

ORDINANCE NO. 302

NUISANCE ORDINANCE

An Ordinance prohibiting within the Township of Caernarvon, Berks County, Pennsylvania, any person from conspiring to create any riot or violent assembly or to engage in any civil disorder; the right to sell or offer to sell or carry, store or discharge any explosives or any incendiary, rifle, firearms within the Township; the right to create areas in which hunting is prohibited; the performance of lewd or immoral acts or gestures; the use of profane, vile, or vulgar language; the operation of, participation in or frequenting places of prostitution, assignation or gambling; fights, affrays, and intoxication in public; obstruction of travel by lounging, loitering or loafing in public passageways, except picketing of certain kinds; the defacing of public or private property; advertising by noisy devices; the operation of radios, phonographs, musical instruments in an improper manner; any property holders to permit the growing of weeds under certain circumstances and providing for notice of cutting and cutting by municipal authority in certain cases and providing penalties and payment of costs thereof; a street parade or public out-door meeting without first securing a permit; defining terms and prescribing penalties for violation of this Ordinance.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Caernarvon, Berks County, Pennsylvania, that from and after the passage hereof, -

SECTION 1A. No person shall at or in any place within the Township of Caernarvon conspire to create any riot, rout, violent or unlawful assembly, or affray nor shall any person or persons at or in any place within the Township of Caernarvon create, make, engage, or participate in any riot, rout, violent or unlawful assembly or affray.

SECTION 1B. No person shall engage in any civil disorder within the geographic limits of the Township of Caernarvon nor encourage, solicit or induce by act or deed, others to engage in civil disorder.

SECTION 2A. No person shall sell or offer to sell or carry, store or discharge any explosives, handgrenades, molotov cocktails or any incendiary of whatsoever kind or nature within the geographic limits of the Township of Caernarvon; except that explosives may be used in excavation and construction projects under the supervision of qualified personnel.

SECTION 2B. No person shall sell or offer to sell or discharge any air rifle, pistol, revolver, shotgun, rifle, or any long gun within the geographic limits of the Township of Caernarvon unless the sale or offer of sale or discharge of such a firearm is in strict compliance with the applicable laws of the Commonwealth of Pennsylvania.

SECTION 2C. The Board of Supervisors of Caernarvon Town-

ship may, by Resolution, declare certain areas of the Township to be residential in nature and prohibit hunting within the geographic limits of an area so designated.

SECTION 3A. No person shall make any immodest, immoral, lewd or other indecent sign or gesture, or do or commit any other immodest, immoral, lewd or indecent act to or in the presence of any other person or persons in any public street, highway or place within the Township.

SECTION 3B. No person shall use profane, vile or vulgar language in the presence or hearing of any person or persons or in any public street or highway or place within the Township of Caernarvon.

SECTION 4. No person shall operate, maintain, frequent or participate in the operation or maintenance of any house of prostitution or assignation, or any gambling house, or any house or building in which unlawful and disorderly acts occur.

SECTION 5. No person shall wrongfully strike another or be engaged in any fight, affray, or be or appear in a drunken or intoxicated condition in any public street, highway, or public place within the Township.

SECTION 6. No person shall willfully and unnecessarily obstruct or interfere with travel upon any foot pavement, sidewalk or public passageway; nor shall lounge, loiter and loaf thereon, or therein, or upon any street corner, public building or bridge, provided that this ordinance shall not be construed to restrict peaceful picketing, so long as one-half (1/2) of the width of the

sidewalk is kept clear for the use of other pedestrians.

SECTION 7. No person shall deface, disfigure, write upon or in any manner cause to be placed upon any house or wall or building of any kind whatsoever, or any part thereof or upon fences, poster or road signs, any marks, lines, figures, letters or caricatures of any kind.

SECTION 8. No person shall play any radio, phonograph, or musical instrument in an unreasonable manner or with such volume as to annoy or disturb the quiet comfort or repose of any person in the vicinity.

SECTION 9A. All property owners, tenants or occupiers shall regularly mow all weeds growing on their property at least twice a year, once before June 1st and again before September 1st, particularly Canada Thistles, Chickery, or Marijuana, so as to prevent them from going to seed and the seed thereof from ripening.

SECTION 9B. Should any person neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening, any resident or residents of the Township, who may consider themselves aggrieved or about to be injured by such neglect or refusal, may notify in writing any Constable, policeman, or Supervisor of the Township, giving the location of the land and the name and address of the owner, tenant or occupier so refusing or neglecting. Upon receipt of such notice, the Supervisors shall give five (5) days written notice to such person or persons to cut and destroy such weeds. Said notice shall be served personally by a Township Constable or policeman if the owner or tenant resides

upon the land in question or within the Township. If the owner or tenant shall not be servable, as aforesaid, the notice shall be mailed to the last known address of the owner or his agent and the five (5) day period shall run from the date of posting thereof.

SECTION 9C. Should such person fail or refuse to heed said notice by the end of said five (5) day period, the Supervisors, personally or by employees or agents, shall enter upon said premises and cut down and destroy such weeds, and the Supervisors in the name of the Township of Caernarvon shall be entitled to recover from such person owning or holding land as aforesaid compensation for the man, horse, and machinery labor, at the same rate as paid or incurred by the Township for similar work on the road, plus 20% for overhead, and the officer serving such notice shall likewise be entitled to a fee of One Dollar (\$1.00), together with Ten Cents (10¢) mileage for each mile circular necessarily travelled, to be recovered as debts of like amount together with costs before any Justice of the Peace, and the aforesaid compensation, service fee and mileage shall be recoverable, in addition to any fines or penalties herein prescribed for violation of this ordinance.

SECTION 10. It shall be unlawful for any person, persons or group of persons to conduct or participate in a street parade or a public outdoor meeting without first securing a permit to so do from the Township Police Department, which permit shall be issued without charge when the applicants comply with the requirements by the police department.

SECTION 11. Any person or persons violating any of the provisions of this ordinance, or neglecting to comply with any

order or notice issued pursuant to a violation of any section hereof, shall upon conviction before any Justice of the Peace of the Township or Alderman within the County of Berks be sentenced to pay a fine not exceeding One Hundred Dollars (\$100.00) for each offense with costs to be recovered in the name of the Township of Caernarvon, Berks County, Pennsylvania, and if the amount of said judgment and costs shall not be paid, said person or persons shall suffer imprisonment in the Berks County Prison not exceeding thirty (30) days.

SECTION 12. The word person used in this ordinance shall in all cases include any individual or individuals, partnership, association or corporation, singular or plural, including the responsible officers of any such association or corporation.

SECTION 13. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or beyond the power of the Township of Caernarvon to prohibit, the decision so holding shall not be construed to affect the validity of any of the remaining portions of this ordinance, it is hereby declared as the intent of the Supervisors of the Township of Caernarvon that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

SECTION 14. All ordinances or parts of ordinances not inconsistent with the provisions of this ordinance, shall be and remain in full force and effect; but any ordinance or sections of

ordinance inconsistent with the provisions of this ordinance be,
and the same are hereby repealed.

ORDAINED AND ENACTED into law this 5th day of September,
1969. This Ordinance to be effective the 5th day of September,
1969.

Cecil M. Rank

Carl R. Hall

William H. Park

Supervisors of the Township of
Caernarvon.

Attest:

William H. Park
Secretary