

CHAPTER 6

CONDUCT

PART 1

DISORDERLY CONDUCT

- §6-101. Disorderly Conduct Prohibited
- §6-102. Penalty for Violation

PART 2

REGULATIONS FOR THE PROTECTION OF PUBLIC PROPERTY

- §6-201. Definitions and Interpretation
- §6-202. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited
- §6-203. Tampering with Stakes, Posts and Monuments Prohibited
- §6-204. Tampering with Warning Lamps, Signs or Barricades Prohibited
- §6-205. Removal of Materials from Streets, Alleys or Public Grounds Prohibited
- §6-206. Deposit of Materials from Streets, Alleys, Sidewalks or Public Grounds
- §6-207. Exceptions
- §6-208. Penalties

PART 3

OFFENSIVE NOISE

- §6-301. Definition and Interpretation
- §6-302. Noise Prohibited
- §6-303. Noise from Motor Vehicles
- §6-304. Penalty

PART 4

GRAFFITI

- §6-401. Findings and Purpose
- §6-402. Definitions
- §6-403. Prohibited Acts and Penalties
- §6-404. Accessibility to Graffiti Implements
- §6-405. Graffiti as Nuisance

§6-406. Graffiti Prohibition and Removal
§6-407. Removal of Graffiti

PART 1**DISORDERLY CONDUCT****§6-101. Disorderly Conduct Prohibited.**

1. Disorderly conduct, as defined in §5503 of the Crimes Code, 18 Pa.C.S.A. §5503, is hereby prohibited within the Township of Oley. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he:
 - A. Engages in fighting or threatening or in violent or tumultuous behavior.
 - B. Makes unreasonable noise.
 - C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
2. Provided, as used in this Section, the word “public” means affecting or likely to affect persons in a place to which the public or a substantial group has access. Among the places included are streets, alleys and sidewalks, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.

(Ord. 311, 6/14/2004, §1)

§6-102. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 311, 6/14/2004, §1)

PART 2**REGULATIONS FOR THE PROTECTION OF PUBLIC PROPERTY****§6-201. Definition and Interpretation.**

As used in this Part, the term “person” shall include any individual, corporation, partnership, association, firm or other legal entity. The singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 311, 6/14/2004, §1)

§6-202. Tampering with Public Property on Streets, Alleys or Public Ground Prohibited.

No person shall destroy, injure, tamper with or deface any public property of the Township of Oley, or any grass, walk, lamp, ornamental work, building or street light on or in any of the streets, alleys, sidewalks or public grounds in the Township.

(Ord. 311, 6/14/2004, §1)

§6-203. Tampering with Stakes, Posts and Monuments Prohibited.

No person shall in any manner interfere or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other marking, made, placed or set, or hereafter made, placed or set or caused to be done by the authorities of the Township, to evidence the location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work or thing.

(Ord. 311, 6/14/2004, §1)

§6-204. Tampering with Warning Lamps, Signs or Barricades Prohibited.

No person shall destroy, remove, deface, obliterate or cover up any lamp, sign or barricade erected as a warning of danger by the authorities of the Township or by any person doing work by permission of the authorities of the Township on any of the streets, alleys, sidewalks or bridges in the Township or on any public grounds of the Township, within or without the Township.

(Ord. 311, 6/14/2004, §1)

§6-205. Removal of Material from Streets, Alleys or Public Grounds Prohibited.

No person shall take any earth, stone, or other material from any street, alley or public grounds in the Township.

(Ord. 311, 6/14/2004, §1)

§6-206. Deposit of Harmful Substances on Streets, Alleys, Sidewalks or Public Grounds Prohibited.

No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Township.

(Ord. 311, 6/14/2004, §1)

§6-207. Exceptions.

This Part shall not apply to normal activities in connection with construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Township.

(Ord. 311, 6/14/2004, §1)

§6-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall found to have been violated shall constitute a separate offense.

(Ord. 311, 6/14/2004, §1)

PART 3
OFFENSIVE NOISE

§6-301. Definition and Interpretation.

The word “person,” as used in this Part, shall mean any natural person, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 159, 10/8/1979, §1)

§6-302. Noise Prohibited.

No person within the Township of Oley shall willfully make or cause to be made any loud, boisterous or unseemly noise or disturbance to the annoyance of any other person.

(Ord. 159, 10/8/1979, §2)

§6-303. Noise from Motor Vehicles.

No person shall operate within the Township of Oley, or cause or allow to be operated upon any premises owned or occupied by such person, any motor vehicle with an exhaust or any other machinery or mechanical device of any kind whatsoever making a noise that shall be annoying or offensive to any of the inhabitants of the Township. Any person operating any motor vehicle in the Township of Oley shall cause the exhaust therefrom to be so muffled, controlled or insulated that it shall make no noise that will be offensive or annoying to any of the inhabitants of the Township.

(Ord. 159, 10/8/1979, §3)

§6-304. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall found to have been violated shall constitute a separate offense.

