

RESOLUTION NO. 24-07  
BOROUGH OF LEWISBURG

WHEREAS, Section 4-493(34) of the Liquor Code [47 P.S. §4-493(34)] regarding noise provides that: "Notwithstanding any law or regulation to the contrary, a licensee may not use or permit to be used inside or outside of the licensed premises a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line"; and

WHEREAS, Section 4-493.1(b) of the Liquor Code [47 P.S. §4-493.1(b)] provides that: "A municipality may file a petition with the board for an exemption from section 493(34) of this act for all the licensees within an identifiable area in the municipality...[and] [p]rior to submitting a petition, the municipality shall adopt a local noise ordinance and a resolution adopted by its governing body confirming support of the petition, citing the noise ordinance and its intention to enforce the ordinance in place of section 493(34) of this act"; and

WHEREAS, Ordinance No. 462A of the Borough of Lewisburg, enacted February 8, 1960, a copy of which is attached hereto and marked Exhibit "A," being Article I of Chapter 142 of the Code of the Borough of Lewisburg, provides in Section 142-1 thereof that: "Whoever makes or causes to be made any loud, boisterous and unseemly noise or disturbance at, in, nearby or near to any public highway, road, street, lane, alley, park, square, common or any place of public accommodation, convenience and resort or near any dwelling place, of such a nature as would be an annoyance to peaceable citizens near by or whereby the public peace is broken or disturbed, or the traveling public annoyed, or any peaceable resident within the vicinity is annoyed, is guilty of the offense of disorderly conduct"; and

WHEREAS, Ordinance No. 930 of the Borough of Lewisburg, enacted May 15, 2001, a copy of which is attached hereto and marked Exhibit "B," being Article III of the Code of the Borough of Lewisburg, defines "public disturbance(s)" in Section 142-8 thereof to include, among other things, "unreasonable noise" and provides in Section 142-9 thereof that: "No host

or person attending a gathering shall commit any act of public disturbance...[and] [n]o host shall hold, conduct or have a gathering where any act of public disturbance occurs or continue a gathering where any act of public disturbance has occurred or is occurring"; and

WHEREAS, Section 360-31 of Ordinance No. 1010 of the Borough of Lewisburg, a copy of which is attached hereto and marked Exhibit "C," enacted December 20, 2011, being Section 360-31 of Chapter 360 of the Code of the Borough of Lewisburg, provides in Subsection E thereof that: "Between the hours of 10:00 p.m. and 7:00 a.m., noise shall be required to be muffled so as not to exceed 55 decibels beyond the property line of the use generating said noise"; and

WHEREAS, the provisions of the above Borough Ordinances are less restrictive than the provisions of Section 4-493(34) of the Liquor Code regarding noise; and

WHEREAS, on July 26, 2021, the Borough of Lewisburg filed a Petition for Exemption from Section 4-493(34) of the Liquor Code substituting the above Borough Ordinances regarding noise in place of the said section, which the Pennsylvania Liquor Control Board approved on October 6, 2021 for the defined area of the Borough described in Exhibit "D" attached hereto for the period commencing October 7, 2021 and ending on October 7, 2024; and

WHEREAS, the Borough of Lewisburg now desires to extend the period of its current exemption and, therefore, supports another Petition for Exemption from Section 4-493(34) of the Liquor Code substituting the above Borough Ordinances regarding noise in place of the said section; and

WHEREAS, if such additional Petition for Exemption is approved, it is the intention of the Borough of Lewisburg to continue to enforce its above Ordinances regarding noise in place of Section 4-493(34) of the Liquor Code for all licensees within the aforesaid area.

NOW, THEREFORE, be it resolved by the BOROUGH COUNCIL OF THE BOROUGH OF LEWISBURG, and it is hereby resolved by the authority of the same, as follows:

That the Borough supports another Petition for Exemption from Section 4-493(34) of the Liquor Code substituting the aforesaid Borough Ordinances regarding noise in place of the said section within the defined area of the Borough of Lewisburg described in Exhibit "D" attached hereto; and

That the Borough will continue to enforce its aforesaid Borough Ordinances regarding noise in place of Section 4-493(34) of the Liquor Code for all licensees within the defined area of the Borough of Lewisburg described in Exhibit "D" attached hereto.

ADOPTED by the Borough Council of the Borough of Lewisburg, Union County, Pennsylvania, this 20<sup>th</sup> day of August, 2024.

ATTEST:

  
\_\_\_\_\_  
Kathy Wendt, Borough Secretary

  
\_\_\_\_\_  
David A. Heayn, Council President

(SEAL)

AN ORDINANCE

NO. 462(A)

DEFINING DISORDERLY CONDUCT AND  
PROVIDING PENALTIES FOR DISORDERLY  
CONDUCT IN THE BOROUGH OF LEWISBURG,  
UNION COUNTY, PENNSYLVANIA

Be it enacted and ordained by the Borough of Lewisburg, Union County, Pennsylvania, and it is hereby enacted and ordained by authority of the same.

