

Borough of Lilly

LILLY, PENNSYLVANIA

ORDINANCE

Ordinance No.: July 2022-1

*An Ordinance of the Lilly Borough
Council Prohibiting the Keeping of
a Disorderly House and Providing
for Penalties for Violations*

WHEREAS, Section 1202(4) of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) authorizes boroughs to "prohibit and remove any nuisance on public or private grounds".; and

WHEREAS, Section 1202(5) of the Borough Code authorizes boroughs to "make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough."; and

WHEREAS, Section 1202(3) of the Borough Code authorizes boroughs to "impose fines and penalties, incurring partial or total forfeiture, or to remit the same."

NOW THEREFORE, the Council of the Borough of Lilly hereby **ORDAINS** as follows:

Section 1. This Ordinance shall be known as the "Lilly Borough Disorderly House Nuisance Ordinance".

Section 2. The following words, terms and phrases used herein shall have the following meanings:

- 1) ***Borough*** - The Borough of Lilly, Cambria County, Pennsylvania.
- 2) ***Council*** - The Lilly Borough Council.
- 3) ***Person*** - Any individual, corporation, firm, partnership, organization and/or other similar entity.

- 4) ***Dwelling*** - The house or other structure in which a person lives and/or pays rent. This shall include any building arranged, designed or used, in whole or in part, to provide living facilities for one or more individuals. Dwelling shall include a building, a part of a building, a tent, a mobile home or another enclosed space that is used or intended for use as a human habitation. This shall include boarding (lodging) and/or rooming houses. Dwelling shall include both the enclosed area within a dwelling, as well as the exterior premises of the dwelling, within the boundary lines of any real property on which the dwelling is located.
- 5) ***Occupant*** - Any person who lives in or has possession of, or holds an occupancy interest in, a dwelling; or any person residing or frequenting the premises of the dwelling with the actual or implied permission of the owner or lessee.
- 6) ***Owner*** - Any person, agent, operator, firm or corporation having a legal or equitable interest in the dwelling; or recorded in official governmental records as holding title to the dwelling; or otherwise having control of the dwelling, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

Section 3. A “Disorderly House Nuisance” is a dwelling within which, or on the premises of which, any of the following has occurred within a 183 day period:

- 1) Two or more violations of Pennsylvania’s Controlled Substance, Drug, Device and Cosmetic Act (35 Pa.C.S. §780-101, et. seq.); or
- 2) Two or more felony arrests; or
- 3) Two or more violations related to animals and/or fowl; or
- 4) A combination of two offenses from any of the above categories.

Section 4. (a) No owner or occupant of any dwelling shall allow or permit such dwelling to be or become a disorderly house nuisance.

- (b) An owner and/or occupant, as the case may be, shall be deemed to have allowed or permitted a dwelling to be, or become, a disorderly house nuisance if:

- 1) The owner or occupant has personally committed the acts set forth in Section 3 hereof.

- 2) Such acts were committed by invitees of the occupant or owner.
- 3) Such acts were committed by persons attending events or functions sponsored, permitted or allowed by the occupant or owner.
- 4) Such acts were committed by a combination of paragraphs 1, 2 and 3.

Section 5. In addition to any proceeding on any other remedy at law or equity for a violation of a provision of this Ordinance, the Borough may initiate an action in the Magisterial District Court wherein if found to have violated this Ordinance, the owner or occupant may be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) per day for each violation.

ORDAINED AND ENACTED this sixth day of July, 2022

BOROUGH OF LILLY

By: William D. Patterson
William D. Patterson - President

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

APPROVED this 6th day of July, 2022

D. Scott Selip
D. Scott Selip - Mayor