

**AN ORDINANCE OF THE CITY OF OIL CITY REPEALING  
ORDINANCE NO. 1194 OF DECEMBER 27, 1928; DEFINING AND  
REGULATING DISORDERLY HOUSES WITHIN THE CORPORATE  
LIMITS OF THE CITY OF OIL CITY AND PROVIDING PENALTIES  
FOR VIOLATIONS THEREOF**

**BE IT ENACTED AND ORDAINED**, by the Council of the City of Oil City in Council assembled, and it is hereby ordained and enacted by authority of same that:

Council Bill No. 433, introduced December 10, 1928, enacted and ordained as Ordinance No. 1194 on December 27, 1928, prohibiting the keeping or maintaining of a disorderly house, is hereby repealed.

That the Code of the City of Oil City is hereby amended by adding the following language as Chapter 86 as follows:

**CHAPTER 86  
DISORDERLY HOUSE**

**SECTION 86.1. TITLE.** This Ordinance shall be known as the City of Oil City Disorderly House Ordinance.

**SECTION 86.2. AUTHORITY.** This Ordinance is enacted pursuant to Section 37403(24) of the Third Class City Code, 53 P.S. § 37403(24).

**SECTION 86.3. PURPOSE.** The purpose of this chapter is to protect the health, safety and welfare of the City of Oil City by eliminating the proliferation of residences harboring occupants who disturb the peace and tranquility of their neighborhoods. The processes currently available do not adequately control unlawful or nuisance activity or its detrimental effects on citizens and neighborhoods where such activity occurs. These regulations and prohibitions are intended to protect the physical, mental and social well-being of the residents of City of Oil City.

**SECTION 86.4. FINDINGS.** The Council finds that there is a need to protect the health, safety and welfare of the residents of the City of Oil City by eliminating the proliferation of residences harboring occupants who disturb the peace and tranquility of their neighborhoods; and the chronic unlawful or nuisance activity of various kinds on and near disorderly properties diminishes the quality of life in neighborhoods where this activity occurs. Specifically, the Council finds that maintaining or permitting a disorderly house:

A. Frequently promotes and causes criminal misconduct in the surrounding neighborhood that disturb the peace that affect public health, safety and welfare, and creates a nuisance in that residents neighboring a disorderly house are deprived of the enjoyment of their homes, disturbed in their sleep, and otherwise prevented from the quiet enjoyment of their residential premises;

B. Affects the property values of residences in the City;

C. Affects the public welfare by reflecting negatively on the quality of life in residential areas of the City;

D. Disturbs the peace and good order of the City; and

E. Creates a public nuisance.

**SECTION 86.5 DEFINITIONS.** As used in this chapter, the following terms shall have the meanings indicated:

**BUILDING** - Any building, dwelling, dwelling unit, rooming house, rooming unit, tent, trailer, recreational vehicle, camping site or other structure or place occupied either temporarily or permanently by human beings. The term shall also include both the enclosed area within a building as well as the exterior premises of the building within the boundary lines of any real property on which the building is located.

**CHIEF** - The Chief of Police of the City of Oil City or his/her designee.

**DISORDERLY ACTIVITIES** - Situations created within the vicinity of any building by a building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual occupying property in or near the disorderly activity, including but not limited to loud music; boisterous parties; excessively loud or unnecessary noises or repeated noise disturbances emanating from within the building or its surroundings which are audible outside and surrounding the building; fights within the building or in its vicinity involving occupants of the building or their invitees; occupants of the building or their invitees being intoxicated outdoors in the vicinity of the building; and other similar activities in the building or in the vicinity of the building.

**DISORDERLY EVENT** - A complaint of a disorderly activity to which the police department responds and determines to be substantiated.

**DISORDERLY HOUSE** - Any building at which the police department has substantiated a disorderly event.

**OWNER** - The person or persons having the right of legal title to or the beneficial or possessory interest in a building or parcel of land.

#### **SECTION 86.6. DOCUMENTATION OF COMPLAINTS.**

The police department shall document all responses to complaints of disorderly activities and classify each as either a substantiated disorderly event or unfounded complaint.

#### **SECTION 86.7. OFFENSE and PENALTIES.**

(a) It shall be unlawful for the owner, lessee, resident, manager, proprietor or occupant of any building to knowingly collect, or permit to be collected therein, persons who are engaging in any disorderly activities, unlawful acts, or to knowingly make, cause, permit, or suffer to be made therein any disorderly activities to the annoyance or disturbance of any person or neighborhood. Any person who violates any provision of this Chapter shall be subject to the following penalties: (1) First violation - A fine of \$100.00, or thirty days imprisonment, or both; (2) Second violation - A fine of \$300.00, or sixty days imprisonment, or both; (3) Third and each subsequent violation - A fine of \$600.00, or ninety days imprisonment, or both.

(b) Whenever the police department responds to a disorderly event and determines that the owner of the disorderly house was not present at the time of the disorderly event or lacked knowledge of the disorderly event, the owner of the disorderly house shall be notified as provided below:

- (1) First disorderly event: No later than five calendar days after the first disorderly event at a building, the police department shall deliver by hand or first class mail a copy of this chapter as a courtesy and a notice advising the owner that the police department has responded to a disorderly event at his or her building.
- (2) Second disorderly event: No later than five calendar days after the second disorderly event at a building, the police department shall deliver by hand or first class mail a copy of this chapter as a courtesy and a notice advising the owner that the police department has responded to a second disorderly event at his or her building. The owner of the disorderly house shall be subject to a fine of \$300.00.
- (3) Third or subsequent disorderly event: No later than five calendar days after the third or subsequent disorderly event at a building, the police department shall deliver by hand or first class mail a copy of this chapter as a courtesy and a notice advising the owner that the police department has responded to a third or subsequent disorderly event at his or her building. The owner of the disorderly house shall be subject to a fine of \$600.00.

(c) Upon receiving notice as provided in Paragraph (b) of this section, the lack of knowledge of acquiescence or participation in or responsibility for a disorderly event on the part of the owner of a disorderly house shall not be a defense.

**SECTION 86.8. DELIVERY OF NOTICES.** Any notice mailed or delivered to any owner as provided in this chapter shall be effective as to the owner identified in the notice notwithstanding such owner's refusal to accept delivery of the notice and notwithstanding any failure of any other owner to actually receive notice.

**SECTION 86.9. 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 Council that this Ordinance would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 86.11. REPEALER.** All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

**SECTION 86.12. EFFECTIVE DATE.** This Ordinance shall take effect at the earliest date permitted by law.

**ENACTED AND ORDAINED,** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**APPROVED:**

---

Michelle Hoovler  
City Clerk

---

Sonja L. Hawkins  
Mayor