner/Chief of Police or Fire Chief, as the case may be, shall notify the owner of the system that it has activated more false alarms than is permissible hereunder and that any future false alarms shall result in the

prosecution for violation of this article.

- (e) Notice as required by this article shall be given by the Police Commissioner/Chief of Police or Fire Chief by mailing a certified letter with return receipt requested, or by personal service of such notice by handing a copy of the same to the owner of the subject property, or to an adult representative thereof. If service is made in person, the Police Commissioner/Chief of Police or Fire Chief, or his or her designee, shall file a proof of service which shall be under oath and which shall designate the person upon whom service was made.
- (f) For the purpose of this article the owner of real estate on which an alarm system is placed and used shall be considered the owner and the person responsible for its proper maintenance and use.
- (g) In addition to any penalty provided hereunder, upon notifying the owner that the police or fire alarm system constitutes a public nuisance, the Police Commissioner/ Chief of Police or Fire Chief, as the case may be, shall also notify the York County Emergency Operations Center and any other agency handling the system that the system has been declared a public nuisance and that the system should be disconnected and no longer used.
(Ord. 13-1979 §1. Passed 8-21-79.)

755.04 UNLAWFUL TO USE ALARM DECLARED A PUBLIC NUISANCE.

It shall be unlawful for any owner of property or persons in charge of real property to use or permit to be used any burglar or fire alarm system that has previously been declared a public nuisance as provided herein. If any false alarms shall be given by such system following the date of receipt of notice as set forth herein, the false alarm shall be unlawful and constitute a violation of this article. (Ord. 13-1979 §1. Passed 8-21-79.)

755.05 OUTDOOR AUDIBLE ALARMS.

All outdoor audible alarms that are activated falsely shall be subject to the same conditions applicable to direct-line radio or other electronic calls that result in false alarms. (Ord. 13-1979 §1. Passed 8-21-79.)

755.06 CORRECTION OF DEFICIENCIES.

Following notice by the Police Commissioner/Chief of Police or Fire Chief that a police or fire alarm system constitutes a public nuisance, the owner of such system may file an affidavit with the Police Commissioner/Chief of Police or Fire Chief as appropriate indicating under oath that the false alarms previously caused by such system were caused by a known mechanical or other defect within the system, not to include improper use. Such owner may verify and shall include a statement by competent workmen or repairmen in the field that such system was defective and such deficiency has been corrected. Upon the filing of such affidavit with appropriate exhibits, the false alarm history concerning the premises shall be considered void and of no legal effect. (Ord. 13-1979 §1. Passed 8-21-79.)

755.07 NEGLIGENT USE.

Where false alarms have originated from negligent use or a combination of negligent use and a defective system, in order to terminate the finding that the system is a public nuisance an owner shall comply with the provisions of Section 755.06 and in addition file an affidavit explaining the steps that have been taken to correct the negligent use which has resulted in false alarms. Upon acceptance of such affidavits by the Police Commissioner/Chief of Police or Fire Chief the declaration of the alarm system as a public nuisance shall be considered void and of no legal effect.

Subject, nevertheless, that should such a system be declared a public nuisance as provided in Section 755.03 within a period of one year following reinstatement under this section or Section 755.06, use of such system shall terminate for a period of one year before this section shall be used to reinstate service. (Ord. 13-1979 §1. Passed 8-21-79.)

755.08 ALARM SYSTEMS CONNECTED TO COUNTY CONTROL.

Any alarm system whereby police officers or fire fighters are directly dispatched as a result of an alarm which automatically signals or calls the York County Emergency Operations Center, or any audible signal, once declared to be a nuisance shall require the prior consent of the Police Commissioner/Chief of Police or Fire Chief before it may be utilized. (Ord. 13-1979 §1. Passed 8-21-79.)

755.09 PERMISSION TO INSTALL.

Any permission to install a police or fire alarm system granted by the Police Commissioner/Chief of Police or Fire Chief shall be predicated upon the specific condition that should such system prove to constitute a public nuisance as defined hereunder, then the alarm system shall be terminated also as provided herein. (Ord. 13-1979 §1. Passed 8-21-79.)

755.10 FALSE ALARM RESPONSE CHARGE.

(a) Any owner of a police alarm, fire alarm, smoke detector or other type of alarm, and which alarm makes noise on the outside of a building, or has a direct or indirect connection which calls for a response from the Police or Fire Department, shall be charged a response charge for each false alarm, after the third false alarm responded to by the Police or Fire Departments within a calendar year. Failure to pay the response charge within thirty days of written notice from the responding department shall result in prosecution as prescribed in Section 755.99. (Ord. 15-1995 §1. Passed 11-8-95.)

(b) The false alarm response charge fee shall be established by resolution of Council. (Ord. 19-97. Passed 12-2-97.)

755.99 PENALTY.

Any person, corporation or business entity who violates any of the provisions of this article shall, in a summary proceeding before the District Magistrate in which the violation occurred, be required to pay a fine not exceeding six hundred dollars (\$600.00) for each false alarm received after notice is provided as prescribed in Section 755.03. In addition, each false alarm received after notice is provided shall constitute a separate offense and upon a second offense the fine shall be not less than fifty dollars (\$50.00) nor more than six hundred dollars (\$600.00). For any third and successive offense occurring within one year the fine shall be not less than one hundred and fifty dollars (\$150.00) nor more than six hundred dollars (\$600.00). Any other violations of this article shall result in the payment of a fine not exceeding six hundred dollars (\$600.00), together with cost of suit. In any case where the Police Commissioner/Chief of Police or Fire Chief has declared an alarm system to be a public nuisance, the City Solicitor may bring legal proceedings in equity or otherwise to prohibit the continued use of such system and to collect any and all damages on behalf of the City resulting from the use of such system. (Ord. 36-1989 §1. Passed 3-21-89.)