

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 40 – PEACE AND GOOD ORDER

[HISTORY: Adopted by the Council of the Borough of Northumberland 3-4-69 as Ord. No. 254. Section 40•2 amended upon adoption of Code; see Ch. 1, General Provisions. Other amendments noted where applicable.]

General References: Property maintenance -- see Ch. 42.
Streets and sidewalks -- see Ch. 50.

ARTICLE I – ESTABLISHMENT

40.1.01 Offenses against public peace. (40-1)

[Amended 8-2-77 by Ord. No. 337]

It shall be unlawful for any person or persons, organizations or corporations to engage in, commit or be guilty of disorderly conduct, fights, affrays, drunkenness, public indecencies; using loud or profane language; operating motor vehicles or motorcycles without mufflers or with defective mufflers; operating motor vehicles in such a manner as to cause the tires to squeal; breaking bottles on the streets or sidewalks; throwing beer or soft drink bottles or cans on streets and sidewalks; littering street and sidewalk areas with paper; placing or disposing of accumulated garbage, cans or bottles in public trash cans within the limits of the Borough of Northumberland, to the disturbance of the public peace and against the order and welfare of the inhabitants of the Borough of Northumberland.

40.1.02 Offenses involving children. (40-2)

[Added 8-2-77 by Ord. No. 337]

- A. It shall be unlawful for any minor under the age of seventeen (17) years to be in or upon the streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Northumberland between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, however, that the provisions of this subsection do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or to a minor who is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.
- B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to be in or upon the public streets, walkways, roads, alleys, parks or playgrounds, public buildings, vacant lots or other unsupervised places within the Borough of Northumberland between 11:00 p.m. and 6:00 a.m. of the following day; provided, however, that the provisions of this subsection do not apply when the parent, guardian or other adult person having the care and custody of the minor is accompanying said minor or when the minor is upon an emergency errand or legitimate business directed by the parent, guardian or other adult person having the care and custody of the minor.

40.1.03 Skateboards, Roller Blades, Scooters, Bicycles (40-3).

[Added 7-15-03 by Ord. 2003-4]

It shall be unlawful for any individual to use a skateboard, roller skates, roller blades, scooters and bicycles on the sidewalks, parking lots or curbs in the King Street Park and downtown business district of the Borough of

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Northumberland. The downtown business district shall be defined to include Front Street from King to Duke Street and Queen Street from Water to Second Street.

40.1.04 Penalties for offenses against public peace. (40-4)

[Added 8-2-77 by Ord. No. 337]

[As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

40.1.05 Penalties for offenses involving children. (40-5)

[Added 8-2-77 by Ord. No. 337]

[As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]

40.1.06 Penalties for offenses with the use of a skateboard, roller skates, roller blades, scooters and bicycles are as follows: (40-6)

[Added 7-15-03 by Ord. 2003-4]

- A. A first offense shall result in the confiscation of the skateboards, roller skates, roller blades, scooters and bicycles for a period of thirty (30) days.
- B. A second and any subsequent offense shall result in the imposition of fine to be set forth in the Borough Code Section regarding fines and penalties.
[As passed 12/18/2003 as part of Ordinance 2001-13, all penalties and fines for this and subsequent parts of the borough code are determined by council resolution.]
- C. In the event a minor is involved with any of the offenses enumerated above, the parent(s) or guardian(s) shall be served with written notice of the infraction and person who shall be responsible for the payment of same.
- D. No skateboards, roller skates, roller blades, scooters and bicycles shall be returned to a minor without a parent or guardian present.

ARTICLE II – PROHIBITION OF THE SALE, POSSESSION, OR DELIVERY OF SYNTHETIC CANNABIS AND OTHER SYNTHETIC DRUGS

[Adopted 5-3-2011 as Ordinance 2011-2]

40.2.00 Definitions

The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Synthetic Cannabis includes the brand names K2 and Spice. It is a herbal and chemical product which mimics the effects of Cannabis including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073, JWH-200, HU-210, CP-47, 497, CP 55 and 212-2.

Methylenedioxypyrovalerone (MDPV) is a psychoactive drug with stimulant properties which acts as a norepinephrine-dopamine reuptake inhibitor (NDRI). Reportedly, it has been sold since around 2004 as a

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research chemical. It is also known as MDPK, Magic, Super Coke and PV. In 2010 it was reportedly sold as a legal drug alternative and marketed in the United States as "bath salts" (under such names as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanella Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove.

Deliver Or Delivery Actual, constructive or attempted transfer of possession of synthetic cannabis and synthetic drugs, with or without consideration, whether or not there is an agency relationship.

Knowledge Knows, acts knowingly or with knowledge:

- A. The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.
- B. The results of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
- C. Knowledge may be inferred from the surrounding circumstances.

Manufacture The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis or synthetic drugs, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or synthetic drugs or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis or synthetic drugs as an incident to lawful research, teaching or chemical analysis and not for sale.

Person Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

Possession Possession may be either actual or constructive.

- A. Actual possession means exercising physical dominion.
- B. Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis, synthetic drug or drug paraphernalia.

Produce Or Production Planting, cultivating, tending or harvesting.

40.2.01 Distribute

It is unlawful for any persons or corporation knowing, or under circumstances where one reasonably should know to sell, lend, rent, lease, give, exchange, or otherwise distribute to any persons or corporation any product containing the following chemicals: JWH- 018, JWH-073, JWH-200, CP-47, 497, Cannabicyclohexanol, CP 55, 490, HU-210 or Methylenedioxypropylone and marketed as, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, spice, K-2, Blaze and Red X Dawn, but not limited to incense, potpourri, plant fertilizers, insect repellent or bath salts.

40.2.02 Display for Sale or Possess with Intent to Distribute

It is unlawful for any person or corporation, knowing, or under any circumstances where one reasonably should know, to display for sale or possess with intent to distribute any product containing the following chemicals: JWH-018, JWH-073, JWH-200, CP-47, 497, Canabicyclohexanol, or Methylenedioxypropylone and marketed as, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, spice, K-2, Blaze and Red X Dawn, but not limited to, incense, potpourri, plant fertilizers, insect repellent or bath salts.

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40.2.03 Introduce into the Human Body

It is unlawful for any person to use, or to possess with intent to use, ingest, inhale, or otherwise introduce into the human body any product containing the following chemicals: JWH-018, JWH-073, JWH-200, CP-47, Cannabicyclohexanol, or Methylenedioxypropyvalerone and marketed as, Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, spice, K-2, Blaze and Red X Dawn, but not limited to, incense, potpourri, plant fertilizers, insect repellent or bath salts.

40.2.04 Penalties

- A. Violation: No person shall possess any substance containing synthetic cannabis or synthetic drugs.
- B. Penalty: As passed 12/18/2003 as part of Ordinance 2001-13, all penalties for violations of this ordinance are determined by council resolution.
- C. Administrative Fee: In addition, any person who violates any provision of this section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee to the law enforcement agency for testing of the substance(s) collected.
- D. Forfeiture: Any items which may be seized or forfeited pursuant to statutes or guidelines for the Commonwealth of Pennsylvania, may be forfeited in the same manner as described therein for a violation of this section.

40.2.05 Severability

If any provision, paragraph, word, section or article is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

40.2.06

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.