

## **CHAPTER 6**

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**PART 1**

**DISORDERLY CONDUCT**

**§6-101. Disorderly Conduct Prohibited.**

1. Disorderly conduct is hereby prohibited within the Borough of Gettysburg.
  - A. Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa.C.S.A. §5503), is hereby prohibited within the Borough of Gettysburg. A person is guilty of disorderly conduct if he or she, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:
    - (1) Engages in fighting or threatening, or in violent or tumultuous behavior.
    - (2) Makes unreasonable noise.
    - (3) Uses obscene language or makes an obscene gesture.
    - (4) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
  - B. Meaning of "Public." As used herein, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are streets, schools, apartment houses, places of business or amusement, any neighborhood or any premises which is open to the public.
2. Any person who shall willfully operate a motor vehicle by racing the motor, spinning the wheels, or any other means, so as to make or cause to be made any loud, boisterous, or unseemly noise or disturbance, to the annoyance of the peaceable residents nearby, or near to any street, alley, park, public grounds or other public property in the Borough of Gettysburg, whereby the public peace is broken or the traveling public annoyed, is also guilty of disorderly conduct.

(Ord. 6666, 6/6/1966, §1; as amended by Ord. 900-75, 9/9/1975, §1; and by Ord. 1100-90, 6/11/1990)

**§6-102. Disturbance of the Peace Prohibited.**

Disturbance of the peace is hereby prohibited within the Borough of Gettysburg. Any person who shall be guilty of any act, word or conduct causing or tending to cause a disturbance of the peace or good order of the Borough, or causing or tending to cause any danger, discomfort or annoyance to any of the inhabitants of the Borough, or users of the public streets, sidewalks or alleys in the Borough, by any of the following acts: loaf-

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ing or loitering or congregating upon any of the streets, alleys or public grounds, so as to obstruct any part of the same or publicly using any obscene or indecent language, is guilty of disturbance of the peace.

(Ord. 6666, 6/6/1966, §2)

### **§6-103. (Reserved)<sup>1</sup>**

### **§6-104. Unlawful to Throw Stones or Other Missiles or to Use Slingshots or Similar Devices.**

It shall be unlawful to throw stones, or shoot metallic balls or other substances, with a sling or gum strap or any other fixture used for that purpose, or to willfully and maliciously throw stones, snowballs, ice, or other substances within the limits of the Borough of Gettysburg.

(6/6/1899, §2)

### **§6-105. Unlawful to Destroy or Injure Certain Property.**

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property in the Borough of Gettysburg, or any grass, plantings, trees, walk, lamp, ornamental work, building, streetlight, fire hydrant, water or gas stop box, or any post, pole or other structure or fixture in or on any of the streets, alleys, sidewalks, parks or other public grounds in the Borough of Gettysburg.

(Ord. 6681, 8/1/1966; as amended by Ord. 1028-85, 8/12/1985)

### **§6-106. Unlawful to Tamper with Stakes or Monuments.**

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

(Ord. 6681, 8/1/1966, §2)

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<sup>1</sup> Editor's Note: Former §6-103, Use of Firearms and Bows and Arrows Restricted (Ord. 131, as amended by Ord. 1028-86) was repealed by Ord. 1363-09, 6/8/2009, §1. See Part 10 of this Chapter.

**§6-107. Unlawful to Tamper with Warning Lamps, Signs or Barricades.**

No person shall willfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or public grounds in the Borough as a warning of danger.

(Ord. 6681, 8/1/1966, §3)

**§6-108. Unlawful to Take Material from Streets, Alleys or Public Grounds.**

No person or persons shall take any earth, stone or other material from any of the streets, alleys, parks or other public grounds in the Borough.

(Ord. 6681, 8/1/1966, §4)

**§6-109. Certain Acts Not Prohibited.**

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures erected thereon, or to incidental results of work thereon or therein upon permit from or by authority of the Borough.

(Ord. 6681, 8/1/1966, §5)

**§6-110. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense, provided that the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation.

(6/6/1899; as amended by Ord. 6681, 8/11/1966; by Ord. 125, 6/13/1968; by Ord. 900-75, 9/9/1975; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



**PART 2**

**ALCOHOL CONSUMPTION ON PUBLIC PROPERTY**

**§6-201. Definition and Interpretation.**

The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

LIQUOR and MALT OR BREWED BEVERAGES and CONTAINER and OFFICIAL SEAL – the same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

OPEN – when used in connection with a container, any container which has been perforated in the case of a can or similar container or a container on which the cap has been loosened or the cork displaced or the official seal torn or mutilated.

