

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 06-04

ORDINANCE NO. 06-04

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY PENNSYLVANIA, PROHIBITING DISORDERLY CONDUCT, LOITERING AND PROWLING, WITHIN THE CITY OF JEANNETTE; PROVIDING FOR THE IMPOSITION OF PENALTIES THEREFORE; AND REPEALING ORDINANCE NOS. 70-5, 89-4, 96-6 AND 00-7 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH

WHEREAS, the Council of the City of Jeannette previously enacted Ordinance Nos. 70-5, 89-4, 96-4 and 00-7, defining and prohibiting disorderly conduct within the City of Jeannette; and

WHEREAS, the Council of the City of Jeannette desires to redefine disorderly conduct, to more particularly specify conduct which is punishable under said Ordinance and modify the penalties for same.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, DOES HEREBY ORDAIN AND ENACT AS FOLLOWS:

SECTION I – PURPOSE: This Ordinance is for the purpose of maintaining the peace, safety and welfare of the people of the City of Jeannette.

SECTION II – DISORDERLY CONDUCT PROHIBITED: A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or to breach the public peace, or recklessly creating a risk thereof, he, in a public place, he or she:

- (a) Engages in fighting or threats of fighting, or in violent or tumultuous behavior; or
- (b) Makes loud, raucous and/or unreasonable noise; or
- (c) Uses obscene language or makes an obscene gesture; or
- (d) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
- (e) Appears in a public place manifestly under the influence of alcohol to the degree that he may endanger himself or other persons or property; or
- (f) Intentionally or recklessly obstructs any highway, street, sidewalk or other public passageway, either alone or with other persons; except that no person shall be guilty of an offense under this subsection solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such gathering; or
- (g) Is in possession of any opened container of alcoholic beverages or consumes alcoholic beverages in such public place; or
- (h) Consumes alcoholic beverages or is in possession of any opened container of alcoholic beverages in the parks, public parking lots or on the streets, alleys, sidewalks or other public right of way within the City; or
- (i) Who travels along any public street, alley, right of way or ground of the City with an opened container of alcoholic beverages either within a motor vehicle or otherwise; or
- (j) Who discharges or fires any rifle, handgun, weapon or firearm, or who sets off any explosive device within the City of Jeannette, except within any target range, pistol range or other facility designed for such purpose and approved by the City for same.

SECTION III - LOITERING AND PROWLING: A person is guilty of loitering or prowling if they maliciously loiter or maliciously prowl around a dwelling house or any other place used in whole or in part for living or dwelling purposes, belonging to or occupied by another, and without the consent of the owner or occupant thereof. A person is also guilty of

loitering or prowling if they maliciously loiter or prowl around on a public street or right of way or any other place used for commercial or other business purposes without the consent of the owner or occupant thereof, or loiters or prowls on such commercial or business premises with no apparent purpose associated with such business, or loiters or prowls on such commercial or business purposes, or in any public right of way adjoining same, after such business or commercial enterprise is closed.

SECTION IV - DEFINITIONS: As used in this Ordinance, the following words shall have those meanings set forth below:

- a. "Community":** For the purpose of applying the "contemporary community standards" herein, Community means the Commonwealth of Pennsylvania.
- b. "Loiter":** To stand around or move slowly about, to spend time idly, to saunter, to delay, to linger, to lag behind.
- c. "Maliciously":** With the intent to commit a crime or offense, or with the intent to injure or otherwise invade the privacy, person or property of another.
- d. "Obscene":** Any language or conduct, if:
 - 1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interests;
 - 2. The subject matter depicts or describes in a patently offensive way sexual conduct of a type defined below herein; and
 - 3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.
- e. "Prowl":** To roam or wander over in a stealthy manner, to pace or roam furtively.

f. "Public Place": A place where the general public has access, including, but not limited to: sidewalks, streets, highways, transport facilities, vehicles used for public transportation, schools, prisons, apartment houses, hotels, motels, inns or lodges, places of business or entertainment, cinemas, restaurants or dining facilities, or any other premises open to the general public.

g. "Sexual Conduct": Patently offensive representations or depictions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

SECTION V - PENALTIES: Any person charged with the offense of disorderly conduct and/or loitering and/or prowling under the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and be sentenced to pay the costs of prosecution and to pay a fine of not less than FIFTY (\$50.00) DOLLARS nor more than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS. In default of the payment thereof such person shall be sentenced to a period of incarceration for the maximum period permitted by law for summary offenses.

SECTION VI - SEVERABILITY: Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be void, invalid or unenforceable for any reason whatsoever, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend, or abridge any of the provisions of the Constitution of the United States or of this Commonwealth, or any law or regulation of the United States or this Commonwealth, or any Act of the Assembly heretofore or hereafter adopted.

SECTION VII – GENDER NEUTRALITY: Whenever used in this Ordinance, the singular shall include the plural, and the use of any gender shall be applicable to all genders.

SECTION VIII - REPEALER: Ordinance No. 70-5, Ordinance No. 89-4, Ordinance No.96-6, Ordinance No. 00-7 and all or any other parts of any other Ordinance inconsistent herewith are hereby repealed.

SECTION IX -EFFECTIVE DATE: This Ordinance shall take effect immediately.

September 13, 2006

ATTEST:

THE CITY OF JEANNETTE:

By:



Ronald E. Dinsmore, City Clerk



Michael Cafasso,
Mayor and President of Council