Chapter 5
Peace Disturbances

Disorderly Conduct

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DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated.

LOITERING – Remaining idle in essentially one location. It shall include the concepts of spending time idly loafing or walking about aimlessly and shall also include the colloquial expression "hanging around."

PUBLIC PLACE – any place to which the public or a substantial group has access. The term shall include any street, highway, road, alley, or sidewalk. This term shall also include: any premises open to the public, the front or the neighborhood surrounding any store, shop, restaurant, tavern or other place of business or amusement, schools, prisons, apartments, any neighborhood and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his/her parent or guardian.

DISORDERLY CONDUCT AND DISTURBING THE PEACE- Disorderly conduct and/or acts of disturbing the peace within the limits of the Borough are hereby prohibited , and no person shall engage in such conduct or commit such acts within the limits of the Borough. Disorderly conduct and/or acts of disturbing the peace are hereby defined for the purpose of this chapter as any act, word, or conduct causing or tending to cause a disturbance of the peace and good order of the Borough.

§ 5-1. Disorderly Conduct and Disturbing the Peace Prohibited.

A. The following acts, committed by any person with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, or by causing or tending to cause any danger, discomfort, or annoyance to the inhabitants of the Borough or users of the public places within the Borough. Such acts, words or conduct shall include, but not be limited to:

   1. Fighting or engaging in threatening, violent, or tumultuous behavior.

2. The making or causing to be made of any unnecessary or unreasonable noises or disturbances, clamor, or other sounds disturbing or tending to disturb the peace and/or quiet of the community.
3. The carrying on of any business, trade, transportation, recreation, or amusement in a manner, at a time or in a place which causes any unnecessary noise or disturbance, discomfort, danger, or annoyance.
4. The reckless or careless driving or any other use of vehicles or animals by owners, occupants, users, or operators of the same as shall endanger the safety of or interfere with the comfort and convenience of inhabitants of the Borough or persons using the public places within the Borough.
5. Appears in any public place in a state of nudity, or in indecent or lewd dress, or makes any indecent exposure of their person, or commits any indecent or lewd act or behavior.
6. The creation of hazardous or physically offensive conditions by any act which serves no legitimate purpose of the actor.

§ 5-2. Unlawful Acts Enumerated.

A. Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disorderly conduct and/or acts disturbing the peace, the following are hereby declared to constitute disorderly conduct and/or acts disturbing the peace:
   a. The unnecessary sounding of automobile horns, sirens, bells, whistles, or other warning devices with the exception of parades for celebrations.
   b. The operation of any motor vehicle which makes any unnecessary or unusual noise caused by an improper or defective muffler or exhaust or the backfire or racing of such motor in or about the operation of such motor vehicle.
      i. It is not intended hereby to prohibit the use of such warning devices in emergencies or at such times or in such manner as a prudent operator in the exercise of good judgement may deem necessary.
   c. The operation of music devices, television sets or other mechanical instrument or devise or singing, shouting, or playing of musical instruments or devise in a manner or between the hours of 11:00pm and 6:00am and/or which unnecessarily disturbs the peace and quiet of the immediate neighborhood or which interferes with the conduct of normal business to the public or daily activities.

§ 5-3. Loitering.

A. No person shall loiter in such a manner as to create or cause to be created a danger of a breach of the peace.
B. No person shall create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
C. No person shall obstruct the free passage of pedestrians or vehicles.
D. No person shall obstruct, molest, or interfere with any person lawfully in any public place as defined herein.
E. No person shall loiter or congregate with others on any street, alley or other public way or public place and refuse to move on when ordered by the police.
F. No person shall by his actions cause a crowd to collect, except when lawfully addressing such crowd
G. This subsection shall include the making of unsolicited remarks of an offensive, profane, disgusting, or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 5-4. Orders to Leave.

A. Whenever any Police Officer, Mayor, or duly appointed representative of the Borough shall, in the exercise of reasonable judgement, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in this chapter, he/she may, if he/she deems it necessary for the preservation of the public place and safety, order that person to leave that place.
B. Any person who shall refuse to leave after being ordered to do so by a Police Officer, Mayor, or duly appointed representative of the Borough , shall be guilty of a violation of this chapter.

§ 5-5. Disturbing Peace.

A. Acting in or upon any street, alley, or other public way or public place or at any public gathering or assembly , or in or around any store, shop, business, or commercial establishment or on any private property or place in a noisy, loud, boisterous, unseemly, lewd, lascivious, or wanton manner in speech or behavior or in any other manner as to disturb, or tend to disturb, the peace and quiet of the community, the passerby, or the inhabitants of the Borough.

