

BILL NO. 96-3

ORDINANCE NO. 96-6

**AN ORDINANCE PROHIBITING  
DISORDERLY CONDUCT, LOITERING AND PROWLING,  
WITHIN THE CITY OF JEANNETTE;  
PROVIDING FOR THE IMPOSITION OF PENALTIES THEREFOR;  
AND REPEALING ORDINANCE NO. 70-5**

WHEREAS, the Council of the City of Jeannette has previously enacted Ordinance 70-5, defining and prohibiting disorderly conduct within the City of Jeannette; and

WHEREAS, Council of the City of Jeannette desires to redefine disorderly conduct, to more particularly specify conduct which is punishable under said Ordinance;

NOW, THEREFORE, in consideration of the foregoing, it is hereby Ordained and Enacted by the Council of the City of Jeannette, Westmoreland County, Pennsylvania, at a regular meeting thereof, held the 11<sup>th</sup> day of September, 1996, 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:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior;
- (b) Makes loud, raucous and unreasonable noise;
- (c) Uses obscene language or makes an obscene gesture;
- (d) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose;
- (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;
- (f) Intentionally or recklessly obstructs any highway, street, sidewalk or other public passage, 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.

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

SECTION IV. - DEFINITIONS: As used in this Ordinance, the following words shall be defined as set forth below:

a. "Community": For the purpose of applying the "contemporary community standards" herein, Community means the State.

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 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 thereof in a summary proceeding, be sentenced to pay the costs of prosecution and to pay a fine not exceeding ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS, and in default of the payment thereof, shall be incarcerated for a period not exceeding ninety (90) days.

SECTION VI. - SEVERABILITY: Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be 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 passed.


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, and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION IX. - EFFECTIVE DATE: This Ordinance shall take effect in ten (10) days.

ATTEST:

 9-11-96  
Ronald E. Dinsmore, City Clerk

CITY OF JEANNETTE:  
  
Michael J. Salvatore,  
Mayor and President of Council