

## CHAPTER 6

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**PART 1**  
**FIREARMS AND WEAPONS**

**§101. Discharge of Firearms Prohibited.**

Except in necessary defense of person and property and except as provided in §103 of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough of Wyomissing.

(Ord. 578, 7/10/1956; as revised by Ord. 1185, 5/13/1997)

**§102. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted.**

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 §103 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.

(Ord. 578, 7/10/1956; as revised by Ord. 1185, 5/13/1997)

**§103. Exceptions.**

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.

(Ord. 578, 7/10/1956; as revised by Ord. 1185, 5/13/1997)

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### **§104. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 578, 7/10/1956; as revised by Ord. 1185, 5/13/1997)

**PART 2**

**PROTECTION OF PUBLIC PROPERTY**

**§201. Definition and Interpretation.**

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.

(Ord. 1185, 5/13/1997)

**§202. Tampering with Public Property on Streets, Alleys or Public Grounds Prohibited.**

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

(Ord. 1185, 5/13/1997)

**§203. Tampering with Stakes, Posts and Monuments Prohibited.**

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.

(Ord. 1185, 5/13/1997)

**§204. Tampering with Warning Lamps, Signs or Barricades Prohibited.**

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.

(Ord. 1185, 5/13/1997)

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### **§205. Removal of Material from Streets, Alleys or Public Grounds Prohibited.**

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

(Ord. 1185, 5/13/1997)

### **§206. Deposit of Harmful Substances on Street, Alleys, Sidewalks or Public Grounds Prohibited.**

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.

(Ord. 1185, 5/13/1997)

### **§207. Exceptions.**

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.

(Ord. 1185, 5/13/1997)

### **§208. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 1185, 5/13/1997)

## **PART 3**

### **LITTERING AND ADVERTISING MATTER**

#### **§301. Definitions.**

ADVERTISING MATTER — flyers, brochures in newspaper, booklet or other form, and pamphlets, published or printed for the principal purpose of advertising any commercial or noncommercial products or services, which are distributed other than through the United States mail and without request of the intended recipient.

AUTHORIZED RECEPTACLE — a letter storage and collection receptacle made of a durable material and so constructed as to prevent litter from being carried from it by the elements.

LITTER — all waste material and sweepings including, but not limited to, grass clippings, leaves, twigs, stones or any plant matter and abandoned personal property of any type.

PERSON — any natural person, partnership, association, firm or corporation.

SIDEWALK — the area between the curb and property line.

STREET — any street, road, highway, alley, lane, trail or path.

(Ord. 939, 11/12/1974, §1)

#### **§302. Deposit of Litter and Advertising Matter.**

No person shall throw, place, deposit or sweep litter or advertising matter in any public place such as a street, sidewalk, park or playground, nor in the open entrances to buildings or grounds, of public or private buildings including, but not limited to, residences within the Borough; nor shall any person cause litter or advertising matter to be so thrown, placed, deposited or swept; nor shall any person supply litter or advertising matter with the intention or reasonable belief that it may be so thrown, placed, deposited or swept.

(Ord. 939, 11/12/1974, §2)

#### **§303. Deposit in Receptacles.**

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements or otherwise upon any street, sidewalk or other public place or upon private property.

(Ord. 939, 11/12/1974, §3)

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### **§304. Sweeping Litter into Public Places.**

1. No person shall sweep into or deposit litter in any gutter, street or other public place within the Borough; nor shall any person owning or occupying premises within the Borough permit any person to so sweep or deposit litter.
2. Persons owning or occupying premises within the Borough shall keep the sidewalk in front of such premises free of litter.
3. Nothing herein shall be construed to prohibit or prevent a Borough resident from raking, placing or otherwise depositing leaves in the gutter during the period commencing September 15 and ending December 15 of any given year.

(Ord. 939, 11/12/1974, §4)

### **§305. Throwing Litter from Vehicles.**

No person, while an operator of or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough or upon private property.

