

CODIFIED ORDINANCES OF JEANNETTE
PART SEVEN - GENERAL OFFENSES CODE

Art. 705. Animals and Fowl.

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ARTICLE 711
Disorderly Conduct

711.01 Prohibited acts.

711.99 Penalty.

CROSS REFERENCES

State law - see 18 P.S. §5503

Power to regulate - see 3rd Class §2403(55)(53 P.S. §37403(55))

711.01 PROHIBITED ACTS.

Disorderly conduct is hereby prohibited within the limits of the City.

Any person who by any act, word or conduct causing or intending to cause any danger, disturbance of the peace and good order of the City, or causing or intending to cause any danger, discomfort or annoyance to any inhabitants of the City or users of the City thoroughfares; or who willfully makes any loud, boisterous or unseemly noises or disturbances; or who fights or quarrels; or who publicly makes use of obscene or indecent language; or who loafs or loiters or congregates upon any of the public streets or alleys or public grounds in the City to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any of the public streets or alleys or public grounds in the City to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any of the public grounds of the City whereby the public peace is broken or disturbed or the traveling public annoyed; or who begs to the discomfort and inconvenience of persons using or residing on the thoroughfares of the City; and or who drives recklessly or carelessly or makes other use of a motor vehicle so as to endanger the safety or interfere with the comfort and convenience of persons using or residing on the thoroughfares of the City; or who refuses to obey any lawful order issued by any peace officer in the City while in the performance of his duties, or who utters profane, opprobrious, scandalous, obscene or indecent language to any peace officer of the City while he is on duty, shall be guilty of disorderly conduct.

(Ord. 70-5. Passed 2-25-70.)

711.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than three hundred dollars (\$300.00). (Ord. 70-5. Passed 2-25-70.)

ARTICLE 723
Junk Storage

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| 723.01 Nuisance declared. | 723.04 Claim for costs. |
| 723.02 Abatement by owners. | 723.99 Penalty. |
| 723.03 Abatement by City. | |

CROSS REFERENCES

Littering - see GEN. OFF. 747.03

Power to prohibit nuisance - see 3rd Class §2403(16)(53 P. S. 37403(16))

Property maintenance - see BLDG. & HSG. Art. 1741

723.01 NUISANCE DECLARED.

The unsheltered storage of unused, stripped, junked, wrecked or otherwise unusable automobiles or other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, hereinafter referred to as personalty, for a period of thirty days or more (except in places where a junk yard business is regularly conducted), within the corporate limits of the City, shall be deemed a nuisance, dangerous to the public health and safety. (Ord. 67-9. Passed 11-1-67.)

723.02 ABATEMENT BY OWNERS.

The owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the City limits upon which there is storage of personalty as defined in Section 723.01 shall jointly and severally be responsible for the abatement of the nuisance created by such personalty and shall upon notification by the City promptly remove such personalty into completely enclosed buildings authorized for the use or storage purposes within the City or otherwise remove such personalty to a location outside the corporate limits of the City. (Ord. 67-9. Passed 11-1-67.)

723.03 ABATEMENT BY CITY.

In addition to the penalty herein provided, the City shall have the right and privilege to remove personalty referred to in Section 723.01 to a location of its selection for storage. The City shall notify the last known owner of the personalty removed that the same has been placed in storage and shall be sold after the expiration of thirty days if removal and storage charges are not paid by the responsible owner. In the event that such personalty has been placed in storage by the City, such personalty may be sold by the City for payment of removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owner of such personalty shall be liable to the City for the balance of the costs jointly and severally, to be recoverable in a

suit at law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid to the owner or deposited in the City Treasury for its use. (Ord. 67-9. Passed 11-1-67.)

723.04 CLAIM FOR COSTS.

Notwithstanding any other provision of this article, the City may file a municipal claim of record against the owner of the premises from which such personalty is removed for the cost of removal, if the cost of removal and storage is in excess of the proceeds received at the sale thereof. (Ord. 67-9. Passed 11-1-67.)

723.99 PENALTY.

Upon failure of the owner, tenant, lessee, occupant or person otherwise responsible for the nuisance described in Section 723.01 to remove the same after notification by the City, such person shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). A separate offense shall be deemed committed each day during which such nuisance is permitted to exist. (Ord. 67-9. Passed 11-1-67.)

