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PART 1  
CURFEW

**§ 6-101. Short Title. [Ord. 333, 10/22/1980, § 1]**

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

**§ 6-102. Purpose. [Ord. 333, 10/22/1980, § 2]**

The purpose of this Part is to regulate the conduct of minors, as hereinafter defined, on the streets located within the Borough during nocturnal hours, to provide parental responsibilities, to establish reasonable exceptions to the curfew requirements, to establish police procedures in dealing with violators of this Part, to provide penalties for violators and to encourage a continuing evaluation of the effectiveness and necessity of the provisions of this Part. The Borough Council recognizes that there is a critical need within the Borough of Wormleysburg for curfew requirements in order to further the public good, safety and welfare. In enacting this Part, the Borough Council has considered many factors including the numerous complaints of vandalism during nocturnal hours, the congregation of minors on the streets and park with the potential risks incident thereto, the local needs of its citizens, the ineffectiveness of the other types of controls including parental control of conduct by minors during the nocturnal hours, the safety of minors and the necessity of providing exceptions to the curfew so that the rights of minors are not unduly or unconstitutionally restricted.

**§ 6-103. Definitions. [Ord. 333, 10/22/1980, § 3]**

For purposes of this Part, the following terms, words and phrases and their derivations shall have the meanings herein given. Words used in the present tense include the future; words in the singular include the plural; and words in the plural include the singular. The word "shall" is mandatory and is not merely directory.

MINOR — Any person under the age of 18 years.

PARENT — Person having custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or as a person to whom custody, whether temporary or permanent, has been given by order of court or by agreement.

REMAIN — To stay behind, to tarry, and to stay unnecessarily upon the streets, including the congregating of groups totaling three or more persons in which any minor is involved who is not using the streets for ordinary or serious purposes such as mere passage, going home or for any other lawful purpose as allowed by this Part.

STREET — A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk thereon, for pedestrian travel. The term "street" includes, but is not limited to, the legal right-of-way, the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, alleys and any grass plots or other

grounds within the legal right-of-way of a street. The term "street" applies irrespective of whether it is called or formally named an alley, avenue, drive, court, road or otherwise.

**TIMES OF NIGHT** — Prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public within the Borough.

**§ 6-104. Curfew for Minors. [Ord. 333, 10/22/1980, § 4]**

It shall be unlawful for any person under the age of 18 years of age to be or remain in or upon the streets within the Borough of Wormleysburg at night during the period ending at 6:00 a.m. and beginning at 10:00 p.m. for minors 11 years of age or younger, at 10:30 p.m. for minors 12 or 13 years of age, and at 11:00 p.m. for minors 14 years of age or older.

**§ 6-105. Exceptions. [Ord. 333, 10/22/1980, § 5; as amended by Ord. 468, 3/13/2007]**

1. In the following exceptional cases, a minor on a Borough street during the nocturnal hours for which § 6-104 is intended to provide the maximum limits of regulation shall not, however, be considered in violation of this Part:
  - A. When accompanied by a parent of such minor.
  - B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose.
  - C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence his desire to exercise said right or rights during the curfew hours by notifying the Mayor of the Borough of Wormleysburg, in writing, signed by the minor's parent, of the location and manner in which the minor will be on the streets during the curfew hours and the exercise of a First Amendment right. The written notice shall contain the home address and the telephone number of the minor. The Mayor shall notify the Police Department of receipt of said written notice.
  - D. In case of reasonable necessity, but only after such minor's parent has communicated to the Mayor or Police Department the facts establishing such reasonable necessity relating to specified streets at a designated time for a prescribed purpose. The copy of such communication or the notation of such communication, if not in writing, shall be kept by the Mayor or the Police Department, indicating the name and address of the minor and the minor's parent or parents and the reason given by the parent. If the communication

is given to the Mayor, he shall notify the Police Department of the receipt of said notice.

- E. When the minor is on the sidewalk of the place where he or she presides or on the sidewalk of a next-door neighbor with permission of said next-door neighbor.
- F. When returning home, by a direct route, from a scheduled and supervised school activity or a scheduled and supervised church or religious activity.
- G. When returning home by a direct route from a scheduled and supervised activity of a voluntary association or a similar organization for which prior notice, indicating the place and probable time of termination of the activity, has been given, in writing, to the Mayor or Police Department by the supervisor of the activity.
- H. When returning home by direct route from a place of employment.

