

Chapter 6

Conduct

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Part 1**Obscenity****§6-101. Prohibited Conduct.**

Any person who, with knowledge of the character and content, either sells, gives away, lends, distributes, exhibits, shows, transmutes, or offers either to sell, give away, lend, distribute, exhibits, show or transmute, or has in his possession or under his control with intent either to sell, give away, lend, distribute, exhibit, show or transmute to another, any obscene motion picture film or any obscene literature, book, magazine, pamphlet, newspaper, story book, paper, comic book, writing, drawing, photograph, figure, image, or any written or printed matter of any obscene nature or any sexual device, article or instrument of any obscene nature, shall be guilty of a summary offense and upon conviction thereof, shall be penalized in accordance with §6-107 of this Part. (*Ord. 460, 11/8/1999, §1*)

§6-102. Production or Presentation Prohibited.

Any person who, with knowledge of the character and content, produces, presents or directs any obscene performance or participates in the portion thereof which is obscene shall be guilty of a summary offense, and upon conviction thereof, shall be penalized in accordance with §6-107 of this Part. (*Ord. 460, 11/8/1999, §2*)

§6-103. Distribution Prohibited.

Any person who knowingly participates in, supports or in any way aids or assists any person in selling, lending, distributing, giving away, or showing any obscene motion picture film, or any obscene literature, book, magazine, pamphlet, newspaper, story book, paper, comic book, writing, drawing, photograph, figure or image, or any other written or printed matter of an obscene nature, or any device, article or instrument of an obscene nature, shall be guilty of a summary offense and upon conviction thereof, shall be penalized in accordance with §6-107 of this Part. (*Ord. 460, 11/8/1999, §3*)

§6-104. Distribution to Persons under Age 18 Prohibited.

Any person who willfully or knowingly engages in the business of selling, lending, giving away, showing, advertising for sale or distributing to any person under the age of 18 years, or has in his possession with intent to engage in the said business or to otherwise offer for sale or commercial distribution to any individual under the age of 18 years, any obscene motion picture film or any still picture or photograph, or any book, pocket book, pamphlet or magazine, the cover or content of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality, or which is obscene, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust or perversion for commercial gain, or any device, article or instrument of an obscene nature, shall be guilty of a summary offense and upon

conviction thereof, shall be penalized in accordance with §6-107 of this Part.

(*Ord. 460, 11/8/1999, §4*)

§6-105. Massage Parlors, Lewdness, Assignment or Prostitution Prohibited.

No person shall own, operate or maintain any massage parlor, model studio, escort agency or sexual encounter center, which, in a regular course of business, is used for the purpose of lewdness, assignation or prostitution, and every such massage parlor, model studio, escort agency or sexual encounter center in or upon which acts of lewdness, assignation or prostitution are held or occur, is declared to be a public nuisance.

(*Ord. 460, 11/8/1999, §5*)

§6-106. B.Y.O.B. Clubs.

No person shall own, operate or maintain any business commonly known as B.Y.O.B. or bring your own bottle clubs. These bottles would contain “alcoholic beverages.” “Alcoholic beverages” include malt beverages, which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, Act of June 29, 1987, P.L., 32, 47 P.S. §1-101 *et seq.*

(*Ord. 460, 11/8/1999, §6*)

§6-107. Penalties.

For each violation of this Part, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 460, 11/8/1999, §7; as amended by Ord. 489, 10/13/2014*)

§6-108. Enforcement.

In addition to the penalties set for the above, the Borough Council hereby authorizes the Solicitor of Ferndale Borough to institute actions or proceedings, in law or equity, to prevent the unlawful use of any building, structure or land within Ferndale Borough or to prevent any illegal acts, conduct, business or use in or about such premises.

(*Ord. 460, 11/8/1999, §8*)

Part 2**Curfew****§6-201. Start Time.**

The curfew shall begin at 10 p.m. Sunday through Thursday except Fridays and Saturdays when it shall begin at 11 p.m.

(*Ord. 358, 6/9/1975, §1; as amended by Ord. 440, 9/30/1993, §1*)

§6-202. End Time.

The curfew shall remain in effect until 6 a.m. each day.

(*Ord. 358, 6/9/1975, §2*)

§6-203. Exceptions.

This curfew shall not apply to minors accompanied by their parents, to minors on a specific errand directed by their parents, or to minors engaged in going to or from lawful employment.

(*Ord. 358, 6/9/1975, §3*)

§6-204. Minors Prohibited in Public Places During Curfew Hours.

Between the hours set forth in this Part, no minor, except only those excluded above, shall be present on any public street, sidewalk, Borough property, playground, park, ballfield, or on any private property without the consent of the owner.

(*Ord. 358, 6/9/1975, §4*)

§6-205. Penalty.

1. The Bureau of Police of the Borough of Ferndale shall keep a list of all violators, including their names and dates of the violations, and those persons committing a violation, shall have the parents or guardians notified by the Bureau of Police of the violation. If parents or guardians cannot be notified or contacted, children and your services shall be contacted by Ferndale Police Department.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 489*]

(*Ord. 358, 6/9/1975, §5; as amended by Ord. 447, 2/13/1995, §5; and by Ord. 489, 10/13/2014*)

Part 3**Consumption of Alcoholic Beverages in Public****§6-301. Consumption in Public Places Prohibited.**

It shall be unlawful for any person to consume alcoholic beverages on the sidewalks, streets, avenues, alleys, playgrounds, parks, parking lots or other public places within the Borough of Ferndale.

(Ord. 378, 8/4/1980, §1)

§6-302. Penalty.

Any person violating any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 378, 8/4/1980, §2; as amended by Ord. 489, 10/13/2014)

