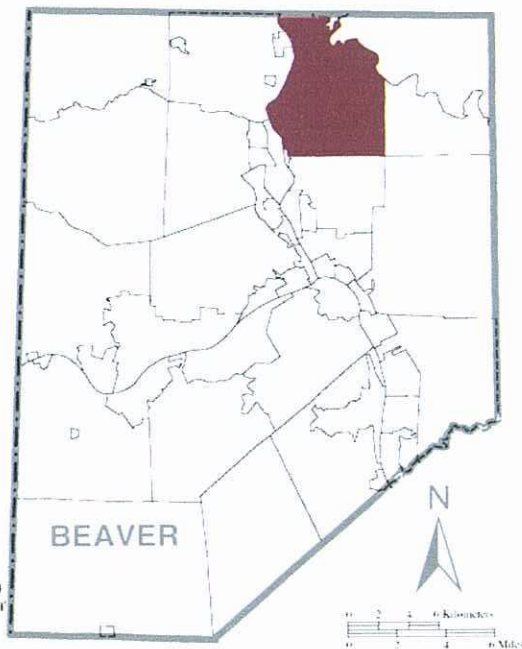


# North Sewickley Township Beaver County, PA

## Chapter 6 Conduct

### CODIFICATION OF ORDINANCES



## CHAPTER 6 CONDUCT

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## CHAPTER 6 CONDUCT

**History:** Ordinance No. 12, August 8, 1955; Ordinance No. 18, October 13, 1956, repealed by Ordinance No. 85, April 14, 1994; Ordinance No. 35, December 10, 1974; and Ordinance No. 95, September 17, 1996.

	<b>Conduct</b>		<b>Prohibiting Nuisances</b>
§ 6-101	<i>Actions</i>	§ 6-301	<i>Definitions</i>
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§ 6-202	<i>Responsibility of Parents and Guardians</i>		<b>Public Indecency</b>
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### PART 1

### Conduct

#### §6-101 ACTIONS

That it shall be unlawful for any person, firm or corporation, or any agents thereof to do, authorize, aid or abet any of the following described actions or matters, such regulations or restrictions being intended to promote the general health, safety, convenience, and welfare of the Township:

- A. To injure or destroy any property, either owned by the Township or by other persons, in or along any public highway or other place of the Township;
- B. To be guilty of a breach of the peace, vagrancy, disorderly conduct, or to engage in fighting or to incite others to fight, or to engage in any unlawful act tending to imperil the personal security of any person or to endanger or injure property within the Township;
- C. To place, or cause to be placed, thrown or maintained in or near any of the highways of the Township any decaying or offensive matter such as garbage or rubbish of any kind or to permit the same on any vacant lot, stream or sewer within the Township;
- D. To interfere with Township police officers and firemen, resist arrest, or fail to render assistance to same when called upon or to raise any false alarm of fire, or to tamper with, destroy or otherwise interfere with any lights, fire hydrants, signs or other property or materials placed in public places by the Township or any of its officials; or
- E. To nail, tack, hang or otherwise append any sign, notice or advertisement of any kind whatsoever, except notices provided by law, on any tree, post, pole, electric pole, guypole or pillar of any description within the limits of this Township, except on private lots, and then only by permission of the owner, or to permit any such sign, notice, or advertisement to remain on such tree, post, pole, electric pole, guypole or pillar for more than ten (10) days after the passage of this Chapter.

#### §6-102 FEES

Fees accessible by the Township for the administration and enforcement undertaken pursuant to this Chapter and the Code shall be established by the Township Supervisors by resolution from time to time.



## Part 2

### Curfew

#### **§6-201 CURFEW ESTABLISHED FOR CHILDREN UNDER AGE OF 18**

It shall be unlawful for any person under the age of 18 years (such persons being defined by the purpose of this Part as children) to be or remain in or upon any of the streets, roads, alleys, sidewalks, parks or public places in North Sewickley Township (hereinafter the "Township") at night, after the hour of eleven o'clock (11:00 p.m.) until six o'clock (6:00 a.m.), unless that child is accompanied by a parent, guardian or other person having the legal custody thereof, or approved and designated by such parent, guardian or other legal custodian.

#### **§6-202 RESPONSIBILITY OF PARENTS AND GUARDIANS**

It shall be unlawful for any parent, guardian or other person having the legal care or custody of any child under the age of 18 years to allow or permit such child, while in such legal custody, to be or remain in or upon any of the streets, roads, alleys, sidewalks, parks or public places in the Township at night, after the hour of eleven o'clock (11:00 p.m.) until six o'clock (6:00 a.m.), unless that child is accompanied by a parent, guardian or other person having the legal custody thereof, or approved and designated by such parent, guardian or other legal custodian.

