

**Chapter 5**  
**Part G:**  
**(OR3-2008)**

***Disorderly Conduct***  
***(OR3-2010)***

**100.00 Disorderly Conduct and Disturbing the Peace Prohibited:**

100.10 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.

**200.00 Unlawful Acts Defined:**

200.10 Disorderly conduct and/or acts of disturbing the peace are hereby defined for the purpose of this chapter as any act, word, profanity or conduct causing or tending to cause a disturbance of the peace and good order of the Borough.

200.11 Disorderly conduct is also defined as causing or tending to cause any danger, discomfort or annoyance to the inhabitants of the Borough or users of the Borough thoroughfares.

200.20 Such acts, words or conduct shall include, but not limited to:

200.21 Fighting (or engaging in threatening, violent or tumultuous behavior), drunkenness, vagrancy, begging, vandalism, profanity (or indecent language or acts), or the “egging” of vehicles, structures, signs or other property.

200.22 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;

200.23 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;

200.24 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 thoroughfares of the Borough;

200.25 The creation of hazardous or physically offensive conditions by any act which serves no legitimate purpose of the actor.

**201.00 Noises:**

201.10 All noises or other sounds shall be considered to be unnecessary and to constitute disorderly conduct if they are made on Sunday; or:

201.11 If the noises are made on weekdays from 10:00 pm until 7:00 am prevailing time, even though they are no louder than is customary and are the unavoidable sounds;

201.12 If the noises are made on weekends or nationally reorganized Holidays from Midnight until 7:00 am prevailing time.

201.13 Noises attendant upon the ordinary use and operation or performance of business, trade, transportation, recreation or amusement.

**300.00 Unlawful Acts Enumerated.**

300.01 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:

300.10 The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices;

300.11 The operation of any motor vehicle which makes any unnecessary or unusual noise caused by an improper or defective muffler or the backfire or racing of such motor in or about the operation of such motor vehicle.

300.20 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 judgment may deem necessary.

300.30 The operation of music devices, television sets or other mechanical instruments or singing, shouting or playing of musical instruments in a manner or at a time which is generally considered to be inappropriate and 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.

**301.00 Loitering:**

301.10 No person shall loiter in such a manner as to create or cause to be created a danger of a breach of the peace.

301.11 No person shall create or cause to be created any disturbance or annoyance to the comfort and repose of any person.

301.12 No person shall obstruct the free passage of pedestrians or vehicles.

301.13 No person shall obstruct, molest or interfere with any person lawfully in any public place as defined herein.

301.14 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.

**302.00 Definitions:**

302.10 As used in this section, the following terms shall have the meanings indicated:

302.20 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.”

302.30 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.

302.40 PUBLIC PLACE 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 parent or guardian.

**303.00 Orders to Leave:**

303.10 Whenever any police officer, Borough Manager, or duly appointed representative of the Borough shall, in the exercise of reasonable judgment, 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 may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place;

303.11 Any person who shall refuse to leave after being ordered to do so by a police officer, Borough Manager, or duly appointed representative of the Borough, shall be guilty of a violation of this chapter.

**304.00 Disturbing Peace:**

304.10 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 passersby or the inhabitants of the Borough.

304.20 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 person.

304.30 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.

304.40 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.

**305.00 Identification:**

305.10 Any person failing to have proper identification shall provide proper identification to the Saegertown Borough Office within seventy-two (72) hours of the time of the request to provide such identification.

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

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

305.22 This section (305) was added in 2010.

**306.00 Disorderly House:**

306.10 No person shall keep a disorderly house or place, or a house or place to which persons of bad reputation or immoral character resort or congregate.

306.20 In the case of rental or leased premises, the Landlord shall be entitled to written notice prior to violation of the provisions of this ordinance.

306.30 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.

**307.00 Written Notice:**

307.10 In the case of rental or leased premises, the Landlord shall be entitled to written notice prior to violation of the provisions of this ordinance.

307.20 The Mayor, Code Enforcement officer, a police officer, or any other person so authorized by the Borough Council, and identified as such, shall have to 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 acts. Failure to do so shall result in fines being assessed.

**308.00 Parks and Open Space:**

308.10 The doing of the following act or acts within any area designated as a park or open space of the Borough;

308.11 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.

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

308.13 The dropping, scattering or otherwise depositing of garbage, wastepaper, rubbish or any other things except in receptacles placed in the park for such materials.

308.14 Allowing dogs to run at large without a leash.

308.15 Discharging of fireworks without a permit.

308.16 The consumption, use of or possession of any intoxicating liquor, or beer or any controlled drug and/or device, on borough property without permission of Borough Council.

308.17 Discharging of firearms within 150 yards of a residence or building.

- 308.18 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 any park or property of the Borough.
- 308.20 All-Terrain-Vehicles (ATVs) (including 3 and 4 wheelers and snowmobiles) are not permitted on Borough Property or on Borough streets, without permission.
- 308.21 ATV's crossing streets as prescribed by Penna. state law is permitted.
- 308.22 ATV's may only be driven on or across private property with permission of the landowner.

**400.00 Violations and Penalties:**

- 400.10 Any person violating any of the provisions of this chapter shall be guilty of the offense of disorderly conduct and, upon conviction thereof in a summary proceeding before any District Justice, shall be sentenced to pay a Class B 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 Class B fine or penalty and/or costs, shall be sentenced to imprisonment for a term as set by duly adopted *Resolution* of the Borough Council.
- 400.20 Each day in violation shall be considered a separate violation.
- 400.30 A verbal or written warning may be issued prior to fines being assessed at the discretion of the enforcing officer.
- 400.31 A warning shall be carried over from year to year. A second warning shall not be necessary.

500.00 Repealer:

**500.00 Enforcement:**

- 500.10 This Ordinance shall be enforced by a police officer, Borough Manager, or duly appointed representative of the Borough.

**600.00 Enacted:**

- 600.10 ENACTED AND ORDAINED this 14th day of April, 2008.
- 600.20 AMENDED this 11th day of October, 2010