(Ord. 939, 11/12/1974, §5)

### **§306. Depositing Litter in Storm Sewer.**

No person shall throw or deposit litter in any storm sewer in the Borough.

(Ord. 939, 11/12/1974, §6)

### **§307. Penalties.**

Any person violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day the a violation of this Part continues shall constitute a separate offense.

(Ord. 939, 11/12/1974, §7; as amended by Ord. 1185, 5/13/1997)

**PART 4**

**WARRANTLESS ARREST GUIDELINES**

**§401. Authority to Make Warrantless Arrests.**

A police officer of the Borough of Wyomissing Police Department shall be permitted to make a warrantless arrest for any of the following offenses of Title 18 of the Pennsylvania Consolidated Statutes which constitute a summary offense:

- A. Section 5503, disorderly conduct.
- B. Section 5505, public drunkenness.
- C. Section 5507, obstructing highways or other public passages.
- D. Section 6308, purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

(Res. 5/14/1996, §1)

**§402. Factors in Making a Warrantless Arrest.**

A decision to make a warrantless arrest for the offenses set forth in §401 will only be made by the police officer where the police officer has probable cause to believe that one or more of the four listed crimes set forth in §401 is involved and the conduct constituting the crime occurred within the police officer's view and further the:

- A. Defendant is not a resident of the Commonwealth of Pennsylvania.
- B. Defendant has no form of or insufficient identification.
- C. Defendant is under the age of 18, is being cited for one or more of the enumerated offenses, and is being held for subsequent release to a parent or guardian.
- D. Defendant poses an immediate threat of physical harm or injury to any other person or to himself or herself or endangers public or private property.
- E. Defendant demands to be taken before an issuing authority.

(Res. 5/14/1996, §2)

## CONDUCT

### PART 5

#### GRAFFITI

##### **§501. Scope.**

This article shall be known as the “Graffiti Ordinance of the Borough of Wyomissing” and shall apply to all graffiti occurring within the jurisdictional limits of the Borough of Wyomissing.

##### **§502. Definitions.**

The following words, terms or phrases, when used in Part 5 of this Chapter, shall have the meanings ascribed to them in this Section.

Words and phrases, when used in Part 5, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Crime Code, 18 Pa. C.S.A., as amended.

**AUTHORIZED PERSON** – A Police Officer, Community Service Officer, or Code Enforcement Officer of the Borough.

**BOROUGH** – The Borough of Wyomissing.

**BROAD-TIPPED INDELIBLE MARKER** – Any felt-tipped marker or similar implement which contains fluid which is not water soluble and which has a flat or angled writing surface one-half inch (1/2") wide or greater.

**CONSENT** – Voluntary agreement by a person.

**GRAFFITI** –

- A. Any inscription, work, symbol, figure, marking or design, including but not limited to, tags, throw-ups and pieces, that is marked, etched, scrawled, stained, drawn or painted and stuck on or adhered to any surface on public or private property without the express permission of the owner or owner's agent of such property, including but not limited to, any wall, underpass, overpass, trestle, tree, sign, pole, playground apparatus, utility box, building, structure, fixture or other improvements whether permanent or temporary, regardless of the content or nature of the material that has been applied, and which is visible from any public property or the public right-of-way, or from any private property other than the property on which the graffiti exists.
- B. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalks and streets used in connection with traditional children's games.

**GRAFFITI IMPLEMENT** – Any implement capable of marking a surface to create graffiti including but not limited to, aerosol or pressurized paint containers, markers, gum labels, paint brushes or etching tools capable of scarring glass, metal, concrete or wood.

**GUM LABELS** – Any materials such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.

**MARKER** – Any indelible or permanent marker or similar implement with a point, brush, applicator or other writing surface which at its broadest width is 3/6 of an inch or greater in width and contains ink that is not water soluble.