ARTICLE 729
Minors

729.01 Curfew.

729.99 Penalty.

CROSS REFERENCES

Disorderly conduct - see GEN. OFF. 711.01

Pornography - see GEN. OFF. 741.03

Dance curfew - see 3rd Class §2638(53 P.S. 37638)

Offenses involving minors - see 18 P.S. Ch. 63

729.01 CURFEW.

(a) All persons of the age of seventeen years and under shall, for the purpose of this section, be regarded as juveniles.

(b) No juvenile shall be on the public streets, highways, lanes and alleys of the City or in public places in the City between 11:00 p.m., and 6:00 a.m., except in the company of an adult member of their immediate family, and except in going to and from their place of employment.

(c) No parent or any person having the care of any juvenile shall willfully permit such juvenile to be or remain in any of the public streets, highways, lanes and alleys of the City or any public place within the City between 11:00 p.m., and 6:00 a.m., except in their company or in the company of an adult member of the juvenile's immediate family.

(d) No adult, other than a member of the immediate family of a juvenile or person having the care of such juvenile, shall be present on the public streets, highways, lanes and alleys of the City or in any public place in the City in the company of any juvenile between 11:00 p.m., and 6:00 a.m. (Ord. 109. Passed 7-8-43.)

729.99 PENALTY.

A juvenile who violates the provisions of Section 729.01 shall be fined not more than ten dollars (\$10.00); parents or persons having the care and custody of such juvenile who willfully permit such juvenile to be upon the streets, highways, lanes and alleys of the City or in public places in the City shall be fined not more than twenty-five dollars (\$25.00); and an adult, other than a member of the immediate family of such juvenile, who is found on the public streets, highways, lanes and alleys of the City or in public places within the City in the company of such juvenile shall be fined not more than twenty-five dollars (\$25.00). (Ord. 109. Passed 7-8-43.)

ARTICLE 735
Offenses Relating to Sidewalks

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| 735.01 Removal of snow, ice and other hazardous substances. | 735.99 Penalty. |
| 735.02 Merchandise display. | |

CROSS REFERENCES

Littering - see GEN. OFF. 747.03

Sidewalk construction and repair - see S. U. & P. S. Art. 909

735.01 REMOVAL OF SNOW, ICE AND OTHER HAZARDOUS SUBSTANCES.

(a) Responsibility for Removal of Snow and Ice. The owner, occupant or tenant of every property fronting upon any street in the City is hereby required to remove or to cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen, within twenty-four hours after the same has ceased to fall or to form.

(b) Responsibility for Removal of Certain Substances. The owner, occupant or tenant of every property fronting upon any street in the City is hereby required to remove or to cause to be removed from all of the sidewalks in front of or alongside of such property any substance, other than snow or ice, that might impede, obstruct or render dangerous public travel upon such sidewalks, within twenty-four hours after notice from the authorities of the City to remove the same.

(c) Responsibility of Owners, Occupants and Tenants. The owner of a property shall be responsible for conforming to the requirements of subsections (a) and (b) hereof where such property is occupied by such owner or is unoccupied or vacant, or is a multiple-dwelling or multiple-business property, designed for occupancy by more than one tenant. The tenant or occupant thereof shall be responsible in the case of a property occupied by such tenant or occupier only.

(d) City Action. In any case where the owner, occupant or tenant fails, neglects or refuses to comply with any provision of subsection (a) or (b) hereof within the time limit prescribed therein, the City authorities may proceed immediately to clear all snow and/or ice or other substance from the sidewalk of such delinquent, and, by the filing of liens and/or any other lawful means, to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under Section 735.99.

(Ord. 72-13. Passed 11-29-72.)

735.02 MERCHANDISE DISPLAY.

(a) No person, firm or corporation shall display any goods, wares or merchandise of any kind or character on the sidewalks of the City unless such goods, wares or merchandise are at least eighteen inches above the surface of the sidewalk and do not extend more than two feet beyond the building line on to the sidewalk.

