

BOROUGH OF ELLPORT, LAWRENCE COUNTY, PENNSYLVANIA

ORDINANCE # 276

AN ORDINANCE OF ELLPORT, LAWRENCE COUNTY, PENNSYLVANIA, IN THE SAID MUNICIPALITY FOR THE REGULATION OF DISORDERLY HOUSES

WHEREAS, the Borough Council of the Borough of Ellport, Lawrence County, Pennsylvania, has the obligation to provide for the health and safety of its residents and all others who are present in the Borough; and,

WHEREAS, the Borough Council has become aware of a problem of disorderly houses within the Borough.

NOW THEREFORE, the Borough Council hereby ordains and enacts:

1. As used in this Ordinance, unless the context indicates clearly a different meaning, the following words and phrases shall have all the meanings as set forth below:

(a) "Disorderly House" means any place within the Borough of Ellport, including but not limited to, residential properties, vacant lots, and properties upon which commercial or business enterprise of any kind operate, where persons gather or abide and where the owner, lessee. Or person in charge permits, encourages, or tends to encourage drunkenness, illegal consumption of alcohol or other intoxicants, boisterous conduct, unseemly noise, fighting or other conduct which disturbs the public peace, or promotes disorder and lessens the dignity of the community. This definition shall apply whether the place is public or private, a building or any lot or land in the Borough of Ellport. All such places within the Borough of Ellport are declared a public nuisance.

(b) "Keeper of a Disorderly House" means any person who is the owner, lessee, or person in charge of any such house at the time when any of the acts defined above are permitted or encouraged.

(c) "Inmate of a Disorderly House" means any person, not the keeper of a disorderly house, who lives and abides in such disorderly house or is employed at, or attends a gathering in such a house, lot or other place, knowing that such house is a disorderly house as defined herein.

(d) Borough – The Borough of Ellport, Lawrence County, Pennsylvania, and/or its Council.

2. MAINTENANCE PROHIBITED, ARREST OF VIOLATOR

No person shall permit, keep, maintain, or be an inmate of a disorderly house within the Borough. Violators are subject to the penalties of this Ordinance upon conviction.

3. ENFORCEMENT

1. Ellport Borough Council hereby delegates enforcement of the provisions of this ordinance to any police agency having jurisdiction within the Borough of Ellport.

2. It shall be the duty of the police officers authorized to enforce the law within the Borough Ellport to suppress and to close and keep closed any disorderly house and to arrest all persons

found therein. If the keeper or any other person within such disorderly house refuse to permit any officer of the Borough to enter the same, the officer may enter the disorderly house or cause the same to be entered by whatever force is necessary and arrest, by issuance of citations or otherwise, all persons found therein.

3. . In addition to or in lieu of enforcement under this section, the Borough may enforce this ordinance in equity in the Court of Common Pleas of Lawrence, Pennsylvania.

4. REPEALER: All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

5. SEVERABILITY: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

6. VIOLATIONS AND PENALTIES

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules or Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$300.00 plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

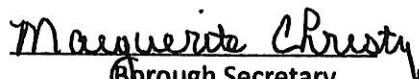
7. This Ordinance shall take effect upon passage.

ENACTED and ORDAINED this 19 day of SEPTEMBER, 2022 by a majority vote of the members of the Borough Council of Ellport, Lawrence County, Pennsylvania, during a duly advertised meeting of said Council, with a quorum or more of Council being present and after proper advertisement.



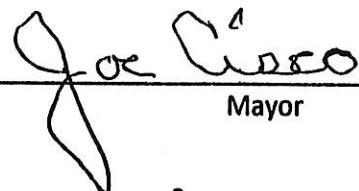
Council President

ATTEST



Borough Secretary

Reviewed and Approved this 19 day SEPTEMBER 2022.



Mayor