#### **§6-203 MANNER OF ENFORCEMENT**

- A. Prosecution of Parents and Guardians or other Legal Guardians: Any child under the age of 18 years found upon any of the streets, roads, alleys, sidewalks, parks or public places within the Township after the hour of eleven o'clock (11:00 p.m.) until six o'clock (6:00 a.m.), shall be taken into custody by the police and delivered to his or her parent, guardian or legal custodian. The Police Department shall keep records of such violation of the curfew, and such child, if found guilty of the violation of said section, shall be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution.
- B. In addition, any child repeatedly found guilty of violating the provisions of this Chapter shall also be subject to the provisions of 42 Pa. CSA 6301, et seq., known as "The Juvenile Act."
- C. Any parent, guardian, or legal custodian of any child whose child is found in violation of the curfew provision of this Chapter a second time shall be guilty of a violation of this Chapter and sentenced to pay a fine of not more than three hundred dollars (\$300.00) and pay costs of prosecution. In default of the payment of the assessed fine and costs, said person shall serve five (5) days imprisonment in the county jail.
- D. Report of Children to Agency of Court Under Certain Conditions: Any child who repeatedly violates the provisions of this Chapter shall be subject to proceedings under 42 Pa. CSA 6301, et seq., "The Juvenile Act."

#### **§6-204 STATEMENT OF INTENT AND POLICY**

It is the intent of this Ordinance to permit children under the age of 18 years to attend school or related functions with parental consent and to allow for reasonable travel time from places of occurrence.

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## PART 3

### Prohibiting Certain Nuisances

#### §6-301 DEFINITIONS

- E. Person: A person, firm, corporation, partnership, unincorporated association or other legal entity.
- F. Sado-Masochistic Activity: Flagellation or torture by or upon a person clad in undergarments, mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained by or as one so clothed, or the excessive beating and torturing of minor children, whether clothed or unclothed.
- G. Sexual Conduct: Masturbation, sodomy, normal sexual intercourse or abnormal sexual intercourse by between or among adult humans or human minor children or between humans and animals, or physical contact by a human with another human's genital or pubic area or a female human's breast.

#### §6-302 PUBLIC DISPLAY

The public display on signs, billboards, outdoor moving picture screens or other instruments visible to the general public of pictures, moving pictures, drawings or other visual material depicting sexual conduct or sado-masochistic activity shall constitute a nuisance and is hereby prohibited.

#### §6-303 VIOLATION

Any person who shall publicly display or shall knowingly permit, on property owned or controlled by him, the public display, on signs, billboards, outdoor moving picture screens or other instruments visible to the general public of pictures, moving pictures, drawings or other visual material depicting sexual conduct or sado-masochistic activity shall, upon conviction of the same before a Magistrate, be fined not less than one hundred dollars (\$100.00) nor more than three hundred (\$300.00) and in default of payment thereof be imprisoned for not more than thirty (30) days.

#### §6-304 PROCEEDINGS

The Board may, in addition to any other remedies, institute proceedings in a Court of Equity to enjoin or prevent the unlawful public displays prohibited hereunder.



## PART 4

### Public Indecency

#### §6-401 OFFENSE

A person who knowingly or intentionally, in a public place:

- H. Engages in sexual intercourse;
- I. Engages in deviate sexual intercourse as defined by the Pennsylvania Crimes Codes;
- J. Appears in a state of nudity; or
- K. Fondles the genitals of himself, herself or another person commits Public Indecency, a summary offense.

#### §6-402 DEFINITIONS

- A. Nudity: The showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.
- B. Public Place: All outdoor places owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

#### §6-403 EXCEPTION

The prohibition set forth in Subsection 6-401 C shall not apply to:

- A. Any child under ten (10) years or age; or
- B. Any individual exposing a breast in the process of breast-feeding an infant under two (2) years of age.

#### §6-404 PUBLIC NUISANCE

In addition to the specific penalties provided in this Chapter, it is hereby declared that any building, portion of a building, or enclosed place regularly used for the prohibited display of public nudity is a public nuisance, subjecting the owner, proprietor or other operator thereof to any and all actions authorized by the Commonwealth of Pennsylvania for the abatement of public nuisances.

#### §6-405 CONSTRUCTION AND SEVERABILITY

It is the intention of the Township of North Sewickley that the provisions of this Chapter be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this Chapter. Should a court of competent jurisdiction determine that any part of this Chapter, or any application of the Chapter, shall be severed from the remainder, which shall continue in full force and effect.

**§6-406 PENALTY**

Whoever violates this Chapter, either by commission of a public indecency, or by the promotion or maintenance of public indecency as property owner, proprietor or manager of a business, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than ninety (90) days, or both. Each day such violation continues is a separate offense.