(Ord. 976, 6/9/1980, §1)

**§6-202. Public Drinking and Public Possession of Liquor or Malt Brewed Beverages.**

1. It shall be unlawful, within the Borough of Gettysburg, for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon.
2. It shall be unlawful, within the Borough of Gettysburg, for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park.

(Ord. 976, 6/9/1980, §2; as amended by Ord. 1165-94, 8/8/1994, §1)

**§6-203. Exceptions.**

The provisions of §6-202 above shall not apply to persons seated at tables located in a physically defined sidewalk area immediately in front of premises licensed with a restaurant liquor license by the Pennsylvania Liquor Control Board extending no closer than four feet from the curblineline but in no event more than eight feet from the building line of the premises. The provisions of §6-202 shall also not apply to any person who is attending a function at the Gettysburg Borough Recreation Park or in the Park's recreation building at which function liquor, malt and brewed beverages or any alcoholic beverages are being served and consumed provided that the function and the use and con-

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sumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg.

(Ord. 976, 6/9/1980, §3; as amended by Ord. 1165-94, 8/8/1994, §2; by Ord. 1265-02, 4/8/2002, §1; and by Ord. 1303-05, 4/11/2005, §1)

### **§6-204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days.

(Ord. 976, 6/9/1980; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)

**PART 3**

**CURFEW**

**§6-301. Definitions and Interpretation.**

1. As used in this Part 3, the following words and terms shall have the meanings hereby ascribed to them, except where the context clearly indicates a different meaning:

CHILD – a person under the age of 18 years, whether a resident or a nonresident of the Borough of Gettysburg, and whether married or unmarried.

CHILD WELFARE ORGANIZATION – a society or organization, the purpose of which is to take charge of incorrigibles or delinquents, and designated as such from time to time by motion of the Borough Council.

CURFEW PERIOD – the entire period between 11:00 p.m. and 5:30 a.m. the following morning.

PARENT – the father, the mother, or the guardian or other legal custodian of the child.

2. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 132, 6/13/1968, §1)

**§6-302. Prohibitions Applicable During Curfew Period.**

It shall be unlawful for any child to be in or upon any of the streets, alleys, sidewalks, parks or other public places in the Borough of Gettysburg, or in any place of public resort or entertainment or in any place of business outside the premises of his home at any time during the curfew period, provided that the prohibition set forth hereinabove shall not apply in any of the following situations:

1. In the case of a child accompanied by his parent or another responsible person of good repute who is at least 21 years of age.
2. In the case of a child who is in the performance of an errand for his parent and who bears a written note from such parent giving the date, time and nature of the errand.
3. In the case of a child who is returning from a community- or school-sponsored function or activity, in which case such child shall be allowed 1/2 hour after the conclusion of such function or activity to reach his home, but in no case later than

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12:00 midnight. This exception, however, shall apply only in instances where the Mayor shall be notified, by the school principal or other person in charge of the function or activity, in advance of such scheduled or contemplated function or activity, and when, at the conclusion of such function or activity, the Mayor or Chief of Police shall be notified thereof by the principal or other person in charge.

(Ord. 132, 6/13/1968, §2)

### **§6-303. Children Not To Violate and Parents Not To Permit Violations; Penalty.**

It shall be unlawful for any child to violate any of the provisions of §6-302 or for any parent to permit his child to do so; and any child violating, or any parent permitting his child to violate, any of the provisions of that section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and in the case of a parent, to imprisonment for not more than 90 days.

(Ord. 132, 6/13/1968, §3; as amended by Ord. 1028-85, 8/12/1985; by Ord. 1061-87, 9/14/1987; by Ord. 1236-99, 12/13/1999, §1; and by Ord. 1236-99, 12/13/1999, §2)

### **§6-304. Enforcement.**

It shall be the duty of the members of the Police Department of the Borough of Gettysburg to enforce this Part and, upon finding a child violating any of the provisions of §6-302 of this Part 3, to take such child into custody at Police Headquarters; to make a record of the name, address and age of such child; and to notify the parent of such child to come immediately to Police Headquarters and to take such child to his home. In any case where a parent cannot be contacted or located, the police officer having custody of such child shall contact the child welfare agency for instructions as to custody of such child for the remainder of the curfew period, provided that the police officers of the Borough, in taking children into custody under this Part, shall use their discretion in determining age, and, in doubtful cases, may require positive proof, and, until such proof is furnished, the officer's judgment shall prevail.