**MINOR** – Any person under the age of eighteen (18) years.

**NOTICE** – A letter delivered to the owner of the property or placed securely on the front door or other highly visible area of a property which is defaced with graffiti. Said letter or sticker shall contain a statement that the graffiti must be removed within ten (10) days after the letter has been posted on the property or received by the owner of the property.

**OWNER** – Any and all persons with legal and/or equitable title to non-residential real property in the Borough.

**PAINT STICK or GRAFFITI STICK** – Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and upon application, leaving a visible mark and that is not water soluble.

**PERSON** – Includes any individual, firm, partnership, association, corporation, company or organization of any kind.

**PIECES** – Forms of graffiti represented by detail, multi-colored murals, ranging in size.

**PROPERTY** – Includes any non-residential real estate, including improvements thereon; and tangible personal property including but not limited to newsboxes, newstands, utility poles, public telephones, tree planters and other items of street furniture; and vehicles located thereon.

**TAGS** – A form of graffiti represented by stylized signatures of a writer's chosen name.

**THROWUPS** – A form of graffiti represented by large names or figures written in a bubble style, often with an outline written in a different color than the interior of the letters.

## CONDUCT

### §503. Prohibitions.

- A. No person owning or occupying any property within the Borough of Wyomissing, Berks County, Pennsylvania, shall permit any graffiti to accumulate or otherwise remain on any property so as to be visible to the public.
- B. Upon discovery of graffiti, any person authorized by the Borough to enforce Ordinance violations shall issue written notice to the owner, occupant and any other responsible agent of any premises whereon graffiti is present in violation of the provisions of this article, directing and requiring such person to remove such graffiti. In the event that graffiti is not removed within ten (10) days from the date of mailing of this first notice, a second notice to remove and request for consent to allow the Borough to enter upon the property for the purpose of graffiti removal at the owner's expense shall be issued. Failure to remove graffiti within ten (10) days of mailing of the second notice shall constitute a violation of this Part.
- C. It shall be unlawful for any person to commit any overt act resulting in or attempting to result in an application of graffiti.
- D. It shall be unlawful for any person to intentionally, maliciously or wantonly expose or tend to expose another to risk of violence, contempt or hatred on the basis of race, color, creed or religion by the use of what is commonly known as graffiti.
- E. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of eighteen (18) years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this Part, as herein defined, either by words, overt act or by failing to act.
- F. All persons directly or indirectly involved in acts of graffiti vandalism may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others who knowingly make available the tools, writing material, ladders, materials or assistance, serve as lookouts, or who knowingly supply funds to acquire such materials for such purposes.
- G. No minor shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any public property, highway, street, alley, sidewalk or park, or while on any private property, unless the owner or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession while on his or her property.

**§504. Violations and penalties; removal of graffiti by Borough.**

- A. Any person who shall violate, fail, neglect or refuse to comply with Section 503(A) or (B) shall, upon conviction thereof, be sentenced to pay a fine not exceeding One Thousand and 00/100 Dollars (\$1,000.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not exceeding thirty (30) days. Each day that a violation of this article continues shall be considered a separate offense.
- B. Any person who shall violate Section 503(C)-(G) of this article shall, upon summary conviction thereof, be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) nor more than One Thousand and 00/100 Dollars (\$1,000.00) and the costs of prosecution, and in default of payment thereof, shall undergo imprisonment in the Berks County Prison for a period not exceeding thirty (30) days.
- C. If the owner, occupant or other responsible agent of the property fails to remove graffiti or give consent for removal within ten (10) days after the second notice of violation has been issued, the Borough may proceed to remove the graffiti, by itself or by contract.
- D. Except where the legal fees, administrative and filing costs exceed the cost of removal, a bill for costs of removal shall be delivered to the property owner, occupant and any other responsible agent and, in the event of nonpayment, the Borough may file a lien against the property in the amount of such costs. Liability for costs of removal shall be in addition to liability for any fine imposed.

**§ 505. Residential property owners may voluntarily participate in the Graffiti Abatement Program upon completion and submission of consent for removal.**

(Ord. 1364, 10/14/2014, §1)