**§ 6-106. Parental Responsibility. [Ord. 333, 10/22/1980, § 6]**

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

**§ 6-107. Police Procedures. [Ord. 333, 10/22/1980, § 7; as amended by Ord. 468, 3/13/2007]**

1. A policeman of the Borough or any other peace officer recognized as having police powers by the laws of the Commonwealth of Pennsylvania or the ordinances of the Borough of Wormleysburg, upon finding any minor on the streets in apparent violation of this Part, shall follow the following procedures:
  - A. The officer shall immediately ascertain and record the name, address and age of the minor and ascertain and record the name and address of the minor's parent or parents. A record of the date, time and circumstances of the violation shall also be recorded.
  - B. The officer shall take the minor to the Police Department, where the parent shall be notified to come for such minor.

- C. If the parent called has come to take charge of a minor and the appropriate information has been recorded, the minor shall be released to the custody of the parents.
- D. If the parent cannot be located or fails to take charge of the minor, the minor may be entrusted temporarily to an adult relative. If no one is available to take charge of the minor, the minor may be released to the County juvenile authorities.

**§ 6-108. Penalties. [Ord. 333, 10/22/1980, § 8; as amended by Ord. 468, 3/13/2007]**

Upon conviction by a District Justice for the first offense, the minor shall be guilty of a summary offense and shall be sentenced to pay a fine of not less than \$50 nor more than \$600 and costs of prosecution.

**§ 6-109. Construction. [Ord. 333, 10/22/1980, § 9]**

If any provision of this Part, including but not limited to any exception, part, phrase or term, or the application thereof to any person or circumstances, is held invalid, the application to other persons or circumstances shall not be affected hereby, and the validity of this Part in any and all other respects shall not be affected thereby.

**§ 6-110. Continuing Evaluation. [Ord. 333, 10/22/1980, § 10]**

Borough Council shall periodically review the effectiveness and necessity of the provisions of this Part 1 and shall be apprised of all actions taken by the Mayor or Police Department pursuant to this Part.

## PART 2

## ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

**§ 6-201. Definitions. [Ord. 318, 11/14/1978; as amended by Ord. 361, 4/8/1986]**

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

ALCOHOLIC BEVERAGES — Any spirits, wine, beer, ale or other liquid containing more than 1/2% of alcohol by volume which is fit for beverage purposes.

CONTAINER — Any bottle, can or other vessel in which alcoholic beverages are contained.

**§ 6-202. Consumption. [Ord. 318, 11/14/1978, § 1; as amended by Ord. 361, 4/8/1986]**

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, park, thoroughfare, or other public property within the Borough of Wormleysburg, nor shall any person consume any alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof.

**§ 6-203. Possession. [Ord. 318, 11/14/1978, § 2; as amended by Ord. 361, 4/8/1986]**

No person shall possess any container of alcoholic beverage, whether wrapped or unwrapped, which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Borough of Wormleysburg, nor shall any person possess any container or alcoholic beverage within five feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

**§ 6-204. Exceptions. [Ord. 318, 11/14/1978, § 3; as amended by Ord. 361, 4/8/1986]**

The provisions of § 6-202 and § 6-203 above shall not apply to interior portions of any private dwelling, habitat or building nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in § 6-201 hereof; and provided further that the provisions of said §§ 6-202 and 6-203 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

**§ 6-205. Penalty. [Ord. 318, 11/14/1978, § 4; as amended by Ord. 361, 4/8/1986]**

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to be imprisoned for a period not to exceed 90 days.

PART 3  
MISSILES

**§ 6-301. Prohibited Acts. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

The throwing of snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough of Wormleysburg is hereby prohibited.

**§ 6-302. Penalties. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

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



PART 4  
FIREARMS

**§ 6-401. Discharge of Firearms Prohibited. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

Except in necessary defense of person and property and except as provided in § 6-403 of this Part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the Borough of Wormleysburg.

**§ 6-402. Use of Air Rifles, Bow and Arrows, or Similar Devices Restricted. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in § 6-403 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

**§ 6-403. Exceptions. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

1. This Part shall not apply to:
  - A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania.
  - B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.
  - C. Any law enforcement officers when used in the discharge of their official duties.

