

Upon motion by Richard P. Figaski, seconded by Brian P. McGrath, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE NO. 2013-6

An Ordinance of the Township of Millcreek defining disorderly conduct and prohibiting the presence in and/or participating in a disorderly house or other place; containing penalties for violation; providing for enforcement and containing repealor and severability clauses.

WHEREAS, Millcreek Township has experienced an increase in the frequency and severity of conduct in and about residences and other buildings in the Township which unreasonably disturbs the good order and quiet of the Township and poses unreasonable risks to persons and other properties; and

WHEREAS, the Board of Supervisors has determined that it is necessary and appropriate to prohibit disorderly conduct, whether or not such conduct is intended to cause or prompt certain results.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania as follows:

1.01. Definitions. When used in this Ordinance, the following words, terms and phrases shall have the following meanings ascribed to them, unless the context clearly indicates otherwise:

- 1.01.1 *Disorderly conduct* - shall mean and include all conduct by any person which, whether or not intended to do so, disturbs the good order and quiet of the Township or of any section of the Township and/or endangers or violates the public peace in any other manner by:
- (i) clamor or noise;
 - (ii) intoxication and/or drunkenness;
 - (iii) fighting or threatening to fight;
 - (iv) engaging in violent or tumultuous behavior;
 - (v) use of obscene, profane or indecent language and/or of an obscene gesture on sidewalks, streets or in any public place or building in the Township to the annoyance of any of its residents;
 - (vi) congregating with others on any street, road or other public way or public place and refusing to move on when ordered to do so by police;
 - (vii) shouting or making a noise either outside or inside a building during the evening to the annoyance or disturbance of other persons;

- (viii) operating playing or permitting the operation or playing of any radio, television or other device producing or amplifying sound at any time of the day in such a manner from any source as to create a noise disturbance across a real property boundary;
- (ix) disturbing, tending to disturb or aiding in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct; or
- (x) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

1.01.2 *House or Place* - shall mean any residence or other building, structure or site.

1.02. Presence or Participation in Disorderly House or Place Prohibited. No person shall participate in or knowingly be present in or at a disorderly house or place where disorderly conduct as defined in this Ordinance is occurring.


1.03. Enforcement. This Ordinance shall be enforced by the Millcreek Police Department in accordance with the Rules of Criminal Procedure governing summary offenses and as provided in the Township's Ordinance Enforcement Ordinance, No. 96-8 as restated by Ordinance No. 2007-6, as may be amended.

1.04. Penalties for Violation. A person found to have violated this Ordinance shall pay a fine in an amount not less than \$250.00 and not more than \$1,000.00 as shall be determined by the Magisterial District Judge having jurisdiction, plus costs. All fines shall be payable to the Millcreek Township Treasurer.

1.05. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.06. Repealor. All ordinances or parts of any ordinances inconsistent herewith are repealed.

BE IT ENACTED this 9th day of July, 2013.


Richard P. Figaski, Township Secretary