

SOUTH NEW CASTLE BOROUGH,
LAWRENCE COUNTY, PENNSYLVANIA

ORDINANCE NO. 218-2014

AN ORDINANCE OF THE BOROUGH OF SOUTH NEW
CASTLE, LAWRENCE COUNTY, PENNSYLVANIA,
ESTABLISHING PROHIBITION OF DISORDERLY
HOUSES AND PROVIDING PENALTIES THEREFORE.

Section 1: Title.

This part shall be known and may be cited as the "South New Castle Borough Disorderly House Ordinance".

Section 2: Definitions.

DISORDERLY CONDUCT - a person engages in "disorderly conduct" if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

- (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, that serves no legitimate purpose of the actor;

Provided that, in this section, 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 highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

KEEPER OF A DISORDERLY HOUSE - Any person who is the owner, lessee, or person in charge at any such house at the time when any of the acts defined are permitted or encouraged.

DISORDERLY HOUSE - Any place within the Borough of South New Castle where persons gather or abide with the intent to engage in disorderly conduct or to permit, encourage or tend to encourage drunkenness, illegal consumption of alcoholic

beverages by minors, boisterous conduct, unseemly noise, fighting or other conduct which disturbs the public peace or decorum, or promotes disorder and lessens the dignity of the community. Said definition shall apply whether the place is public or private, a building or any lot or land within the Borough of South New Castle.

Section 3: Violations.

1. No person shall engage in any act of disorderly conduct within the Borough of South New Castle.
2. No person shall engage in any act of disorderly conduct at any disorderly house within the Borough of South New Castle.
3. No person shall enter in or upon any disorderly house nor remain at any disorderly house within the Borough of South New Castle.
4. No person shall engage in the keeping of a disorderly house within the Borough of South New Castle.

Prohibiting Disorderly Conduct

Section 4: Disorderly Conduct Prohibited.

Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa. C.S.A. § 5503), is hereby prohibited within the Borough. A person is guilty of disorderly conduct if he/she:

- (1) Engages in fighting or in threatening, violent or tumultuous behavior;
- (2) Makes unreasonable noise;
- (3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. Provided: as used in this section, 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, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

Section 5: Penalties.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice 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 three hundred dollars (\$300.00) plus costs; and, in default of payment of said fine and costs, to a term or imprisonment not to exceed ninety (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.

Section 6: Enforcement.

It shall be the duty of the police officers of the Borough to suppress and to close and keep closed any disorderly house, and to arrest all persons found therein. If the keeper or any other person with such disorderly house refuse to permit any officer of the Borough to enter the same, the officer may enter the nuisance house with a warrant or other legal means, and to arrest, by issuance of citations or otherwise, all persons found therein.

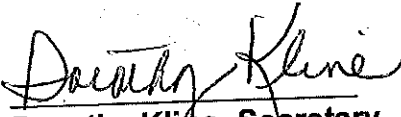
Section 7: Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

This Ordinance shall become effective five (5) days after enactment as provided by law.


ADOPTED AND ENACTED by the Borough of South New Castle on this 3rd day of July, 2014.

ATTEST:


Dorothy Kline, Secretary

BOROUGH OF SOUTH NEW CASTLE


John Kline, Mayor


Harry Pallott, President of Council