SECTION ONE: That whoever makes or causes to be made any loud, boisterous and unseemly noise or disturbance at, in, nearby or near to any public highway, road, street, lane, alley, park, square, common or any place of public accommodation, convenience and resort or near any dwelling place, of such a nature as would be an annoyance to peaceable citizens near by or whereby the public peace is broken or disturbed, or the traveling public annoyed, or any peaceable resident within the vicinity is annoyed, is guilty of the offense of disorderly conduct.

SECTION TWO: Loud, boisterous and unseemly noise or any disturbance shall include amongst other things drunkenness, vagrancy, begging, the use of profane or indecent language, fighting, gambling, the destruction of borough property, loitering without visible means of subsistence, obstructing the public roads, streets, highways and side walks or locking in windows or premises occupied by other persons while standing at points or places not commonly used by the general public or the party charged.

SECTION THREE: Places of public accommodation, convenience and resort shall be deemed to include amongst others all stores or shops, professional offices, motion picture theatres, churches, schools, athletic fields or any other places of business or

community activities open to the general public.

SECTION FOUR: Any person or persons violating any of the provisions of this ordinance shall be liable for each such offense upon summary conviction before the Burgess or any Justice of the Peace of the Borough of Lewisburg to a fine of not less than \$2.00 nor more than \$100.00 and costs of prosecution, at the discretion of such officer before whom conviction is had, and in default of the payment of said fine and costs thus imposed shall be committed by said Burgess or Justice of the Peace to the County Jail for a period not exceeding thirty (30) days.

SECTION FIVE: All ordinances or parts of ordinances only in so far as they are inconsistent herewith be and the same are hereby repealed.

Enacted and ordained into an ordinance this 8<sup>th</sup> day of February, 1960.

Attest:

Maryanne A. Diklin  
Secretary

John A. Walter (SEAL)  
President of Council

Approved this 8<sup>th</sup> day of February, 1960.

Baker Kohler (SEAL)  
Burgess

AN ORDINANCE OF THE BOROUGH OF LEWISBURG, UNION COUNTY, PENNSYLVANIA, PROHIBITING DISORDERLY GATHERINGS; PROVIDING FOR THE ARREST OF VIOLATORS AND THE PROCEDURE FOR THE RECOVERY AND COLLECTION OF POLICE SERVICE COSTS FROM PRIVATE PROPERTY OWNERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Borough has experienced a significant increase in calls to the Lewisburg Police Department requesting or requiring a response by a police officer for the purpose of dealing with public disturbances and other acts of disorderly conduct at or in connection with parties and other social events on private property; and

WHEREAS, it has become apparent that certain private properties within the Borough account for a significantly disproportionate number of the aforesaid calls; and

WHEREAS, it is the determination of the Borough Council that it is appropriate to hold the host of a disorderly party or other social event and those persons attending such party or event criminally responsible for public disturbances and other acts of disorderly conduct thereat; and

WHEREAS, it is the further determination of the Borough Council that it is appropriate to recover the costs for the use of police services from the owners of private properties at which such disorderly parties or other social events are held.

NOW, THEREFORE, be it enacted and ordained by the Borough Council of the Borough of Lewisburg, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Purpose and Intent. The Borough Council finds and determines as follows:

a. that certain private properties require a disproportionate amount of police service with many calls requiring response to maintain order and public peace and safety and to stop public disturbances at parties or other social events so that there is less police personnel and resources available for other locations, emergencies and duties within the Borough, thereby placing a disproportionate and unfair burden upon the residents of the Borough;

b. that the host of a disorderly party or other social event and those persons attending such party or event should be held criminally responsible for any public disturbances or other acts of disorderly conduct thereat;

c. that owners of private properties derive a benefit from the aforesaid police service;

d. that owners of private properties have a responsibility to manage their properties to minimize required police service to maintain order and public peace and safety and to stop public disturbances, to minimize the burden upon the residents of the Borough, and to promote the health, safety and welfare of the public in general;

e. that owners of private properties can minimize required police service to maintain order and public peace and safety and to stop public disturbances by diligent and strict management and regulation of their properties;

f. that assessment of police service costs as provided in this Ordinance is reasonable and will have a deterrent effect and encourage more responsible management of private properties; and

g. that it is not the intent of this Ordinance to discourage or suppress calls or requests for police service, but rather to encourage and stimulate diligent and strict management and regulation of private properties by the owners thereof and to promote the health, safety and welfare of the residents of the Borough.

Section 2. Definitions. As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended.

Disorderly Gathering: A gathering at which any public disturbance occurs.

Gathering: Except for those that may otherwise be permitted or authorized by Borough Council, ordinance or statute, a party or event involving a group of persons who have assembled or are assembling for a social occasion or activity on private property.

