

ORDINANCE NO. 26

An Ordinance defining offenses against the public peace and fixing penalties for commission of such offense.

Be it ordained and enacted by the Town Council of the Borough of Clymer, in the County of Indiana, and State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

Section 1. Any person or persons who shall wilfully make or cause to be made, any loud boisterous and unseemly noise or disturbance, to the annoyance of the peaceable residents near by, or shall thereby cause the assemblage of persons upon or near to any public street, alley, park, square or common within the Borough, whereby the public peace is broken or disturbed, or the traveling public annoyed, he, she, or they shall be guilty of the offense of disorderly conduct, and upon conviction thereof shall be sentenced to pay a fine or penalty not exceeding ten dollars and costs, and in default of payment shall undergo imprisonment not exceeding thirty days in the county jail.

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Section 2. Any person found within the Borough of Clymer, in a state of intoxication or drunkenness shall be guilty of an offense, and upon conviction thereof, shall be sentenced to pay a fine or penalty of not less than two nor more than ten dollars and costs, and upon judgment against any person by summary conviction of violation of this section, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Section 3. All persons found drinking whiskey, beer, or other intoxicating liquors, upon any private grounds, without having written permission to do so from the owner or occupant, shall be guilty of an offense, and shall be arrested by the High Constable, Chief of Police or other police officer without warrant, whenever found, and taken before the proper officer, and if convicted, shall be fined not less than two nor more than twenty dollars and costs, and in default of payment shall be sentenced to imprisonment for a period not exceeding thirty days, and a failure to produce the written consent aforesaid at the time of the arrest, shall relieve the officer making the arrest from any liability therefore.

Section 4. Any person found within said Borough fighting, disturbing or causing a disturbance of the public peace, or inciting others to fight and quarrel, and every person making an assault or an assault and battery on the person of another, shall be guilty of an offense, and upon conviction of violation of this section, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Section 5. Any person making use of indecent, profane or obscene language, publicly, within the limits of said Borough, and any person who shall commit open lewdness or any act of public indecency, or shall bathe in a nude state on condition in any dam or run within the Borough in daylight, shall be deemed guilty of an offense, and on conviction thereof, shall be sentenced to pay a fine or penalty of not less than two, nor more than five dollars and the costs, and upon judgment against any person by summary conviction of violation of this section, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Section 6. If any person shall keep or maintain any bawdy, common, ill-governed and disorderly house on place to the encouragement of idleness, drinking, gaming or other misbehavior, and complaint or information thereof be made to the Chief Burgess, the keeper of such house or place and all persons found therein, shall be arrested and the said keeper, shall, on conviction pay a fine or penalty of not less than ten nor more than fifty dollars and be imprisoned in the county jail not more than thirty days, or either or both at the discretion of the Chief Burgess, and any other persons found within such disorderly house or place, shall be fined not less than one dollar nor more than five dollars and costs of prosecution, and in default of payment be imprisoned in the county jail not more than five days.

Section 7. It shall be the duty of High Constable and police at all times to apprehend all suspected nightwalkers, male-factors, vagabonds, rogues, and disorderly persons who may be found on the streets, alleys, sidewalks, or other places and bring all such persons before the Chief Burgess, to be examined, and such above described persons as shall be convicted of disorderly conduct calculated to disturb the peace, or of being found gathered together in disorderly assemblage, shall pay a fine or penalty of not less than two nor more than twenty dollars for each and every offense, and persons thus arrested who cannot give a satisfactory account of themselves, may be held as suspicious characters or confined and detained, as the Chief Burgess may think proper under the circumstances; and upon judgment against any person by summary conviction of violation of this section, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Section 8. Any person throwing or causing to be thrown on any of the streets or alleys of the said Borough, balls made of snow or ice, baseballs, stones, shot, bullets, pebbles or other missiles with the hands or by means of any contrivance, or shall coast upon any Borough sidewalk, shall be deemed guilty of an offense, and on conviction thereof, shall be sentenced to pay a fine not exceeding five dollars and costs, or undergo an imprisonment not exceeding five days.

Section 9. Any person who shall be engaged in horse or bicycle racing upon the streets or alleys of the Borough, or shall drive or ride any horse at a faster gait than eight miles an hour, or shall ride or race upon bicycle or other machine used for travel at a rate exceeding eight miles an hour, or shall recklessly drive or ride any horse or recklessly ride upon any bicycle upon the streets or alleys of the Borough, shall be deemed guilty of an offense, and on conviction thereof, shall be sentenced to pay a fine or penalty of not less than two nor more than ten dollars and costs, and undergo imprisonment not exceeding five days, or both or either at the discretion of the Chief Burgess; and upon judgment against any person by summary conviction of violation of this sentence, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Section 10. If any person shall in any manner interfere with or obstruct any officer or other person acting under the authority of the Borough, in the discharge of his duty, or shall resist the execution or enforcement of any ordinance of the Borough, or resolution of the Council, such person shall pay a fine or penalty of not less than five nor more than fifty dollars, and upon judgment against any person by summary conviction of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the County jail for a period not exceeding thirty days.

Section 11. If any person who has been convicted of the violation of any section of this ordinance, shall, after such conviction be guilty of a similar offense; or of any offense punishable by this ordinance, he shall, in either case, upon conviction, be sentenced to pay a fine or penalty of not less than five nor more than fifteen dollars or undergo imprisonment for not less than one nor more than thirty days, or either or both in the discretion of the officer before whom he shall be convicted.

Ordained and enacted by the Town Council lawfully assembled in said Borough, this 20th day of July, 1908.

H. Ney Prothero,
President of Council

Attest:- George Cole,
Clerk

Approved:- J. A. Dearolph,
Chief Burgess