(Ord. 132, 6/13/1968, §4)

### **§6-305. Proceedings in Case of Repeated Violations.**

If any child shall be found violating any of the provisions of §6-302 of this Part 3 more than three times, the Mayor shall report such fact to the child welfare organization, and proceedings shall then be taken in the Court of Common Pleas or the Juvenile Court for the permanent welfare of such child, and a like procedure shall be followed in cases where the arrest and prosecution of the parent shall not be effective.

(Ord. 132, 6/13/1968, §5; as amended by Ord. 1028-85, 8/12/1985)

**PART 4**

**CONDUCT IN PARK**

**§6-401. Rules and Regulations for Conduct in Recreation Park.**

The following rules and regulations are hereby established for the management and protection of the Gettysburg Borough Recreation Park and its facilities, and of the persons using the same, such Recreation Park being located on the west side of Long Lane in the Borough of Gettysburg and being hereinafter referred to as "Rec Park":

1. No person shall injure, deface, remove, cut out or damage any of the trees, plants, shrubs, buildings, structures, fixtures, benches, or any other property of the Borough located within Rec Park;
2. No person shall willfully make or cause to be made any unreasonable disturbance to the annoyance of other persons peaceably using Rec Park or its facilities;
3. No person shall set up any booth, table or stand for the sale of any food, drink or other article or articles whatsoever within the Rec Park without having first obtained the consent of the Board of Recreation of the Borough of Gettysburg;
4. No person shall dispose of any waste, litter, garbage or other refuse within Rec Park except in receptacles placed for such purpose;
5. No person shall carry or otherwise transport any alcoholic beverage into the Rec Park or within the Rec Park with the exception of any person who is transporting such alcoholic beverages in connection with a function to be held within the Rec Park or in the Rec Park's recreation building at which function the use and consumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg. No person shall consume any alcoholic beverages within the Rec Park or in the Park's recreation building with the exception of any person who is consuming an alcoholic beverage at a function at which the use and consumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg.
6. No person shall operate any motorcycle, motorbike, minibike or a similar motorized vehicle in Rec Park except within the areas provided for vehicular parking; and
7. No person shall be upon the premises of Rec Park between sunset and 6:00 a.m., prevailing time the following morning, except to attend functions of the Borough Council, Gettysburg Fire Department or functions approved by the Gettysburg Recreation Board.

(Ord. 938-78, 6/13/1978, §1; as amended by Ord. 990-81, 12/14/1981; by Ord. 1179-96, 6/10/1996; by Ord. 1265-02, 4/8/2002, §2; and by Ord. 1303-05, 4/11/2005, §2)

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### **§6-402. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 4 continues shall constitute a separate offense.

(Ord. 938-78, 6/13/1978, §2; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)

**PART 5**

**SLEDDING**

**§6-501. Sledding Prohibited on Sidewalks, Restricted on Streets and Alleys.**

No person or persons shall coast or ride upon any sled or similar conveyance upon any sidewalk in the Borough of Gettysburg, or upon any street or alley in the Borough, unless such street or alley shall have been especially set apart by the Mayor as a play highway for the purpose of sledding and shall have been blocked off or otherwise adequately protected from vehicular traffic.

(Ord. 140, 6/13/1968, §1; as amended by Ord. 1028-85, 8/12/1985)

**§6-502. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 5 continues shall constitute a separate offense.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)



**PART 6**

**LITTERING**

**§6-601. Littering Prohibited.**

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 of Gettysburg 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.

(Ord. 1028-85, 8/12/1985)

**§6-602. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)



**PART 7**

**BLOCKING STREETS WITH TRAINS**

**§6-701. Blocking Streets Considered a Public Nuisance.**

No person shall cause an engine, car or train of cars to block any street or to remain on any street crossing or to protect beyond the building line of any street for a longer time than five minutes, except in case of accident; nor shall any company or individual allow any of its or his engines or cars to remain upon any of the main tracks or switches within the Borough so as to interfere with public travel. A violation of this Part 7 shall be considered a public nuisance.