B. Disturbing, tending to disturb or aiding in disturbing the peace of others by violent, tumultuous, or offensive conduct or knowingly permitting such conduct upon any premises owned, possessed and/or controlled by any persons.

C. Wandering abroad and occupying, lodging, or sleeping in any vacant or unoccupied vehicle, structure, or property without owning the same or without the permission of the owner or person entitled to possession of the same.

D. Disturbing any congregation or assembly for religious or other purpose by making noises, by rude and/or indecent behavior or profane discourse within the place of assembly or near to the same as to disturb the solemnity or order of the meeting.

§ 5-6. Intoxication.

A. No person shall appear drunk or in a state of intoxication, under the influence of alcohol or a controlled substance, in any street or alley or other public or private place to the disturbance or annoyance of any other person or being a danger to himself or others.

§ 5-7. Identification.

A. Any person failing to have proper identification on their person shall provide to the Linesville Borough Police Department any identifying information at time of the request.

B. Any person giving false information regarding name, age, address, phone number, and parents, if the persons is a juvenile, constitutes a violation of this Ordinance.

C. This section is NOT subject to a warning prior to fines being assessed.

§ 5-8. Disorderly House.

A. No person shall knowingly keep, be present and/or participate in an ill governed or disorderly house, building, room or place wherein gambling, drinking, any loud or boisterous conduct or language, or any other conduct or noises disturbs the peace and quiet of the neighborhood or orderly citizens.

B. No person shall permit the commission in any house, building, room, or premises of any immoral or indecent acts, any drunkenness, any loud or boisterous conduct or language, or any other conduct or noises offensive to good morals or tending to disturb the public peace and quiet.

   i) In the case of rental or leased premises, the Landlord may be given verbal written notice of the violation.

   ii) The Mayor, Code Enforcement officer, a Police Officer, or any other person so authorized by the Borough Council, and identified as such, shall have authority to immediately give verbal or written notice to any person, corporation, or business violating any section of this Ordinance to cease with any disorderly conduct or ats. Failure to do so shall result in a violation of this section.

§ 5-9. Mischief

The doing of the following act or acts within any area designated as a park or open space of the Borough or on any public or private property shall be considered mischief and constitute a violation of this section.

A. Defacing, injuring, displacing, removing or in any other manner damaging any monument, fence, sign, walkway, lawn, turf, shrubbery, building, fruit, plant, or any other natural or artificial facility of appurtenances.

B. Bathing, wading, swimming, or in any way entering a pond or fountain or the fouling or damaging of any pond or fountain, without permission of Borough Council or the property owner.

C. The dropping, scattering or otherwise depositing of garbage, wastepaper, rubbish, or any other things except in receptacles placed in a park for such material.

D. The consumption, use of, or possession of any intoxicating liquor, or beer on Borough property without permission of Borough Council.

E. The violation of any rules and regulations which from time to time may be adopted by Resolution of the Borough Council with respect to conduct in ay park or property of the Borough.

F. All – Terrain – Vehicles (ATVs) (including but not limited to 3 and 4 wheelers, motorcycles, UTV's, snowmobiles and any other vehicle designed by the manufacturer to be used as an off road vehicle) are not permitted on Borough property or on Borough streets and/or sidewalks, without authorization of the Linesville Police Department.

G. ATVs crossing streets as prescribed by Penna. State law is permitted.

H. ATVs may only be driven on or across private property with permission of the landowner.

§ 5-10. Violations and Penalties.

A. Any person violating any of the provisions of this chapter shall be guilty of the offense of disorderly conduct or other unlawful act designated herein and, upon conviction thereof in a summary proceeding before any Magisterial District Judge, shall be sentenced to pay a fine or penalty as set by duly adopted Resolution of the Borough Council, as well as the costs of prosecution and, in default of the payment of said fine or penalty and/or costs, shall be sentenced to imprisonment for a term as set by duly adopted Resolution of the Borough council.

B. Each day in violation shall be considered a separate violation

C. A verbal or written warning may be issued prior to fines being assessed solely at the discretion of the enforcing officer

D. A warning shall be carried over from year to year. A second warning shall not be necessary

§ 5-11. Enforcement.

This Ordinance shall be enforced by a Police Officer, Borough Manager, or duly appointed representative of the Borough.

§ 5-12. Enacted.

ORDAINED and **ENACTED** this 11th day of April, 2023.

Attest:

Borough Secretary

Borough Council President

Borough Mayor