

ARTICLE I
Disturbing the Peace
[Adopted 1-3-2000 by Ord. No. 2000-1]

§ 67-1. Disorderly conduct prohibited.

- A. Disorderly conduct, as defined by § 5503 of the Crimes Code, 18 Pa.C.S.A. § 5503, is hereby prohibited within the Borough of Eagles Mere. A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:
- (1) Engages in fighting or threatening or in violent tumultuous behavior.
 - (2) Makes unreasonable noise.
 - (3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
- B. Provided that, as used in this section, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

§ 67-2. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

ARTICLE II
Noise
[Adopted 6-7-2010 by Ord. No. 2010-01]

§ 67-3. Statutory authority.

This article is enacted pursuant to the authority granted to the Borough in Section 1202(4), (5), (6) and (20) of the Borough Code.¹

§ 67-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY OWNER — A person owning, leasing, occupying or having charge of any premises within the Borough.

PUBLIC NUISANCE — The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

§ 67-5. Disturbance of peace prohibited.

- A. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, unusual or unreasonable noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Borough, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.
- B. It shall be unlawful for any property owner to permit any loud, disturbing and unnecessary noises prohibited by Subsection A on the property.

§ 67-6. Prohibited acts; public nuisance.

The following acts, among others, are declared to constitute a public nuisance and a threat to the health, convenience, comfort and general welfare in violation of this article, but said enumeration shall not be deemed to be exclusive, namely:

- A. Yelling shouting, etc.: yelling, shouting, hooting, whistling, singing, or banging between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- B. Radios, phonographs, television sets, etc.: using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player, CD player, iPod or other machine or electronic devise for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are on the property or in the room or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and

1. Editor's Note: See 53 P.S. § 46202(4), (5), (6) and (20).

§ 67-6 7:00 a.m. in such a manner as to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section. § 67-7

- C. Horns, signaling devices, etc.: sounding any horn, instrument, signaling device or fireworks between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- D. It shall be unlawful for any property owner to permit any act prohibited by Subsections A, B or C on the property.

§ 67-7. Violations and penalties.

Any person violating any of the sections of this article shall, upon conviction thereof before any District Judge, be sentenced to pay a fine of not more than \$600, together with costs of prosecution, and in default of payment thereof, may be sentenced and committed to imprisonment for a period not to exceed 30 days. Said fine and costs may be collected by suit or summary proceedings brought in the name of Eagles Mere Borough.