(Ord. 1/10/1905, §4; as amended by Ord. 103, 6/13/1968, §1; and by Ord. 1028-85, 8/12/1985)

**§6-702. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 7 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 7 continues shall constitute a separate offense.

(Ord. 1/10/1905, §4; as amended by Ord. 103, 6/13/1968, §1; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



**PART 8**

**ADVERTISING MATTER DISTRIBUTION**

**§6-801. Distribution of Advertising Matter Regulated.**

No person or persons, partnership, firm or corporation shall distribute any handbill or other advertising matter or sample whatever in the Borough of Gettysburg by casting or scattering the same upon any of the streets, alleys, sidewalks or public or private property in the Borough, nor shall they place such material upon any motor vehicle. Furthermore, such material may not be placed on private property in such a way that it can be blown away and become a nuisance to the Borough and property owners, provided that nothing herein shall prevent any person from handing any literature or other printed matter, noncommercial in nature, upon any of the streets, alleys and sidewalks in the Borough, to any person willing to receive the same.

(Ord. 10/3/1932; as amended by Ord. 1028-85, 8/12/1985)

**§6-802. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 8 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 90 days.<sup>2</sup>

(Ord. 10/3/1932; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)

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<sup>2</sup> Editor's Note: Former Part 9, Loitering Prohibited, adopted by Ord. 1101-90, 6/11/1990, as amended, which immediately followed this Part, was repealed by Ord. 1356-08, 12/8/2008.



**PART 9**

**GUIDED WALKING TOURS**

**§6-901. Definitions.**

The following words, terms, and phrases, when used in this Part, shall have the meanings ascribed to the same as set forth in this section, except where the context or usage of the same clearly indicates a different meaning:

**BOROUGH** — the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH COUNCIL** — the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

**CHIEF OF POLICE** — the Chief of Police of the Borough of Gettysburg, Adams County, Pennsylvania.

**CODE ENFORCEMENT OFFICER** — the Code Enforcement Officer of the Borough of Gettysburg, Adams County, Pennsylvania.

**GUIDE(S)** — any person who conducts, leads, or assists in leading a tour in the Borough.

**MAYOR** — the Mayor of the Borough of Gettysburg, Adams County, Pennsylvania.

**PERSON** — any natural person, partnership, limited partnership, limited liability partnership, limited liability company, association, firm, corporation, limited liability corporation or any other legally recognized entity.

**POLICE** — the Police Department of the Borough of Gettysburg or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within the Borough of Gettysburg.

**PROMOTER** — any person who owns, operates or maintains a guided walking tour in the Borough.

**TOUR** — a group organized for a sightseeing or storytelling excursion by foot and led by a guide or guides to, on or through a public place or places, to include but not be limited to the sidewalks, public parking lots, public streets or alleys or any public right-of-way of the Borough.

(Ord. 1349-08, 3/10/2008)

## CONDUCT

### §6-902. License Requirement.

1. Issuance of License.
  - A. No person shall hold himself/herself out or act as a promoter within the Borough without first obtaining from the Borough a license. No guide shall conduct, lead or assist in leading a tour in the Borough unless the guide is employed by or is a contractor or subcontractor of a promoter who has procured a license under this Part.
  - B. After the effective date of this Part, every promoter shall file with the Borough a properly completed application for a license. The license application shall be in such form as the Borough shall prescribe and shall contain at least the following information:
    - (1) The proper legal name and address of the promoter;
    - (2) The legal name and address of the promoter's business;
    - (3) A list of the promoter's guides;
    - (4) The amusement license number of the promoter;
    - (5) The sign permit number of the promoter, and
    - (6) A certificate of liability insurance evidencing the Borough of Gettysburg as an additional insured.
  - C. A license fee shall accompany the license application. The fee shall be established and may be amended from time to time by resolution of the Borough Council and shall be set at an amount to cover administrative costs associated with the license application and the administration of this Part.
  - D. The Borough shall act on a properly completed application for a license within 15 days of receiving any such application.
  - E. A walking tour license shall have an annual term of April 1 to March 31 of the subsequent year. In order to renew such walking tour license, the applicant shall comply with all requirements of Borough ordinances.
2. Denial of License.
  - A. To the extent permitted by law, the Borough may deny an application for a license on any of the following grounds:
    - (1) The license application is not fully completed and executed;

- (2) The applicant has not tendered the required license fee with the application;
  - (3) The license application contains a material falsehood or misrepresentation; or
  - (4) The use or activity intended by the applicant is prohibited by any Federal, State or local law, code, ordinance, rule or regulation.
- B. Denial, suspension or revocation shall be by written notice to the licensee from the Mayor, the Chief of Police, or the Code Enforcement Officer.

