

ARTICLE 713
Disorderly Conduct and Disturbing the Peace

713.01 Disorderly conduct.	713.05 Vehicle noises. (Repealed)
713.02 Loitering.	713.06 Locomotive noises. (Repealed)
713.03 Liquor consumption in public places.	713.07 Unlawful publications.
713.04 Sound trucks and amplifiers prohibited. (Repealed)	713.08 Gambling.
	713.09 Voiding of human excretion.
	713.99 Penalty.

CROSS REFERENCES

Disorderly establishments or practices - see 3rd Class §2403(24)
(53 P.S. §37403(24))

Disorderly conduct - see Crimes Code §5503 (18 Pa. S. §5503)

Loitering and prowling at night - see Crimes Code §5506
(18 Pa. S. §5506)

Noise - see GEN. OFF. Art. 714

Barking dogs - see GEN. OFF. 717.09

713.01 DISORDERLY CONDUCT.

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another, by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(b) No person, while voluntarily intoxicated shall do either of the following:

- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

- (2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(c) Violation of any Commonwealth statute of which an element is operating a motor vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.

(d) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purposes of subsection (b) hereof.

713.02 LOITERING.

(a) Prohibited Conduct. No person shall loiter in any public or private place at a time, or under any circumstance or in such a manner as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- (3) Create or cause to be created an immediate, actual, physical violent reaction from another person, which violent reaction will cause a threat to the peace and order of the public.
- (4) Interfere with, obstruct, harass, curse or threaten or do physical harm to another member or members of the public.
- (5) Commit in or upon any public street, right of way, sidewalk or any other public place or building any act which interferes with the uninterrupted use of the property or lawful business conducted thereon, including the facing or fronting on any such public street, right of way, sidewalk, or place, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- (6) Commit acts that demonstrate an intent to hire a prostitute or any other person to engage in sexual activity and/or who loiters in or within view of any public place for the purpose of being hired to engage in sexual activity. Conduct included herein shall include, but not be limited to, the random waving at or flagging down of vehicles.
- (7) Commit acts that demonstrate an intent or desire to enter into or encourage third parties to engage in a drug transaction.

(b) Exceptions.

- (1) A gathering of persons shall not be considered to be guilty of loitering if it has a legitimate purpose for being in the public place.
- (2) Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(c) Police Officer's Responsibility. When any person causes or commits any of the conditions enumerated in subsection (a) hereof, a police officer, in the exercise of reasonable judgment, may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this section.

(d) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) "Loitering" includes the following activities: lingering, hanging around, delaying, lurking, hiding, prowling, sauntering or moving slowly about, where such conduct is not due to physical defect or conditions, the systematic checking of doors and windows or the flight or concealment of a person, who is engaged in one of the above activities, upon the appearance of a police officer and includes physical and verbal acts which are commonly associated with the commission of a crime or the attempt to commit a crime. This definition includes committing the aforementioned acts on foot, as well as by motor vehicle, bicycle, or any other means of conveyance.
- (2) "Private place" means and includes places privately owned but open to the public generally, such as shopping centers, retail stores, transportation terminals, movie theaters, office buildings, restaurants, and all distinctly private residences and apartment houses.
- (3) "Public place" means public streets and alleyways, public restrooms, public sidewalks, public parks and public buildings.
(Ord. 14-2000. Passed 9-5-00.)

713.03 LIQUOR CONSUMPTION IN PUBLIC PLACES.

No person shall consume, use or distribute any alcoholic beverage, spiritous or intoxicating liquors upon any public park or public property of the City; provided, however, that the consumption, use and distribution of alcoholic beverages, spiritous or intoxicating liquors upon public property, streets and sidewalks of the City shall not be a violation of this section in situations where special permission for such activity has been granted by the Mayor, with the advice and consent of Council, as part of a street fair permit, and is otherwise lawful under the laws of the Commonwealth of Pennsylvania.
(Ord. 21-1979. Passed 9-18-79.)

713.04 SOUND TRUCKS AND AMPLIFIERS PROHIBITED.

(EDITOR'S NOTE: This section was repealed by Ordinance 9-1980, passed June 3, 1980. See Article 714 for relevant provisions.)

713.05 VEHICLE NOISES.

(EDITOR'S NOTE: This section was repealed by Ordinance 9-1980, passed June 3, 1980. See Article 714 for relevant provisions.)

