

NEWBERRY TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 378

AN ORDINANCE DEFINING AND PROHIBITING DISORDERLY CONDUCT
IN NEWBERRY TOWNSHIP, PENNSYLVANIA.

WHEREAS, the Board of Supervisors of Newberry Township, York County, Pennsylvania, deems it necessary to amend Ordinance No. 209 relative to the crime of disorderly conduct.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Newberry Township, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

SECTION I. DISORDERLY CONDUCT PROHIBITED.

It shall be unlawful for any person to commit or cause to be committed any act or acts of disorderly conduct within the Township of Newberry or upon Township property within or without the Township limits.

SECTION II. ACTS OF DISORDERLY CONDUCT ENUMERATED.

The following acts are defined and declared to be disorderly conduct in violation of this Ordinance:

- (a) Appearing in a drunken or intoxicated condition upon the streets, lanes, avenues, alleys, parks, or other public places in the Township;
- (b) Engaging in fighting or inciting others to fight or riot or to engage in any unlawful act tending to imperil the personal security of any person or persons in or on any public street, alley, park public building, or any building or other place to which the public has access;
- (c) The uttering of loud, boisterous, profane, indecent or vulgar language which is annoying and disturbing to persons in public or to nearby residents;
- (d) Making or causing to be made any loud boisterous noise or disturbance to the annoyance of the peaceable residents nearby or near to any public street, alley or public ground in the Township, whereby the public peace is broken or disturbed; this section shall include making noise across partition walls common to two or more parties in a multi-unit building;

(e) Lingering or loitering, standing, or placing one's self upon any of the sidewalks or other public highways or to obstruct the entrance to any public building or places so as to annoy or interfere with the free and full passage of residents or travelers;

(f) Detonating any explosives or fireworks not permitted by Pennsylvania Law; however, this subsection shall not apply to any person licensed to detonate any explosives or fireworks so long as said person obtains the express written permission of the Township; notwithstanding the forgoing no explosive or firework may be detonated between the hours of 10:00 p.m. and 7:00 a.m.;

(g) Writing posting, or exposing to view any lewd or indecent word, picture or device;

(h) Indecently exposing his or her person;

(i) Establishing or conducting on or upon the streets, lanes, avenues, alleys or public places any show, game or other demonstration for the purpose of attracting a crowd without the permission of the Newberry Township Police Department;

(j) Intentionally squealing a tire or tires on a motor vehicle, or intentionally burning rubber or other material out of which a tire or tires on a motor vehicle are made, by spinning the tire or tires on the ground or on the improved or unimproved portion of a public place or of a public or private road, street, lane, avenue, driveway or alley; or

(k) Making or causing noise to be plainly heard at fifty (50) feet from such a device when operated within a motor vehicle on a public right-of-way or public space.

SECTION III: EXCEPTIONS. Noise from the following sources shall be exempt from the noise standards specified herein:

A. All safety signals and warning devices (e.g. stationary emergency signal devices, intrusion alarms, police/fire/ambulance sirens) or any other device used to alert persons to an emergency or used during the conduct of emergency work.

B. The provision, repair and maintenance of municipal, county, or commonwealth facilities, services or public utilities.

C. Bells, chimes, strike mechanisms and carillons used for religious or public purposes or in conjunction with national celebrations or public holidays.

D. Snow removal equipment, operated within the manufacturer's specification and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

E. Air Conditioners, fans, heating units and similar devices are exempt from the provisions of this ordinance given that they are in proper operating condition.

F. Aircraft.

G. Motor Vehicles properly muffled and operated within established noise limits under Section 157.11, Vehicular Noise Limits, of the Commonwealth of Pennsylvania Code.

H. Train whistle or horns operated as required under federal law for warning purposes.

I. Motor vehicle horns operated for the purposes of warning or of safety.

J. Back-up signaling devices on motor vehicles except those used in conjunction with commercial construction activities and the provision of commercial property maintenance services between 7:00 a.m. to 10:00 p.m.

K. All equipment used for the purposes of agricultural pursuits.

L. Musical, recreational and athletic events conducted by a university, college, school, not-for-profit organization or a local government including such outdoor practices as may be necessary in preparation for such events.

M. All equipment and tools operated or used for the purpose of maintaining the exterior of one's own property by oneself. All equipment or tools operated by a for profit firm or business on said property shall be subject to Section III(B) of this Ordinance.

SECTION IV: PENALTIES FOR VIOLATION. Any person violating a provision of this ordinance, and any person aiding, abetting or assisting in the violation or a provision of this ordinance, shall, upon conviction thereof before a magisterial district judge, be subject to a fine of not more than three hundred (\$300.00) dollars, and the costs of the prosecution for each offense; and in default of the payment of fines and costs shall undergo imprisonment in the York County Jail for a period not exceeding ninety (90) days for each violation.

SECTION V: EFFECTIVE DATE. This ordinance shall be effective October 22, 2013.

SECTION VI: SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

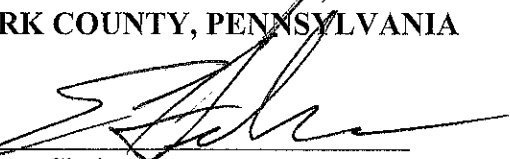
SECTION VII: REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed in so far as the same affect this ordinance.

ORDAINED AND ENACTED this 22nd day of October, 2013.

Attest:

**NEWBERRY TOWNSHIP,
YORK COUNTY, PENNSYLVANIA**


Secretary

By: 
VICE Chairman