

**Brookhaven Borough**  
**Ordinance No. 770**

AN ORDINANCE OF BROOKHAVEN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA DEFINING AND PROHIBITING "DISORDERLY HOUSES," DECLARING SUCH HOUSES TO BE A PUBLIC NUISANCE, SETTING FORTH THE PROCEDURE FOR REMEDYING A DISORDERLY HOUSE, AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF INCONSISTENT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCIES.

Whereas, from time to time, the Borough is plagued by repeat calls to the police department for certain offenses at certain properties;

Whereas, such calls create a drain upon the resources of the Borough's police department; and

Whereas, this Council desires to provide the police department with an additional means to deal with such repeat offenses.

Now, therefore, Brookhaven Borough Council hereby ORDAINS that:

**SECTION 1 – DEFINITIONS**

- A. **Owner**: Person or persons or corporation or other entity comprising record owner or owners of any land or building.
- B. **Private Property**: Any land or building, including single and multi-family dwellings and commercial and industrial buildings not owned by public entity.
- C. **Public Entity**: Any federal, state or local government or school district or agency or authority created organized thereby.
- D. **Disorderly House**: Any house, room, or premises where frequent requests for police service for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug usage and/or sale, loiter, gaming, or other misbehavior can be documented.
- E. **Frequent Requests for Police Service**: More than two responses to the same address in the preceding sixty-day (60) period.

## **SECTION 2 – PROHIBITION AGAINST DISORDERLY HOUSES**

It shall be unlawful for any property owner, lessee, or tenant to maintain, keep, lease, or allow a disorderly house, room or other premises in the Borough of Brookhaven. Provided, however, that the police service in connection with crimes against residents and/or property by persons not residing or invited guests or otherwise lawful occupants of private property shall not be considered responses for purposes of the Ordinance.

## **SECTION 3 – DECLARATION OF PUBLIC NUISANCE**

Any such disorderly house, room or other premises that shall be disruptive to the peace and well-being of the surrounding and greater community is declared to be a public nuisance.

## **SECTION 4 – PROCEDURE**

After the second response to the same address in the preceding sixty-day period, the Chief of Police shall, within five days, notify the property owner, property manager, rental agent, and/or tenant, in writing, by either certified mail, posting or personal service, of the Borough's intent to initiate charges with the District Justice; and further, to allow said property owner, property manager, rental agent, and/or tenant, an additional five day period, commencing on the date of service, to notify the Police Chief, in writing, of said desire to meet with the Police Chief in an attempt to rectify the condition(s). Upon timely receipt of such notification, the Police Chief shall meet with the property owner, property manager, rental agent, and/or tenant, within five days thereafter and attempt to reach an accommodation. Should the parties not be able to reach an accommodation the Police Chief will proceed forthwith to initiate charges before the District Justice.

## **SECTION 5 – VIOLATIONS AND PENALTIES**

A. Any property owner, property manager, rental agent, and/or tenant associated with a disorderly house, and/or all parties patronizing or frequenting same, found guilty under the provisions of this chapter shall be fined not more than three hundred dollars (\$300.00) for each offense and be imprisoned for not more than thirty (30) days per offense. Each visit to a property by the police during any sixty (60) day period in excess of two shall be considered a separate offense.

B. Upon a conviction under the terms of this chapter, the Borough may revoke the occupancy permit of any house or premises found to be a disorderly house.

**SECTION 6 – SEVERABILITY**

If any section, part or clause of this Ordinance is declared void by a Court of competent jurisdiction, the remainder of this Ordinance shall remain valid and in full force and effect.

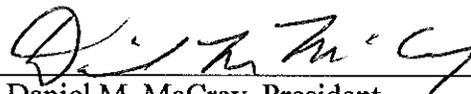
**SECTION 7 – EFFECTIVE DATE**

This Ordinance shall be effective upon its adoption by Brookhaven Borough Council and its approval by the Mayor.

**SECTION 8 – REPEALER**

All ordinances, resolutions or parts of ordinances or resolutions inconsistent with any provision of this Ordinance are hereby repealed to the extent of such inconsistencies only.

DULY ENACTED THIS 4th DAY OF MARCH 2013 BY THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By:   
Daniel M. McCray, President  
Brookhaven Borough Council

Attest:   
Mary Ellen McKinley  
Secretary of Borough

EXAMINED AND APPROVED THIS 4th DAY OF MARCH 2013.

By:   
Michael Hess, Mayor