713.06 LOCOMOTIVE NOISES.

(EDITOR'S NOTE: This section was repealed by Ordinance 73-1989, passed August 1, 1989.)

713.07 UNLAWFUL PUBLICATIONS.

No person, firm, partnership or corporation shall bring or cause to be brought into the City, or buy, sell or cause to be sold or bought, or advertise, lend, give away, offer, show, exhibit, post or distribute or cause to be distributed, or design, copy, draw, photograph, print, etch or engrave, cut, carve, make, publish or otherwise prepare or assist in preparing or receive subscriptions for, any book, pamphlet, paper, magazine, picture, drawing, figure, image or other engraved, printed or written matter: which may reasonably tend to incite riot or other public disorder; which advocates disloyalty to or the overthrow of the government of the

United States of America or of the Commonwealth of Pennsylvania by means of any artifice, scheme or violence; which urges any unlawful conduct or encourages or tends to encourage a breach of the public peace or good order of the community; or which is offensive to public morals or decency, or which contains blasphemous, obscene, libelous or scurrilous language. (Ord. 58-1950 Sec. 1, 2.)

713.08 GAMBLING.

No person shall engage in the practice of gambling in any public place.

- (a) For purposes of this section, gambling shall be defined as: any game involving cards, dice, roulette or similar game of chance, entered into between two or more persons, a purpose of which is to secure economic gain.
- (1) Economic gain shall include proceeds in the form of monies or property or any tabulation or notation indicating the same.
 - (2) It shall be prima facie evidence of gambling whenever there is an exchange of monies or property between two or more persons, during or immediately after, being engaged in any of the aforementioned games or two or more person who are in close proximity to gambling paraphernalia or money in such a fashion as to indicate recent use of paraphernalia and monies. (Ord. 11-98. Passed 10-6-98.)

713.09 VOIDING OF HUMAN EXCRETION.

The voiding of human urine or excrement on any street, sidewalk, public property or private property is prohibited. (Ord. 47-2005. Passed 11-15-05.)

713.99 PENALTY.

(a) Whoever violates any provision of this article, except Section 713.02(a)(6) or Section 713.09, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) and costs of prosecution and/or undergo incarceration for a period of not more than thirty days (30 days). (Ord. 23-2010. Passed 8-17-10.)

(b) Whoever violates any provision of Section 713.02(a)(6), relating to loitering, shall be sentenced to the following:

- (1) On the first conviction thereof, a fine of not less than five hundred dollars (\$500.00);
- (2) Upon a second conviction thereof, a fine of not less than six hundred dollars (\$600.00) and a minimum period of incarceration of not less than thirty days;
- (3) Upon a third or subsequent conviction, a fine not less than six hundred dollars (\$600.00) and a minimum period of incarceration of not less than ninety days;
- (4) Upon any conviction under this article, when the acts composing the offense are committed within a 1,000 foot radius of any school, a minimum fine of not less than six hundred dollars (\$600.00) and a period of incarceration of not less than ninety days. For purposes of this subsection, the distance from such school shall be determined by the map attached to original Ordinance 14-1998, noted as Appendix 713.99 (b)(5). (Ord. 14-98. Passed 10-20-98; Ord. 14-2000. Passed 9-5-00.)

- (5) For purposes of this subsection (b), “school” means any public school licensed by the Commonwealth of Pennsylvania and maintained or approved as a charter school by the School District of the City of York and means any private school licensed by the Commonwealth of Pennsylvania maintained by private individuals or religious organizations or corporations. A map locating such public schools and private schools is attached to original Ordinance 14-98, noted as Appendix 713.99(b)(5), and incorporated herein; the map may be amended hereafter by resolution. (Ord. 1-2009. Passed 1-6-09.)
- (c) Whoever violates Section 713.09, relating to voiding of human excretion:
- (1) Shall be fined a minimum of one hundred dollars (\$100.00) or a maximum of three hundred dollars (\$300.00) and/or imprisonment not to exceed forty-eight hours and shall pay the costs of prosecution.
 - (2) May be ordered by the court, in addition to the penalties in subparagraph (1), to perform a minimum of eight hours and a maximum of forty hours of community service.
 - (3) Those who are under the age of eighteen and found by the court to have violated the provisions of this subsection may be sentenced to perform a minimum of eight hours and a maximum of forty hours of community service in place of paying a fine or serving a term of imprisonment. (Res. 156-2005. Passed 11-15-05.)