(b) Nothing herein contained shall be construed to prohibit the use of the streets of the City by hucksters, milk dealers or other persons lawfully using the streets and sidewalks of the City for the sale and delivery of their wares.
(Ord. 54-21. Passed 12-14-54.)

735.99 PENALTY.

(a) Any owner, occupant or tenant who fails to remove any snow, ice or other substance, as the case may be, as required by Section 735.01 shall be fined not more than twenty-five dollars (\$25.00). Such fine may be in addition to any expenses and additional amounts authorized by law and imposed in Section 735.01(d).
(Ord. 72-13. Passed 11-29-72.)

(b) Any person, firm or corporation violating any provision of Section 735.02 shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).
(Ord. 54-21. Passed 12-14-54.)

ARTICLE 741
Pornography

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| 741.01 Definitions. | 741.05 Public nuisance declared. |
| 741.02 Promoting pornography. | 741.99 Penalty. |
| 741.03 Promoting pornography for minors. | |
| 741.04 Defenses. | |

CROSS REFERENCES

Offenses involving minors - see 18 P.S. Ch. 63
Obscenity - see 18 P.S. §5903

741.01 DEFINITIONS.

For the purpose of this article, the words and phrases set forth below shall have the meaning respectively ascribed to them:

- (a) "Audience" means one or more persons who are permitted to view a performance (1) for valuable consideration or (2) in or from a public place.
- (b) "Display publicly" means the exposing, placing, posting, exhibiting or in any other fashion displaying in any location, whether public or private, material or a performance in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public place or vehicle.
- (c) "Disseminate" means to manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.
- (d) "Material" means any printed matter, visual representation or sound recording, and includes but is not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, three-dimensioned forms, sculptures, and phonograph, tape or wire recordings.
- (e) "Minor" means any person under eighteen years of age.
- (f) "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals or pubic area, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
- (g) "Pander" means advertising or propagandizing in connection with the sale of material, the offering of a service, or the presentation or exhibition of a performance by appealing to the prurient interest of potential customers.
- (h) "Performance" means any live or reproduced exhibition, including, but not limited to, any play, motion picture film, dance or appearance presented to or

performed before an audience.

- (i) "Pornographic" means relating to pornography.
- (j) "Pornography": Any material or performance is "pornography" if all of the following elements are present:
 - (1) Considered as a whole by the average person, applying the contemporary community standards of the City, it appeals to the prurient interest; and
 - (2) It depicts, describes or represents in a patently offensive way, sexual conduct, as hereinafter defined; and
 - (3) It lacks serious literary, artistic, political or scientific value.
- (k) "Pornography for minors": Any material or performance is "pornography for minors" if all of the following elements are present:
 - (1) Considered as a whole by the average person applying the contemporary community standards of the City with respect to what is suitable for minors, it is presented in such a manner as to appeal to a minor's prurient interest; and
 - (2) It depicts, describes or represents in a patently offensive way, nudity or sexual conduct as hereinafter defined; and
 - (3) It lacks serious literary, artistic, political or scientific value for minors.
- (l) "Prurient interest" means desire or craving for sexual stimulation or gratification. In determining "prurient interest", the material or performance shall be judged with reference to average persons, unless it appears from the character of the material or performance that it is designed to appeal to the prurient interest of a particular group of persons, including, but not limited to, homosexuals or sado-masochists. In that case, it shall be judged with reference to the particular group for which it was designed.
- (m) "Public place or vehicle" means any of the streets, alleys, parks, boulevards, schools or other public property in the City, or any dance hall, rental hall, theater, amusement park, liquor establishment, store, depot, place of public accommodation, or other private property generally frequented by the public for the purpose of education, recreation, amusement, entertainment, sport, shopping or travel; or any vehicle for public transportation, owned or operated by government, either directly or through a public corporation or authority, or owned or operated by any non-governmental agency for the use, enjoyment or transportation of the general public.
- (n) "Sexual conduct" means:
 - (1) Masturbation;
 - (2) Sexual intercourse, whether genital-genital, oral-genital, oral-anal, or anal-genital;
 - (3) Any erotic fondling or touching of the covered or uncovered genitals, buttocks, pubic area, or any part of the breasts of the female; whether the conduct described in paragraphs (1) through (3) is engaged in alone or between members of the same or opposite sex, or between humans and animals or humans and inanimate objects; or
 - (4) Actual or simulated display or exhibition of the human pubic area or genitals or any part thereof; or
 - (5) Sexual excitement, as hereinafter defined; or
 - (6) Sado-masochistic abuse as hereinafter defined.