(Ord. 1349-08, 3/10/2008)

**§6-903. Responsibility of License Holder.**

It shall be the responsibility of every promoter who has been issued a license to conduct tours under this Part to ensure adherence to the following regulations:

- A. Tours shall consist of a maximum of 26 persons, including the guide(s).
- B. Tours shall maintain a separation distance between one another of at least one block but in no event less than 50 feet.
- C. No tour shall unreasonably obstruct either pedestrian or vehicular traffic within the Borough. No tour shall block any sidewalk, isle, parking space or other area within or upon any public parking lot, public street, public right-of-way or alley in a manner that the traveling public cannot safely pass the tour within the applicable public right-of-way.
- D. No person in a tour under a guide's control shall act in such manner as to interfere with the peace and tranquility of occupants of buildings, private yards and areas or in such a way as to interfere with the ingress and egress of occupants and guests to and from private buildings and property.
- E. A guide employed under the license, whether an employee, a contractor, or a subcontractor of the promoter, shall wear on his or her person an identification badge in plain view at all times when exercising the privileges of such license. The identification badge shall include the name of the promoter who employs or contracts the guide, the name of the guide and the promoter's license number.
- F. The dimensions of a guide's identification badge shall be no less than 3 3/8 inches x 2 1/8 inches.

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- G. It shall be the duty of every promoter to operate and maintain all tours in compliance with the applicable codes and provisions of all other applicable state laws and regulations and any applicable Borough ordinances.

(Ord. 1349-08, 3/10/2008)

### **§6-904. Penalties.**

If a person, including a guide and/or a promoter, has committed or has permitted the commission of a violation of this Part for the first time, the police officer or the Code Enforcement Officer shall notify such person to cease the violation of this Part and shall issue such person a notice of violation. For the second or subsequent offense, the police officer or Code Enforcement Officer shall institute summary criminal proceedings before a District Judge. In the event that summary criminal proceedings are instituted, the fine for the first offense shall be not less than \$100 and not more than \$600. The fine for a second offense shall be not less than \$300 and not more than \$600. The fine for a third or subsequent offense shall be not less than \$500 and not more than \$600. Each day or portion thereof for which a violation exists shall be considered a separate violation of this Part. Each section of this Part which is violated shall be considered a separate violation. The amount of the fine imposed pursuant to this Part shall be in addition to any other fine which may be imposed under any other provisions of the Code of Ordinances of the Borough or under any statute. In default of payment of any fine, such person shall be subject to imprisonment for not more than 30 days.

(Ord. 1349-08, 3/10/2008)

### **§6-905. Effective Date.**

This Part shall become effective upon enactment, and the license requirement promulgated herein shall commence on the first day of April 2008.

(Ord. 1349-08, 3/10/2008)

**PART 10**

**DISCHARGE OF FIREARMS**

**§6-1001. Definitions.**

As used in this Section, the following words shall have the meanings indicated:

**AIR RIFLE** – any air gun, air pistol, spring gun, spring pistol, BB gun, or any implement that impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

**BLANK** – a cartridge or charge for a firearm that contains gunpowder but no bullet or shot.

**DISCHARGE** – the expulsion of a projectile from a firearm or the operation of a firearm in such a manner so as to lead one to reasonably conclude by sight or sound that a projectile was expelled from a firearm. If the firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary.

**EVENT** – any military funeral, ceremony, parade, demonstration or reenactment or an occasion of a similar nature at which a firearm discharge is planned to occur as permitted by this Part pursuant to §6-1003, Subsections E and F.

