

## **CHAPTER 6**

### **CONDUCT**

#### **PART 1**

##### **DISORDERLY PRACTICES**

§101. Unlawful Acts

§102. Penalty

#### **PART 2**

##### **SEX OFFENDERS RESIDENCY RESTRICTIONS**

§201. Definitions

§202. Incorporation

§203. Residency Restriction

§204. Penalties

§205. Exceptions

§206. Notice

§207. Enforcement

§208. Publication



**PART 1**  
**DISORDERLY PRACTICES**

**§101. UNLAWFUL ACTS.**

1. It shall be unlawful for any person within the corporate limits of the Township of Upper Makefield to violate any of the following subsections of this Section.
  - A. Any person who shall act in violent or tumultuous manner toward another whereby any person is placed in fear or safety of his life, limb or health.
  - B. Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
  - C. Any person who shall endanger the lawful pursuits of another by acts of violence, angry threats and abusive conduct.
  - D. Any person who shall be found jostling or roughly crowding or pushing any person in any public place.
  - E. Any person who shall incite or cause a turmoil.
  - F. Any person who shall throw any stone, snowball or any other missile upon or at any vehicle, building, tree or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground.
  - G. Any person who shall throw any stone, snowball or any other missile from any vehicle, either moving, stopped or parked, upon or at any building, tree, sign or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground.
  - H. Any person who shall assemble or congregate with another or others for the purpose or with the intent to engage in gaming.
  - I. Any person who shall be found in any house or other place where such person knows that gaming is being engaged in or knows of the existence of the practice of the illegal possession of alcoholic beverages or narcotics or dangerous drugs.
  - J. Any person who shall unlawfully congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when told to do so by a member of the Upper Makefield Township Police or other lawful authority.
  - K. Any person who shall refuse or fail to comply with any lawful order, signal or direction of a police officer in the performance of his lawful duty.

## CONDUCT

- L. Any person who shall physically hamper, obstruct, impede or interfere with any police officer or any member of the Police Department while in the discharge or apparent discharge of his lawful duties.
- M. Any person who shall obstruct any fireman or any member of the Fire Department while in the discharge or apparent discharge of his duty or in any way hamper, impede or interfere with him in the discharge of his duty.
- N. Any person who by their acts disturb or interfere with the quiet or good order of any place, public or private, including, but not by way of limitation, schools, churches, libraries, reading rooms, public buildings.
- O. Any person who utters in a loud or boisterous manner any offensive, profane or indecent word or epithets in any public street or other public place, public conveyance or place to which the public is invited, which offensive, profane or indecent words or epithets shall include, but are not limited to,
  - (1) Use of common words denoting or relating to the questionable parentage of another.
  - (2) Use of any derogatory words relating to the privates of a male, female or hermaphrodite.
  - (3) Use of any derogatory words relating to the reproductive methods of males and females whether or not used in connection with profane language.
  - (4) Use of any derogatory words relating to the method of sexual intercourse with relatives or strangers.
- P. Any person who shall enter upon the land or premises of any other person, whether such person be the owner or lessee of said land or premises and wilfully act in a disorderly manner by making loud and unseemly noises or by profane cursing or swearing or using obscene language as defined in subsection (O) herein or acting in any other disorderly manner while thereon.
- Q. Any person who shall hereafter be found lurking, lying in wait or concealed in any house or other building, or in any yard, premises or street, with the intent to do any mischief or to pilfer or to commit any crime or misdemeanor whatever.
- R. Any person occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same or without the permission of the owner or person entitled to possession of same or sleeping in any vacant lot during the hours of darkness.

- S. Any person who loiters or prowls around a dwelling, house or business or any other place used wholly or in part for living or dwelling purposes or business belonging to or occupied by another or vacant building.
  - T. Any person standing, loafing, lying upon or congregating upon the sidewalks or other public streets or places within the Township so as to prohibit or impede the free and uninterrupted use and passage in and along or through such sidewalks, streets or public places by the residents of the Township, or others lawfully upon such sidewalks, streets or public places.
  - U. To discharge any gun or firearm except when legally authorized or in defense of person or property.
  - V. To discharge any fireworks, firecracker or hold pyrotechnic display without legal authorization.
  - W. To mar, deface, destroy, injure, remove or tamper with any sign, marker, poster, signal, light, guard rail or other property or material placed in, at, along or near any private place, public place, public highway, street or alley by the Township or any of its officials.
  - X. Any person that inhales, injects or ingests any liquid, vapor, powder or solid in its natural state or derived from or compounded from any flower, plant, weed, seed, vegetable, fruit, mineral or chemical without the authorization of a licensed physician for the purpose of inducing or becoming intoxicated, stuporous, hallucinogenic, a state of euphoria or depression.
2. Any person who shall violate any subsection of this Section may be cited with the charge of "disorderly practices."

