

Chapter 96

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 50.
Outdoor burning — See Ch. 59.
Dogs — See Ch. 70.
Peddling and soliciting — See Ch. 100.
Vehicles and traffic — See Ch. 140.

ARTICLE I

Nuisances

[Adopted 1-12-1965 by Ord. No. 1 (Ch. 67, Art. I, of the 1991 Code)]

§ 96-1. Unlawful acts.

It shall be unlawful for any person or persons, firm or corporation to permit or commit any of the following, which are hereby declared to be nuisances and detrimental to the health, safety, comfort and well-being of the Township:

- A. To obstruct, loaf, loiter or stand upon any of the sidewalks or other public highways so as to interfere with the free and full passage of residents or travelers.
- B. To be guilty of a breach of peace, vagrancy or disorderly conduct, or to engage in fighting or to incite others to fight, to conduct or carry on any offensive manufacturing or business or to engage in any unlawful act tending to imperil the personal security or to endanger or injure property within the Township.
- C. To dump or otherwise deposit garbage and rubbish, or to permit the accumulation of garbage and rubbish on private property within the Township, and to store or permit the storage of abandoned junk, junked motor vehicles or other obnoxious materials on private or public property within the Township.
- D. To use loud, boisterous, profane, blasphemous or indecent or immoral language upon or near any of the public highways or public places or in a manner so as to annoy residents in the neighborhood, or to make any unseemly noise or disturbance to the annoyance of the residents nearby.
- E. To commit any act of lewdness or public indecency or exposure of person, or to become intoxicated.
- F. To carry any concealed deadly weapon unless authorized by law; to discharge any gun or firearm, excepting that the same is done while engaged in hunting or target shooting, and the latter shall not be done to the annoyance of any neighbors, and in defense of person or property. No one of the age of sixteen (16) years or younger shall possess or fire a BB gun

unless accompanied by an adult. It shall be unlawful to possess, use or offer for sale any fireworks of any character at any time; to throw on or into any highway stones, snowballs or any other material; to raise any false alarm of fire; to build or cause to be built on a public street, highway, alley or in the proximity of any building or buildings any bonfire or fire; and no bonfire or fire shall be built at any time between the hours of sunset and sunrise.

- G. To drive or cause to be driven, park or store any cart, wagon, truck or other vehicle containing garbage, earth, dung, filth, junk or rubbish of any kind, or which is used for such purposes, unless such cart, wagon, truck or other vehicle has a good and sufficient tailboard and body, tight and closed at the sides and bottom to prevent the contents from dropping from the vehicle, or to park such vehicle in or about any highway, street, road or alley near any property where the odors from the same may be annoying or offensive.
- H. To interfere with Township police officers, resist arrest or fail to render assistance to police officers when called upon; or to tamper with, destroy or otherwise interfere with any lights, guardrails, signs or other property or materials placed in public places by the Township or any of its officials.
- I. To fell, mutilate, injure or otherwise destroy wantonly any trees or shrubbery growing upon any private property or along the streets, alleys or highways of this Township; to destroy, injure or interfere with any public or private light, streetlight, awning, post, fence or railing within this Township; to destroy, injure or tear down wantonly any sign, door, doorbell or knocker, window, waterpipe, step, spouting, window shutter, fence, gate or other real property; to open or close, negligently or wantonly, any street sewer watercourse within the Township.
- J. To keep or maintain any nuisance or dangerous structure on private or public grounds and after notice to the owner to remove said dangerous structure or nuisance, and in his default, in addition to the penalties hereinafter prescribed, the owner shall pay for the costs of such removal.

§ 96-2. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II
Disorderly Conduct Toward Police Officers
[Adopted 6-8-1982 by Ord. No. 53 (Ch. 67, Art. II, of the 1991 Code)]

§ 96-3. Unlawful acts.

A person is guilty of disorderly conduct towards a police officer if.

- A. By violent, tumultuous or obstreperous conduct or carriage, or by loud and unusual noises, or by abusive language, he or she disturbs any police officer in the discharge of his duty;
- B. Any person shall assault, strike or fight with any police officer in the discharge of his duty, or knowingly permits such conduct in or about any house or premises in the Township of North Londonderry owned or possessed by him or under his management or control; or
- C. Any person shall interfere willfully with, resist, delay, obstruct, molest or threaten to molest any police officer in the exercise of his official duties.

§ 96-4. Violations and penalties. [Amended 9-13-1988 by Ord. No. 74; 6-11-1996 by Ord. No. 108; 4-8-1997 by Ord. No. 112]

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE III

Loitering

[Adopted 8-20-2001 by Ord. No. 125 (Ch. 67, Art. III, of the 1991 Code)]

§ 96-5. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING — Remaining idle essentially in one location; lingering; spending time idly; loafing or walking aimlessly in one vicinity or neighborhood; hanging around; or to stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this article. "Loiter" also means to collect, gather, congregate or be a member of a group or a crowd of two or more people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this chapter.

PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, entertainment or some other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include any public street or public sidewalk, the front of an the area immediately adjacent to any school, parking lot, driveway, store, restaurant, tavern or other place of business, public grounds, areas or parks.

§ 96-6. Prohibited acts.

- A. No person shall loiter, saunter or continue to sit or stand in any street, public place, public building or any property not his/her own or under his/her control, so as to:
 - (1) Obstruct or impede the free passage of any other person.

- (2) Create or cause to be created any annoyance to any person or persons.
 - (3) Create or cause to be created a danger of a breach of the peace.
 - (4) Obstruct, molest or interfere with any person lawfully in any public place as defined in § 96-5 of this article. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing they are made.
- B. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this article, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police officer at the time, would have dispelled the alarm.

§ 96-7. Request to leave.

- A. When any person causes or commits any of the conditions enumerated in § 96-6 above, a police officer, in the exercise of reasonable judgment, may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section.
- B. Whenever the presence of any person in any public place is causing or likely to cause any of the conditions enumerated in § 96-6 of this article, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

§ 96-8. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.