**FIREARM** – any device which is designed and intended to expel a projectile by action of gunpowder, any other explosive, compressed air, compressed gas or mechanical device, including any device which, when discharged, would sound or otherwise lead another to reasonably conclude by sight or sound that the device expelled a projectile or gives the appearance of the expulsion of a projectile even though no expulsion of a projectile occurred. By way of example and not limitation, items that are to be considered "firearms" in this Part include guns, pistols, rifles and shotguns. This definition of "firearm" is not intended to include any children's toy gun when used in the manner for which it was designed.

**PAINTBALL GUN** – a device designed and manufactured to propel, by gas or air, an encapsulated gelatin paintball.

(Ord. 1363-09, 6/8/2009, §2)

**§6-1002. Acts Prohibited.**

No person shall discharge a firearm anywhere within the Borough of Gettysburg unless otherwise permitted pursuant to the exceptions set forth in §6-1003 herein. No person shall recklessly or intentionally point any firearm, air rifle or paintball gun (unless such pointing of a paintball gun is made at a legally permitted and duly established paintball

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recreational facility within the course of conduct allowed by such facility) at another person while discharging the same pursuant to the exceptions set forth in §6-1003, Subsections C through F of this Part.

(Ord. 1363-09, 6/8/2009, §3)

### **§6-1003. Exceptions.**

The following acts shall not constitute a violation of this Part:

- A. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.
- B. The discharge of a firearm in self-defense as legally permitted pursuant to the laws of the Commonwealth of Pennsylvania.
- C. The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the Borough of Gettysburg. This exception shall include the discharge of paintball guns at a legally permitted and duly established paintball recreational facility within the Borough of Gettysburg.
- D. The discharge of an air rifle on a properly constructed and legally permitted target range within the Borough of Gettysburg. Any person under the age of 18 years of age must be under the direct supervision, guidance and instruction of a responsible adult.
- E. The discharge of a firearm using only blank ammunition at a military funeral, a similar ceremony or event, provided that a permit is obtained from the Borough of Gettysburg as set forth below.
- F. The discharge of a firearm using only blank ammunition in connection with a parade, demonstration, sporting event, reenactment or event of a similar nature, provided that a permit is obtained from the Borough of Gettysburg as set forth below.

(Ord. 1363-09, 6/8/2009, §4)

### **§6-1004. Permits Required.**

Where a permit is required under this Part, the party, who is responsible for the conduct of the event at which a firearm or firearms will be discharged pursuant to the exceptions set forth under §6-1003, Subsections E and F of this Part, shall make application on a form to be provided by the Borough of Gettysburg. The Mayor, or the Chief of

Police under the supervision of the Mayor, shall be responsible for the issuance of the permits hereunder. The application shall include:

- A. A certification that only blank ammunition will be used for the event.
- B. An explanation of safety measures that will be employed for the event for the participants and spectators, if any, to include safeguarding of persons not directly involved in the event but who may be adversely affected by the event.
- C. A statement that the party responsible for the conduct of the event shall agree to indemnify, defend and hold the Borough of Gettysburg harmless from and against any losses, liabilities, claims, demands, or actions for damage to property or for any personal injury, bodily injury or loss of life as a result of a firearm discharge at an event for which a permit is issued hereunder.
- D. A certificate of general liability insurance, if liability insurance is reasonably available to the party responsible for the conduct of the event, naming the Borough of Gettysburg as a loss payee.

(Ord. 1363-09, 6/8/2009, §5)

**§6-1005. Time for Issuance of Permits; Issuance of Event Permits and Annual Permits; Fees.**

The Borough shall issue a permit within seven business days of receipt of a complete application. If, in the reasonable discretion of the Mayor, or of the Chief of Police under the supervision of the Mayor, the proposed event will pose a significant risk to the public health and safety, the permit shall be denied with notification to the applicant provided of such denial within seven business days. A permit may either be issued for a single event or may also be issued on an annual basis for persons or organizations which conduct or participate in multiple events over the course of a calendar year. The fees for the issuance of permits hereunder shall be set from time to time by resolution of the Borough Council of the Borough of Gettysburg.<sup>3</sup>

(Ord. 1363-09, 6/8/2009, §6)

**§6-1006. Penalties.**

Any person who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 for each violation. Each discharge in violation of this Part shall constitute a separate offense; provided, even if a violator has been fined as

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<sup>3</sup> Editors' Note: The current fee resolution is on file in the office of the Borough Secretary.

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provided herein, such shall not preclude the Borough or any other injured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 1363-09, 6/8/2009, §7)