- (o) "Sexual excitement" means the facial expressions, movements, utterances or other responses of a human male or female, whether alone or with others, whether clothed or not, who is in an apparent state of sexual stimulation or arousal, or experiencing the physical or sensual reactions of humans engaging in or witnessing sexual conduct.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.
(Ord. 77-9. Passed 5-19-77.)

741.02 PROMOTING PORNOGRAPHY.

- (a) No person shall promote pornography. A person commits the offense of promoting pornography if, knowing its content and character, the person:
 - (1) Disseminates or causes to be disseminated any pornographic material in or from a public place or vehicle, or for valuable consideration; or has in his possession any pornographic material with intent to so disseminate; or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him, for such dissemination of pornographic material; or
 - (2) Sells an admission ticket, or pass to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic; or
 - (3) Admits, by accepting a ticket or pass, a person to premises where there is being exhibited or is about to be exhibited material or a performance which is pornographic; or
 - (4) Produces, presents, directs or knowingly allows the use of any business, building, vehicle or place, owned, leased, conducted or managed by him to be used for, a pornographic performance before an audience; or
 - (5) Participates in that portion of a live performance before an audience which makes it pornographic; or
 - (6) Panders, displays publicly, or disseminates door to door, any pornographic material or performance, or causes such pandering, public display or door to door dissemination.

(b) For the purpose of this section, possession of two or more identical copies of any pornographic material by any person engaged in the business of disseminating material, as defined above, shall be prima-facie evidence of possession with intent to disseminate for valuable consideration. (Ord. 77-9. Passed 5-19-77.)

741.03 PROMOTING PORNOGRAPHY FOR MINORS.

- (a) No person shall promote pornography for minors. A person commits the offense of promoting pornography for minors if, knowing its content and character, the person:
 - (1) Disseminates or causes to be disseminated to a minor material which is pornography for minors, or knowingly allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him for the dissemination to a minor of material which is pornography for minors; or

- (2) Exhibits to a minor a motion picture film or other performance which is pornography for minors; or
- (3) Sells to a minor an admission ticket or pass to any building, vehicle or place where there is being exhibited or is about to be exhibited a motion picture film or other performance which is pornography for minors; or
- (4) Admits a minor to any building, vehicle or place where there is being exhibited or is about to be exhibited a motion picture film or other performance which is pornography for minors; or
- (5) Knowingly produces, presents, directs or allows the use of any business, building, vehicle or place owned, leased, conducted or managed by him for the presentation of performance which is pornography for minors, before an audience which includes a minor; or
- (6) Displays publicly or disseminates door-to-door any material or performance which is pornography for minors, or causes such public display or door-to-door dissemination.

(b) Subparagraphs (a)(1) through (5) do not apply to a parent, guardian or other person in loco parentis to the minor. (Ord. 77-9. Passed 5-19-77.)

741.04 DEFENSES.

It shall be an affirmative defense to a prosecution under Section 741.02 or 741.03 if the pornographic material was disseminated by a person who was acting in his capacity as:

- (a) A teacher of an accredited course of study related to pornography at a State approved educational institution; or
 - (b) A licensed medical practitioner or psychologist in the treatment of a patient; or
 - (c) A participant in the criminal justice system, such as a legislator, judge, prosecutor, law enforcement official or other similar or related position; or
 - (d) A supplier to any person described in subsections (a) through (c) hereof.
- (Ord. 77-9. Passed 5-19-77.)

741.05 PUBLIC NUISANCE DECLARED.

Any sale, resale, lending, distribution, exhibit, gift or show deemed to be pornographic under the terms of this article and any offer or intended offer of sale, resale, lending, distribution, exhibitions, gift or showing, are hereby declared to be contrary to the welfare and peace of the community and are hereby declared to be a public nuisance.

