

RECEIVED SEP 09 1997

ORDINANCE NO. 1997-4

AN ORDINANCE PROVIDING FOR THE REGULATION OF DISTURBING THE PEACE WITHIN THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania and it is hereby ordained by and with the authority of the same:

Section 1. Disturbing the Peace. Disturbing the Peace within the Township of Bethel shall be unlawful and shall be punished in accordance with Section 4 of this Ordinance. Disturbing the Peace is hereby defined as follows:

A. The making of any loud, boisterous or unnecessary noise causing an unreasonable annoyance to the inhabitants of the Township of Bethel.

B. The using of profanity or any indecent language causing a disturbance of the peace and good order of the Township of Bethel.

C. Any act of vandalism or malicious mischief causing or intending to cause destruction to private or public property.

D. Any act of vandalism or malicious mischief which would cause any danger or discomfort or annoyance to the inhabitants of the Township of Bethel or to the traveling public on the public highways within the Township of Bethel.

E. Any person being intoxicated in public or appearing to be in an intoxicated condition within the limits of the Township of Bethel.

F. Any person found fighting, loafing, begging or being a vagrant within the limits of the Township of Bethel.

G. A person is guilty of disturbing the peace with a motor vehicle if, intending to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

1. Drives any vehicle on the highways, roadways, trafficways or parking lots within the Township in a reckless or careless manner which endangers the safety or interferes with the comfort and/or convenience of persons using or residing along the thoroughfares of the Township; or

2. Deliberately squeals the tires of any vehicle;
or

3. Causes the laying of rubber by any vehicle; or

4. Intentionally increases the speed of the engine of any vehicle, thereby causing excessive noise without any legitimate purpose.

H. A person is guilty of disturbing the peace with a motor vehicle if he/she drives any motor vehicle on the property of another without the express consent of the property owner or owners.

I. A person is guilty of disturbing the peace if he/she shall at any time yell, shout, hoot, whistle or sing on the public streets, alleys or parks at any time so as to be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons of reasonable sensitivities within the area of audibility. This paragraph shall not include any events or occasions which have been specifically permitted or authorized by the Board of Supervisors of the Township of Bethel.

J. A person is guilty of disturbing the peace with a motor vehicle if he/she:

1. Shall at any time sound the horn or other warning device of a vehicle at any time except when absolutely necessary as a warning; or

2. Make any sound that is unreasonably loud, raucous, jarring, disturbing or a nuisance to persons of reasonable sensitivities within the area of audibility, by means of a horn or other warning device.

K. A person is guilty of disturbing the peace if he/she shall use, operate or permit the use of any musical instrument, radio, television, phonograph, compact disc player, tape player or any other type of instrument or device capable of playing music or producing amplified sound, including what is commonly known as a "boom box", in such a manner as to be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons of reasonable

sensitivities within the area of audibility, when such is plainly audible across a property line or at a distance of fifty (50) feet, whichever is less, including, but not limited to, when the device creating the sound is in or on a motor vehicle, or hand-carried on a public right-of-way or public space. Instruments or devices used in violation of this subsection may be impounded by the Police for a second or subsequent violation of this ordinance.

L. A person is guilty of disturbing the peace, if he/she shall:

1. Unnecessarily and willfully obstruct and interfere with travel upon any sidewalk or public passageway within the Township; or

2. Lounge, loiter, loaf on, in or upon any sidewalk, public passageway, street, corner, public building or bridge.

This paragraph shall not be held to restrict lawful and peaceful picketing so long as one-half of the width of the sidewalk is kept clear by the pickets for pedestrian travel.

Section 2. "Public" Defined. As used in Section 1 of this ordinance, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; places included are highways, transport facilities, schools, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

Section 3. Disturbing the Peace Involving Conduct Towards a Police Officer -

Defined. Disturbing the Peace Involving Conduct towards a Police Officer shall be unlawful in the Township of Bethel and shall be punished in accordance with Section 4 of this Ordinance. Disturbing the Peace Involving Conduct towards a Police Officer of Bethel Township is hereby defined as follows:

A. Violent, tumultuous, or obstreperous conduct or carriage, or loud and unusual noises, or abusive language by any person which disturbs any police officer in the discharge of his/her duties.

B. Assaulting, striking or fighting by any person with any police officer in the discharge of his/her duties; or knowingly permitting such conduct in or about any house or premises owned or possessed by any person or under that person's management or control.

C. Interfering willfully with, resisting, delaying, obstructing, molesting, or threatening to molest by any person a police officer in the exercise of his/her official duties.

Section 4. Penalty for Violations.

This Ordinance shall be enforced by an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of

the prosecution without the consent of the district attorney as required under Pa.R.Crim.P.No.83(c) (relating to trial in summary cases). Any person who shall be convicted as provided hereunder shall pay a fine not exceeding One Thousand Dollars (\$1,000.00) per violation and imprisonment to the extent allowed by law for the punishment of criminal offenses. Each day's continuance of a violation of this Ordinance shall constitute a separate offense. This Ordinance may also be enforced through an action in equity brought in the Court of Common Pleas of Berks County. All fines and penalties collected for the violation of this Ordinance shall be paid to the Bethel Township Treasurer. The Board of Supervisors of Bethel Township may delegate the initial determination of Ordinance violation and the service of notice of violation to such officers or agents as the Township shall deem qualified for that purpose.

Section 5. Severance Clause. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, or the ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of such section, sentence, clause or phrase.

Section 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 7. Effective Clause. The Ordinance shall take effect five (5) days from the date of adoption.

ENACTED AND ORDAINED this 15th day of Dec, 1997.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

BY: Vice James M. Lehman
Vice Chairman

ATTEST: Paul D. Lerch
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 97-4 of Bethel Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on DECEMBER 15, 1997.

WITNESS my hand and seal this 15 day of DECEMBER, 1997.

Paul D. Lerch
Secretary, Bethel Township