

## ORDINANCE NO. 618

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE DEFINING AND PROHIBITING CERTAIN ACTS AS DISORDERLY CONDUCT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville, in Council assembled, as follows:

Section 1. Definitions: A person shall be guilty of disorderly conduct if with the purpose to cause danger, alarm, disorder, obstruction, annoyance or inconvenience to the public or to cause interference with the public peace, or if with knowledge that he is likely to create a risk thereof, he wilfully,

(a) loafs or loiters upon any of the public streets or sidewalks of the Borough of Monroeville or upon the private streets or sidewalks adjacent to business establishments where the general public is invited or upon public or private parking lots, or in any other place, so as to interfere with or obstruct the lawful free passage of citizens or travelers along and through any of the said thoroughfares or property; or

(b) acts in such manner as to provoke, make or aid in making a breach of the peace; or

(c) engages in fighting or in threatening, violent or tumultuous behaviour; or

(d) makes any unreasonable noise or offensive utterance, gesture or display, or addresses abusive language to any other person present, which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence; or

(e) fails to obey a lawful order of dispersal by a police officer, or by any other person known by him to be a peace officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity; or

(f) otherwise creates a hazardous or physically offensive condition; or

(g) commits a trespass on private or public property. Trespass for the purpose of this ordinance shall mean:

1. Entering upon or refusing to leave any private property of another either where such property has been posted with "NO TRESPASSING" signs or where immediately prior to such entry or subsequent thereto notice is given by the owner or lawful occupant, orally or in writing, that such entry or continued presence is prohibited; or

2. Entering upon or refusing to leave any public or private property in violation of the rules or regulations promulgated by the superintendent, manager or other person charged with the security,

care or maintenance of the property where such rules and regulations have been posted or where immediately prior to such entry, or subsequent thereto, such rules and regulations are made known by the person charged with the security, care or maintenance of the property, or his agent; or

3. Refusing to leave private property of another or public property, where such occupancy is without the owner's consent, after receiving an order from a police officer to do so. Leaving and returning the same day without the owner's consent shall be considered a refusal to leave.

Trespass shall further include actions of an individual in the operation of a motor vehicle in violation of any of the provisions hereof.

Section 2. Offense: It shall be unlawful for any person to engage in the acts of disorderly conduct as defined hereunder within the Borough of Monroeville.

Section 3. Penalties: Any person convicted of violating this ordinance shall, upon the judgment of any justice of the peace or Mayor of the Borough of Monroeville determining such violation, be subject to pay a fine not exceeding Three Hundred (\$300.00) Dollars, and costs for each offense, and in default of payment thereof, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days.

Section 4. Severability: If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not affect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of Monroeville declares that it would have passed this ordinance and any remaining section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Repealer: Any ordinance or part of ordinance in conflict with any of the provisions of this ordinance is hereby repealed to the extent of such conflict, provided however, that the provisions of Ordinance No. 6 of the Borough of Monroeville pertaining to the definition of disorderly conduct is specifically saved from repeal.

ORDAINED AND ENACTED this 10th day of September, 1968.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ Frank A. Witt  
President of Council

S/ Carrol F. Pickens  
Secretary

EXAMINED AND APPROVED this 10th day of September, 1968.

S/ John J. Duncan  
Mayor