(Ord. 77-9. Passed 5-19-77.)

741.99 PENALTY.

(a) Whoever violates any provision of this article shall be fined not more than three hundred dollars (\$300.00) for each offense. Each day a violation continues shall constitute a separate offense.

(b) In addition to the penalty provided in subsection (a) hereof, the City may also enforce the provisions of this article in any court of competent jurisdiction in an action in equity and may seek any equitable remedies so provided.

(Ord. 77-9. Passed 5-19-77.)

ARTICLE 747
Safety and Sanitation

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| 747.01 Litter in Brush Creek or Bull Run. | 747.03 Littering. |
| 747.02 Encroachment on Brush Creek or Bull Run. | 747.99 Penalty. |

CROSS REFERENCE

Power to prohibit nuisances - see 3rd Class §2403(16)(53 P.S. §37403(16))

747.01 LITTER IN BRUSH CREEK OR BULL RUN.

No person, firm or corporation shall throw, dump, deposit or place any rubbish, garbage, ashes, stones, trash, dirt or other debris into the channel or right of way of Brush Creek or Bull Run within the limits of the City.

No person, firm or corporation shall permit any other person, firm or corporation to throw, dump, deposit or place any rubbish, garbage, ashes, stones, trash, dirt or other debris into the channel or right of way of Brush Creek or Bull Run within the limits of the City. (Ord. 54-15. Passed 9-14-54.)

747.02 ENCROACHMENT ON BRUSH CREEK OR BULL RUN.

No person, firm or corporation shall encroach upon the channel or ordained right of way of Brush Creek or Bull Run within the limits of the City.

No person, firm or corporation shall permit any other person, firm or corporation to encroach upon the channel or ordained right of way of Brush Creek or Bull Run within the limits of the City. (Ord. 54-16. Passed 9-14-54.)

747.03 LITTERING.

No person, firm or corporation shall throw litter, waste paper, sweepings, ashes, household waste, nails or rubbish of any kind into or upon any sidewalk, street, road, highway, alley or any other public way within the City or interfere with, scatter or disturb the contents of any receptacle containing ashes, garbage, household waste or rubbish which is placed upon any sidewalk or elsewhere for the collection of the contents thereof within the City. (Ord. 61-7. Passed 7-11-61.)

747.99 PENALTY.

(a) Any person, firm or corporation failing, neglecting or refusing to comply with any of the terms or provisions of Section 747.01 or 747.02 shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).
(Ord. 54-15. Passed 9-14-54; Ord 54-16. Passed 9-14-54.)

(b) Any person, firm or corporation who or which violates any provision of Section 747.03 shall be fined not more than fifty dollars (\$50.00) for each offense.
(Ord. 61-7. Passed 7-11-61.)

ARTICLE 753
Weeds

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| 753.01 Height; nuisance declared. | 753.99 Penalty. |
| 753.02 Cutting required. | |
| 753.03 Notice; action by City. | |

CROSS REFERENCE

Powers to prohibit nuisances - see §2403(16)(53 P.S. §37403(16))

753.01 HEIGHT; NUISANCE DECLARED.

No person, firm or corporation, owning or occupying any property within the City shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of ten inches or to throw off any unpleasant or noxious odor or to conceal any deposit of garbage or refuse or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the City in violation of any provision of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the City. (Ord. 61-6. Passed 7-11-61.)

753.02 CUTTING REQUIRED.

The owner of any premises which are vacant or occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises which are in violation of Section 753.01. (Ord. 61-6. Passed 7-11-61.)

753.03 NOTICE; ACTION BY CITY.

Council, or any officer or employee of the City designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 753.01 directing and requiring such occupant to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this article within five days after issuance of such notice.

In case any person, firm or corporation neglects, fails or refuses to comply with such notice within the period of time stated therein, City authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the City from such person, firm or corporation, in the manner provided by law. (Ord. 61-6. Passed 7-11-61.)

753.99 PENALTY.

Any person, firm or corporation which violates or fails, neglects or refuses to comply with any provision of this article shall be fined not more than fifty dollars (\$50.00). Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

(Ord. 61-6. Passed 7-11-61.)