**§ 6-404. Penalties for Violation. [Ord. 193, 10/15/1962; as amended by Ord. 361, 4/8/1986]**

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



PART 5  
PUBLIC PROPERTY

**§ 6-501. Definition and Interpretation. [Ord. 361, 4/8/1986]**

As used in this Part, the term "person" shall include any individual, corporation, partnership, association, firm, or other legal entity. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**§ 6-502. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited. [Ord. 361, 4/8/1986]**

No person shall destroy, injure, tamper with or deface any public property of the Borough of Wormleysburg, or any grass, walk, lamp, ornamental work, building or streetlight on or in any of the streets, alleys, sidewalks or public grounds in the Borough of Wormleysburg.

**§ 6-503. Stakes, Posts and Monuments. [Ord. 361, 4/8/1986]**

No person shall in any manner interfere or meddle with, or pull, drive, change, alter or destroy, any stake, post, monument, or other marking made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Borough to evidence the location, elevation, line, grade, corner, or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, or thing.

**§ 6-504. Tampering with Warning Lamps, Signs or Barricades. [Ord. 361, 4/8/1986]**

No person shall destroy, remove, deface, obliterate or cover up any lamp, sign or barricade erected as a warning of danger by the authorities of the Borough or by any person doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or bridges in the Borough or on any public grounds of the Borough, within or without the Borough.

**§ 6-505. Removal of Material from Streets, Alleys or Public Grounds Prohibited. [Ord. 361, 4/8/1986]**

No person shall take any earth, stone, or other material from any street, alley, or public grounds in the Borough.

**§ 6-506. Deposit of Harmful Substances Prohibited. [Ord. 361, 4/8/1986]**

No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Borough.

**§ 6-507. Exceptions. [Ord. 361, 4/8/1986]**

This Part shall not apply to normal activities in connection with construction, maintenance and repair of streets, alleys, sidewalks, and public grounds and the

structures and fixtures located thereon or therein or to incidental results of work done thereon or therein upon permit from or by authority of the Borough of Wormleysburg.

**§ 6-508. Penalties. [Ord. 361, 4/8/1986]**

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

PART 6  
LITTERING

**§ 6-601. Littering Prohibited. [Ord. 361, 4/8/1986]**

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

**§ 6-602. Penalties. [Ord. 361, 4/8/1986]**

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



PART 7  
LOITERING

**§ 6-701. Definitions. [Ord. 361, 4/8/1986]**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**LOITERING** — Remaining idle essentially in one location; lingering; spending time idle; loafing or walking about aimlessly in one vicinity or neighborhood; or "hanging around."

**PUBLIC PLACE** — Any place to which the public has access, including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

**§ 6-702. Certain Types of Loitering Prohibited. [Ord. 361, 4/8/1986]**

1. No person shall loiter in a public place in such manner as to:
  - A. Create or cause to be created a danger of a breach of the peace.
  - B. Create or cause to be created any annoyance to any person or persons.
  - C. Obstruct the free passage of pedestrians or vehicles.
  - D. Obstruct, molest or interfere with any person lawfully in any public place as defined in § 6-701 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

**§ 6-703. Request to Leave. [Ord. 361, 4/8/1986]**

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 6-702 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.

**§ 6-704. Penalties. [Ord. 361, 4/8/1986]**

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



PART 8  
NOISE CONTROL

**§ 6-801. Title. [Ord. 501, 5/12/2015]**

This Part may be cited as the "Noise Control Ordinance of the Borough of Wormleysburg, Cumberland County, Pennsylvania."

**§ 6-802. Definitions. [Ord. 501, 5/12/2015]**

The following definitions shall apply to this Part:

**LIQUOR CONTROL BOARD EXEMPTED AREA** — The area within the Borough of Wormleysburg, as approved by the Pennsylvania Liquor Control Board, is exempted from enforcement of Pennsylvania Liquor Control Regulation 532(a) as amended regarding amplified music.

