

## Chapter 130

### PEACE AND GOOD ORDER

**[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Circuses, carnivals and transient merchants — See Ch. 74.  
Firearms and hunting — See Ch. 92.  
Dumping, littering and stream pollution — See Ch. 158, Art. I.

#### ARTICLE I

##### Parades, Assemblies and Other Obstructions

**[Adopted 8-5-1946 by Ord. No. 9]**

##### **§ 130-1. Permit required.**

By authority of the Act of Assembly approved May 4, 1927, P.L. 519, it is hereby declared unlawful for any person or persons to gather, assemble, or group themselves upon or to obstruct traffic for the passage of persons or vehicles upon any of the roads, streets and highways in the Borough of Chester Heights, provided that it shall be lawful for persons to march or parade upon the roads, streets and highways of the Borough after first having secured a permit therefor from Borough Council upon payment of a fee of \$1.

##### **§ 130-2. Violations and penalties.**

Any person violating any of the provisions of this article shall, upon summary conviction before any District Justice of the County of Delaware, be sentenced to pay a fine of \$10 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.

#### ARTICLE II

##### Disorderly Conduct

**[Adopted 11-4-1968 by Ord. No. 60]**

##### **§ 130-3. Disorderly conduct defined.**

Disorderly conduct within the meaning of this article shall constitute the making, causing or permitting to be made, anywhere within the Borough of Chester Heights, any unnecessary noise, clamor, din or other sounds tending to disturb the peace and quiet of the community, and the carrying on of any business, trade, transportation, recreation or amusement at a time, in a place, or in a manner which causes any unnecessary noise or disturbances. Any and all such noises and disturbances are hereby prohibited. Except in cases of emergency, no person shall carry on any activity at a time or in a manner which causes unnecessary annoyance or disturbs the peace and quiet of the immediate neighborhood.

**§ 130-4. Restricted acts.**

Without in any manner intending to limit or restrict the generality of the above definition of and prohibition against disorderly conduct, the following are hereby declared to constitute disorderly conduct:

- A. The unnecessary sounding of automobile horns, sirens, bells, whistles or other warning devices.
- B. Singing, shouting or the operation of radios, television, phonograph, CD player, drum, musical instrument, sound amplifier, automobile radio, automobile stereo, or any high fidelity equipment or similar device which produces, reproduces or amplifies sound, in such a manner and at a time which is generally considered to be inappropriate and which unnecessarily disturbs the peace and quiet of the immediate neighborhood. [Amended 7-12-2004 by Ord. No. 172]
- C. The discharging on or across the streets or highways of air guns, spring guns, rifles or firearms of any kind or character whatsoever.
- D. Acting in and about the streets or other public places of the Borough in a noisy, loud, boisterous and unseemly manner, or in such a manner as to disturb the peace and quiet of the community.
- E. Acting in and about the streets or other public places of the Borough while visibly under the influence of intoxicating liquor or otherwise acting or conducting oneself so as to present an unruly, immoral or improper appearance.
- F. The uttering in a loud or audible fashion upon the streets or in other public places of vulgar, profane, immoral or abusive language.
- G. Engaging in or permitting others to engage in building and construction activities in a residential zoning district, or in areas adjacent to any residential zoning district or within 1,000 feet of any residential zoning district, between the hours of 9:00 p.m. prevailing time and 7:00 a.m. prevailing time the following day, on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound and/or vibration therefrom causes a noise disturbance across a residential property boundary line which unreasonably interferes with the quiet enjoyment and proper use of any property by the property owner or occupant of such property. As used herein "building and construction activities" shall include the erection, repair, renovation, demolition or removal of any building or structure, operation of or permitting the operation of any powered saw, sander, drill, grinder or similar power tool or apparatus and the excavation, filling, grading and site work of lots in connection therewith. [Added 7-12-2004 by Ord. No. 172]
- H. Loading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property boundary line. This subsection shall not apply to municipal or utility services in or about the public right-of-way. [Added 7-12-2004 by Ord. No. 172]
- I. Using any fireworks, as that term is defined in the Act of Assembly approved May 15, 1939, P.L. 134, its amendments and supplements, unless a permit shall first be obtained as

therein provided. [Added 7-12-2004 by Ord. No. 172]

- J. Operating or permitting the operation of any off-the-road vehicle, including any all-terrain vehicle, dirt bike, and/or snowmobile in areas adjacent to residential districts, in public parks or within 1,000 feet of any residential district between the hours of 9:00 p.m. and 7:00 a.m. of the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefrom creates a noise disturbance across a residential property boundary line. [Added 7-12-2004 by Ord. No. 172]

**§ 130-5. Exemptions.** [Added 7-12-2004 by Ord. No. 172<sup>1</sup>]

The following conduct and sounds produced are specifically exempted from the provisions of this article:

- A. Blasting, under permit obtained from the Township Fire Marshal. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by permit.
- B. Sounds caused by the performance of emergency work or by the ordinary and accepted use of emergency apparatus and equipment.
- C. Sounds resulting from the repair or replacement of any municipal of utility installation in or about the public right-of-way or all municipal collections.
- D. Sounds, not electronically amplified, created by organized school- or church-related programs, activities and athletic and entertainment events or other public programs, activities or events, provided that such activities do not occur between the hours of 9:00 p.m. and 7:00 a.m.
- E. Sounds due to an emergency as stated in § 130-3 or made by warning devices operating continuously for three minutes or less, except that in the event of an actual emergency the time limitation shall not apply.
- F. Agricultural equipment used in the course of farming; power mowers, garden tractors and/or snowblowers when such operation of the same is incidental to home, lawn or garden work or maintenance; or the ringing of church bells or church chimes.

**§ 130-6. Enforcement, violations and penalties.** [Amended 7-12-2004 by Ord. No. 172]

- A. Enforcement of a violation of this article shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- B. Any person who violates or permits the violation of any provision of this article shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$25 and not more than \$500, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to

---

1. Editor's Note: This ordinance replaced former § 130-5, Violations and penalties; see now § 130-6.

imprisonment in the county prison for a term of not more than 30 days. Each section of this article violated shall constitute a separate offense, and each day or portion thereof in which a violation of this article is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$25 and not more than \$500, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collated for the violation of this article shall be paid to the Borough Treasurer.