

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 206

**AN ORDINANCE OF BARRETT TOWNSHIP, MONROE COUNTY,
PENNSYLVANIA, AMENDING PART II (GENERAL LEGISLATION) OF
ITS CODE OF ORDINANCES BY ADDING A NEW CHAPTER 370
ENTITLED "PEACE AND GOOD ORDER" TO PROVIDE FOR
REGULATIONS PROHIBITING DISTURBANCES OF THE PEACE.**

The Board of Supervisors of Barrett Township (the "Board"), Monroe County, Pennsylvania, hereby ordains and enacts the following:

**ARTICLE 1
GENERAL PROVISIONS**

Section 101. Short Title. This Ordinance will be known as the Barrett Township Ordinance Prohibiting Disturbances of the Peace.

Section 102. Legal Authority. Section 1601 of the Pennsylvania Second Class Township Code ("SCTC") authorizes a board of supervisors to adopt ordinances in which the general or specific powers of the township may be exercised. *See* 53 P.S. § 66601 (Ordinances). Under § 1506 of the SCTC, a board of supervisors may make and adopt ordinances, rules, and regulations that are necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the township and its citizens. *See* 53 P.S. § 66506 (General Powers).

Section 103. Legislative Intent and Purpose. Based on the above referenced legal authority, the Board desires to amend Part II (General Legislation) of the Barrett Township Code of Ordinances (the "Code") by adding a new Chapter 370 containing regulations prohibiting disturbances of the peace and providing for enforcement of those regulations.

Section 104. Legal Conflicts.

- A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.
- B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or

invalidated. The Township intends that this Ordinance would have been enacted had each and every invalid provision not been included.

ARTICLE 2
NEW CHAPTER 370 ADDED TO PART II

Section 201. Amendment of Part II to Add New Chapter 370. A new Chapter 370 entitled "Peace and Good Order" is hereby added to Part II of the Code, as follows:

Chapter 370 Peace and Good Order

§ 370-1 Title.

- A. This Chapter will be known as the Disturbance of the Peace Ordinance.

§ 370-2 Disturbance of the Peace Prohibited.

- A. Disturbance of the peace is hereby prohibited within the Township of Barrett.
- B. "Disturbance of the peace" is defined as conduct, with intent to cause public inconvenience, annoyance, or alarm or the reckless creating of a risk thereof, by any person if he or she:
- (1) Engages in fighting or threatening to fight, assault or harass or in violent or tumultuous behavior.
 - (2) Makes unreasonable noise. Any noise which due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, hurt, inconvenience, or discomfort to others in legitimate use and enjoyment of their rights of person or property.
 - (3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- C. As used in Subsections B and D hereof, 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 highways, streets, schools, apartment houses, places of business or amusement, any neighborhood or any premises which are open to the public.
- D. Without limiting the generality of Subsection B above, no person shall:
- (1) Commit or engage in any willful act causing or tending to cause a disturbance of the peace and good order of the township.
 - (2) Fight or quarrel or incite others to fight or quarrel.

- (3) Make unnecessary use of any siren, bell, whistle or other noisemaking device.
- (4) Operate any motor vehicle in any way that shall cause any loud, unnecessary or unusual noise.
- (5) Allow a dog to bark for an unreasonable length of time: It shall be illegal within the Township of Barrett for any person or persons to own, possess, harbor or control any dog or animal which makes any noise continuously and/or incessantly for a period of 15 minutes or makes such noise intermittently for 30 minutes or more to the disturbance of any person any time of the day or night, regardless of whether the animal or dog is physically situated in or upon private property, said noise being a nuisance, provided that at the time the animal or dog is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or dog is situated, nor is there any other legitimate cause which justifiably provoked the animal or dog.
- (6) Operate a radio, record player, television set, musical instrument, CD player, DVD player or any music-, speech- or noise-emanating device in a manner which unnecessarily disturbs the peace and quiet of the neighborhood to the annoyance of peaceable residents nearby or traveling upon any street or alley or being lawfully upon any public grounds in the Township, whereby the public peace is broken or disturbed or the traveling public is annoyed. Use of any noise-emanating device under this section will be deemed a nuisance if such use occurs between the hours of 10:00 p.m. and 7:00 a.m.
- (7) Maintaining lights of such intensity, prominence, color or blinking thereof at such time of night as to interfere unnecessarily and unreasonably with the safe operation of motor vehicles or with the reasonable enjoyment and use of dwellings or houses.
- (8) Obstruct the free passage of pedestrians or vehicles upon any of the public sidewalks or streets of the township.
- (9) Obstruct, molest or interfere with any person lawfully in any public place.
- (10) At nighttime maliciously congregate or prowl around a dwelling and/or house or any other place used wholly or in part for living or dwelling purposes, belonging to or occupied by another.

§ 370-3 Violations and Penalties; Enforcement.

- A. Any person who violates or permits a violation of this Chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default

of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Chapter that is violated shall also constitute a separate offense.

- B. Any officer of the Pocono Mountain Regional Police Department, the Barrett Township Codes Officer and Zoning Officer, and any other Township official designated by resolution of the Board of Supervisors, are authorized to issue citations for violations of this Chapter and to appear in court on behalf of the Township for all enforcement matters.

**ARTICLE 3
EFFECTIVE DATE**

Section 301. Effective Date. This Ordinance will be effective 5 days after its enactment, and will remain in force until modified, amended, or rescinded by Barrett Township, Monroe County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 14 day of August, 2024.

**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**

Pamela Gardsy
Pamela Gardsy, Chair

Patti O'Keefe, Vice Chair

Kelly Slinger
Kelly Slinger, Secretary/Supervisor

John Seese, Supervisor
Darryl Speicher
Darryl Speicher, Supervisor

ATTEST:

Kelly Seese
Secretary
(TOWNSHIP SEAL)


SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-206 enacted by a majority vote of the Board of Supervisors of Barrett Township at a properly advertised meeting of such Supervisors duly held on ^{Aug} June 14, 2024. Present at the meeting were, and a record of their vote was, as follows:

Name	Present	Aye	Nay
Pamela Gardsy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patti O'Keefe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kelly Slinger	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Seese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Speicher	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Further, be it certified that public notice of said meeting was given in the manner provided by law; that said Ordinance shall be duly recorded upon the Minutes of Barrett Township, has not been amended or rescinded, and is in full force and effect this 14 day of August, 2024.

Dated: ^{Aug} ~~June~~ 14, 2024



Kelly Slinger, Secretary