(Ord. 199, 9/17/1997, §I)

**§102. PENALTY.**

Any person violating any subsection of this Part shall, upon a finding of liability therefore in a civil proceeding before a district justice, be fined not more than six hundred dollars (\$600.00). Each violation shall constitute a separate offense.

(Ord. 199, 9/17/1997, §I)



**PART 2**

**SEX OFFENDERS RESIDENCY RESTRICTIONS**

**§201. DEFINITIONS.**

**CHILDCARE FACILITY** - a licensed day care center, child care facility or any other child care services facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.

**OPEN SPACE** - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development or the general public, not including streets, off-street parking areas, and areas set aside for public facilities.

**PERMANENT ADDRESS** - a place where a person lives, abides, lodges, or resides for fourteen (14) or more consecutive days.

**PARK OR PLAYGROUND** - any recreational facility, playground or park, owned or operated by the Township or any other governmental agency including, but not limited to, the school district, the County of Bucks or the Commonwealth of Pennsylvania.

**SCHOOL** - any public or private school which provides education services to a minor.

**TEMPORARY RESIDENCE** - a place where a person lives, abides, lodges, or resides for a period of less than fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent address.

(Ord. 269, 11/16/2005, §I)

**§202. INCORPORATION.**

The foregoing recitals are herein incorporated by reference as though more fully set forth at length.

(Ord. 269, 11/16/2005, §II)

**§203. RESIDENCY RESTRICTION.**

1. The Upper Makefield Township Board of Supervisors has reviewed the findings of the Pennsylvania Legislature when it adopted Megan's Law II as well as resource materials from the Criminal Justice Information Services Division of the Federal Bureau of Investigation and the Center for Sex Offender Management ([www.csom.org](http://www.csom.org)) as

## CONDUCT

established in June, 1997, as a collaborative effort of the Office of Justice Programs, the National Institute of Corrections and the State Justice Institute and administered by the Center for Effective Public Policy and the American Probation and Parole Association, the goal of which is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. The Board of Supervisors finds that repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

2. It is the intent of this Section to serve the Township's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Township by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.
3. It is unlawful for any person who has been convicted of a violation of §9795.1 of Megan's Law II, 42 Pa.C.S. §9795.1 (relating to registration), in which the victim of the offense was less than sixteen (16) years of age, to establish a permanent or temporary residence within two thousand five hundred (2,500) feet of any school, childcare facility, park or playground, or open space.
4. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, childcare facility, park or playground, or open space.
5. Any person that subsection (3) above applies to, who resides or lives within two thousand five hundred (2,500) feet of any school, childcare facility, park or playground, or open space in the Township, shall have sixty (60) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this Section within the time period shall constitute a violation of this Part.

(Ord. 269, 11/16/2005, §III)

### §304. PENALTIES.

A person who violates this Section shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding ninety (90) days.

(Ord. 269, 11/16/2005, §IV)

**§305. EXCEPTIONS.**

A person residing within two thousand five hundred (2,500) feet of any school, childcare facility, park or playground, or open space does not commit a violation of this Section if any of the following apply:

- A. The person established the permanent residence prior to adoption of this Part.
- B. The person was a minor when he/she committed the offense and was not convicted as an adult.
- C. The person is a minor.
- D. The school, childcare facility, park or playground, or open space within two thousand five hundred (2,500) feet of the person's permanent or temporary residence was opened after the person established the residence.

(Ord. 269, 11/16/2005, §V)

**§306. NOTICE.**

The Board of Supervisors shall supply or cause to be supplied to the Pennsylvania Board of Probation and Parole a duly certified copy of this Part to inform the State and County prison and probation and parole personnel about the limitations on residence set forth in this Part.

(Ord. 269, 11/16/2005, §VI)

**§307. ENFORCEMENT.**

All agencies and authorities within the Township including, but not limited to, the Township Police Department, have full authority to enforce this Part as a summary offense. In addition to or in lieu of enforcement of this Part as a summary offense, the Township may enforce this Part in equity.

(Ord. 269, 11/16/2005, §VII)

**§308. PUBLICATION.**

The Township Manager is hereby directed to have prepared and placed on the Township website a map of the Township depicting the areas where sex offenders that §303(3) above applies to are restricted from residing on a permanent or temporary basis.

(Ord. 269, 11/16/2005, §VIII)

### UPPER MAKEFIELD TOWNSHIP SEX OFFENDER ORDINANCE BUFFER