**NOISE DISTURBANCE** — Any sound that endangers the safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

**§ 6-803. Noise Disturbances. [Ord. 501, 5/12/2015]**

1. **Excessive Noise and Noise Disturbance Prohibited.** It is hereby declared to be a nuisance and shall be unlawful for any person, firm, association, or business entity to make, cause, suffer, or permit to be made or caused upon a property owned, occupied or controlled by him, her or it, or upon any public land, street, alley, or thoroughfare in the Borough of Wormleysburg, any noise disturbance or sounds by means of vehicles, machinery, equipment (including sound amplification equipment and musical instruments) or by any other means or methods which are physically annoying to the comfort of any reasonable person or which are so harsh, prolonged, unnatural or unusual in their use, time and place as to occasion physical discomfort or which are otherwise injurious to the lives, health, peace and comfort of the inhabitants of the Borough of Wormleysburg or any number of residents thereof.
2. **Special Prohibitions.** The following acts and causes thereof are hereby declared to be a nuisance and in violation of this Part:
  - A. **Operating, playing, or permitting the operation or playing of any radio, television, audio equipment, loudspeaker, public address system, sound amplifier, musical instrument, or similar device that reproduces or amplifies sound through electric or battery means in such a manner as to create a noise disturbance to persons in the vicinity for any person other than the operator greater than 75 feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal**

occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, then so as to be a noise disturbance greater than 75 feet from the boundary of the property.

- B. The using or operating of any loudspeakers, public address systems, or similar device for commercial purposes, such that the sound therefrom creates a noise disturbance greater than 75 feet from the boundary of the property.
- C. Repairing, rebuilding, modifying, testing, or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to persons across a real property boundary line from the noise source.
- D. The sounding of any horn or signaling device on any automobile, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause annoyance to persons across a real property boundary from the noise source.
- E. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor board or motor vehicle except through a muffler or other device as provided by the Motor Vehicle Code of the Commonwealth of Pennsylvania, as amended, which will effectively prevent loud or explosive noises therefrom, or the spinning of wheels or squealing of tires, or the racing of internal combustion engines, without cause clearly created by road or weather conditions.
- F. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 9:00 p.m. daily except in the case of urgent necessity in the interest of public health and safety.
- G. The creation of loud and excessive noise in connection with loading and unloading any vehicle, or the opening or destruction of bales, boxes, crates and containers.
- H. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used out of doors between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to cause annoyance to persons across real property boundary from the noise source.
- I. Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle, for a period of longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, with the

exception of railroad engines, which remain idle during a warm-up period not to exceed 20 minutes.

**§ 6-804. Exceptions. [Ord. 501, 5/12/2015]**

The restrictions set forth in this Part 8 shall not apply to any of the following noise sources:

- A. The emission of sound for the purpose of alerting person to the existence of an emergency.
- B. Emergency work performed to protect public health and safety, including fire protection, protection from flood or other disasters, and work performed to provide electricity, water or other public utilities when public health or safety is involved.
- C. Public gatherings, performances and the like for which a special event permit has been obtained from the Borough.
- D. Warning devices on authorized emergency vehicles and/or required for safety purposes.
- E. Vehicles, machinery, appliances and equipment used in the case of an emergency snow removal.
- F. Trash collection services.

**§ 6-805. Applicability. [Ord. 501, 5/12/2015]**

This Part is only applicable to the General Commercial (GC) and Waterfront (WF) Zoning Districts.

**§ 6-806. Intent. [Ord. 501, 5/12/2015]**

The provisions of this Part are intended to supplement all other provisions of the Code of Ordinances of the Borough of Wormleysburg and shall not be deemed to preempt or preclude application of any of the other provisions of the Code of Ordinances of the Borough of Wormleysburg.

**§ 6-807. Enforcement; violations and penalties. [Ord. 501, 5/12/2015]**

- A. Any full- or part-time West Shore Regional police officer may issue a summary citation which shall specify the nature, date and time of the violation.
- B. Any person or business entity, including but not limited to property owner, renter, user and/or possessor, who shall violate any of the provisions of this Part shall, upon summary conviction thereof, be punishable by a maximum fine of \$300 for the first violation within a twelve-month period. Each violation of any of the provisions of this Part shall be deemed to be a

separate and distinct offense. When a second and/or subsequent violation is committed by the same person or entity within any twelve-month period, shall, upon conviction of a summary offense, be punishable by a maximum fine of \$600 for each separate and distinct offense.

- C. In addition to the above, the Borough shall have any and all remedies available under the Pennsylvania Crimes Code and may institute an action for injunctive relief to prohibit or abate any activity in violation of this Part.