(Ord. 159, 10/8/1979, §4; as amended by Ord. 311, 6/14/2004, §1)

PART 4**GRAFFITI****§6-401. Findings and Purpose.**

1. The Board of Supervisors of Oley Township finds that graffiti is a public nuisance and destructive of the rights and values of property owners, as well as the entire community. Unless the Township acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the Township.
2. The purpose of this chapter is to provide a program for abatement of graffiti from public and private property to reduce blight, nuisance and deterioration within the Township, protect public safety, and to expedite removal of graffiti from structures on both public and private property.
3. Certain categories of graffiti which incite violence are especially harmful and must be removed as quickly as possible to avoid or minimize harm to persons and the whole community.
4. The Board of Supervisors of Oley Township intends, through the adoption of this Ordinance, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. The Board of Supervisors does not intend for this Ordinance to conflict with any existing anti-graffiti State laws.

§6-402. Definitions.

1. **“Aerosol paint container”** means any aerosol container which is adapted or made for the purpose of spraying paint.
2. **“Broad tip marker”** means any marker or similar implement which has a writing surface which is one-half of an inch or greater and containing anything other than a solution which can be removed with water after the solution dries.
3. **“Graffiti”** means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property or, despite advance authorization, is otherwise deemed a public nuisance by the Board of Supervisors.
4. **“Graffiti implement”** means any aerosol paint container, or a broad tip marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

5. **“Paint stick, graffiti stick or bleeder”** means any implement containing paint, wax, epoxy or other similar substance.
6. **“Responsible party”** means any owner, occupant, lessor, lessee, manager, licensee or other person having the right to control such property.
7. **”Township”** means Oley Township, Berks County, Pennsylvania.

§6-403. Prohibited Acts and Penalties.

1. **Defacement.** It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any Township owned property or, without the permission of the owner or occupant, on any non-Township owned property.
2. **Possession of Graffiti Implements.**
 - A. **By Minors at or Near School Facilities.** It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this Section shall not apply to the possession of broad tip markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad tip markers. The burden of proof in any prosecution for violation of this Section shall be upon the minor student to establish the need to possess a broad tip marker.
 - B. **In Designated Public Places.** It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility or other public building or structure owned or operated by Oley Township, or while in or within fifty (50) feet of any underpass, bridge abutment, storm drain or similar types of infrastructure unless otherwise authorized by the Township.
3. **Penalties.** The violation of this Section shall subject the violator to the penalties and grading of offenses as set forth in 18 Pa.C.S.A. §3304 (Criminal Mischief) and 18 Pa.C.S.A. §907 regarding possessing instruments of a crime.

§6-404. Accessibility to Graffiti Implements.

1. **Signage Required.** Every person who operates a retail commercial establishment selling graffiti implements shall:
 - A. Place a sign in clear public view at or near the display of such products stating: “Graffiti is against the law. Any person who defaces real or personal

property with paint or any other liquid or device is guilty of a crime punishable by a fine of up to \$15,000.00 and/or imprisonment up to 7 years.”

§6-405. Graffiti as Nuisance.

1. The existence of graffiti on public or private property in violation of this Ordinance is expressly declared to be a public nuisance; and, therefore, is subject to the removal and abatement provisions specified in this Ordinance.
2. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to, at all times, keep the property clear of graffiti.

§6-406. Graffiti Prohibition and Removal.

1. **Graffiti Prohibited.** All sidewalks, walls, buildings, fences, signs and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.
2. **Notice of Violation.** If it is determined by the Township that graffiti exists on property in violation of this Ordinance, the Township shall, in writing, notify the responsible party with a notice of violation. The notice may be served by certified mail, personal service or by posting the subject property, and publishing the notice in the official local newspaper.
3. **Contents of Notice of Violation.** The notice of violation shall identify the property in violation, shall generally describe the location of the graffiti, and shall direct that the graffiti be abated within ten (10) days of receipt of the notice. The notice shall state that in the event the responsible party fails to abate the graffiti within the time period specified in the notice of violation, the Township shall abate the graffiti and may bill the responsible party for the costs. The notice shall state that the responsible party may appeal the notice by filing a written Notice of Appeal with the Code Enforcement Officer within the same time period given to abate the graffiti. The effective date of the notice of violation shall be the date received if delivered in person, or the date that the notice was sent by certified mail, or the date of first publication, if the alternate method of service is used.
4. **Township’s Authority to Abate.** If the responsible party fails to abate the graffiti as required by the notice of violation, the Township may proceed to abate the graffiti and may bill the responsible party for the cost thereof. The Township, or its authorized private contractor, is expressly authorized to enter private property and abate graffiti thereon in accordance with this Section. The Oley Township Police Department shall assist in the enforcement of this Ordinance.

§6-407. Removal of Graffiti.

1. **Removal By The Perpetrator.** Any person applying graffiti on public or private property after notice by the Township shall be responsible for the removal of the graffiti and, such removal shall be done in a manner prescribed by the Road Master, as authorized by the Board of Supervisors. Any person applying graffiti shall be responsible for the removal of any graffiti or for the payment of the removal.

(Ord. 338, 07/16/2009, §1)