Host: The person who owns, leases or is otherwise in possession and control of the private property where the gathering takes place and who organized, sponsored, conducted, hosted or permitted such gathering, invited the persons to attend such gathering, or was otherwise in charge of such gathering.

Owner(s): The person, persons, corporation or other entity who holds record title to the private property.



**Police Service Costs:** The cost to the Borough for police services rendered in responding to a call at a disorderly gathering or otherwise maintaining order and public peace and safety and stopping public disturbances at a disorderly gathering, including, but not limited to, the salaries and other compensation of police officers, appropriate administrative costs allocable thereto, prorated costs of equipment, the cost of repairing damaged Borough equipment and property, and the cost of any medical treatment of injured police officers. This cost shall either be fixed from time to time by Borough Council based upon an average cost for a typical police response or be determined on a case-by-case basis by the Chief of Police.

**Private Property:** Any land, building or other structure, including single and multi-family dwellings and commercial and industrial buildings, not owned by a public entity.

**Public Disturbance(s):** Any act by a host or those persons attending a gathering involving public drunkenness, consumption of an alcoholic beverage in public, public urination or defecation, the unlawful deposit of trash or litter on public or private property, damage to or destruction of public or private property, the obstruction of public roads, streets, highways or sidewalks, interference with emergency or police services, unreasonable noise, use of profane or obscene language or gestures, indecent exposure, fighting or quarreling, or any other act defined as "Disorderly Conduct" in Part 1 of Chapter 6 of the Borough's Code of Ordinances or which otherwise disturbs, annoys, injures or endangers the health, safety or welfare of the residents of the Borough residing in the neighborhood or vicinity of the gathering.

**Public Entity:** Any federal, state or local government, school district, or agency or authority created or organized thereby.

**Public Property:** Any land, building or other structure owned by a public entity.

**Section 3. Violation.** No host or person attending a gathering shall commit any act of public disturbance. No host shall hold, conduct or have a gathering where any act of public disturbance occurs or continue a gathering where any act of public disturbance has occurred or is occurring.

**Section 4. Arrest of Violators.** In addition to the right to file a citation against violators under and pursuant to the Pennsylvania Rules of Criminal Procedure, police officers may also arrest a host or person attending a gathering who violates Section 3 of this Ordinance, provided



attendance at the gathering at the time of such public disturbance, although nothing herein shall prevent a host from being cited for violation of Section 3, whether or not any person attending the gathering is arrested or cited for a violation.

Section 5. Penalties. Any host or person who violates Section 3 of this Ordinance shall be guilty of the offense of disorderly gathering and upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and/or be imprisoned for a period not to exceed ninety (90) days.

Section 6. Owners Required to Pay Police Service Costs. An owner is required to pay police service costs to maintain order and public peace and safety and to stop public disturbances for each response by the police to a disorderly gathering in excess of one (1) response during any thirty (30) day period of time.

Section 7. Notice to Owners of Police Service Costs. Whenever the police are called to respond to a disorderly gathering for the purpose of maintaining order and public peace and safety and stopping public disturbances, the Chief of Police or his duly authorized designee shall notify the owner of the private property where the disorderly gathering took place and also the operator of such property, if the owner has designated an "operator" in accordance with the Borough's Property Maintenance Code, by regular mail at the last known address of such owner and operator, that the police were called to respond to a disorderly gathering at the owner's property for the purpose of maintaining order and public peace and safety and stopping public disturbances and that if the police are again called to respond to a disorderly gathering at such property within thirty (30) days after their initial response, such owner shall be required to pay police service costs to the Borough for such responses.

Section 8. Collection of Police Service Costs. After the second response to a disorderly gathering within thirty (30) days as provided in Section 7 of this Ordinance, the Chief of Police or his duly authorized designee shall notify the Borough Treasurer in writing of the name and address of the owner of the private property where the disorderly gathering took place, the dates of the initial and subsequent response(s), and the total amount of police service costs incurred for or during such responses. The Borough Treasurer or his/her duly authorized designee shall then bill the owner for the said amount, which amount shall be due and payable to

Section 9.

~~Refers to Pay Police Service Costs: Daily police service costs which have~~

not been paid within thirty (30) days of the billing therefor may be collected, together with a penalty of ten (10%) percent thereof and interest at the rate of ten (10%) percent per annum added thereto, by civil action against the owner and/or may be imposed or assessed against the owner's private property as a municipal claim as provided by law.

Section 10.

Repeal.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 11.

Severability.

If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void or unenforceable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

Section 12.

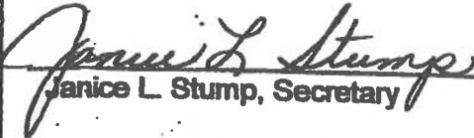
Effective Date.

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED as an Ordinance of the Borough of Lewisburg, Union County, Pennsylvania, this 15<sup>th</sup> day of May, 2001.

ATTEST:

BOROUGH OF LEWISBURG:

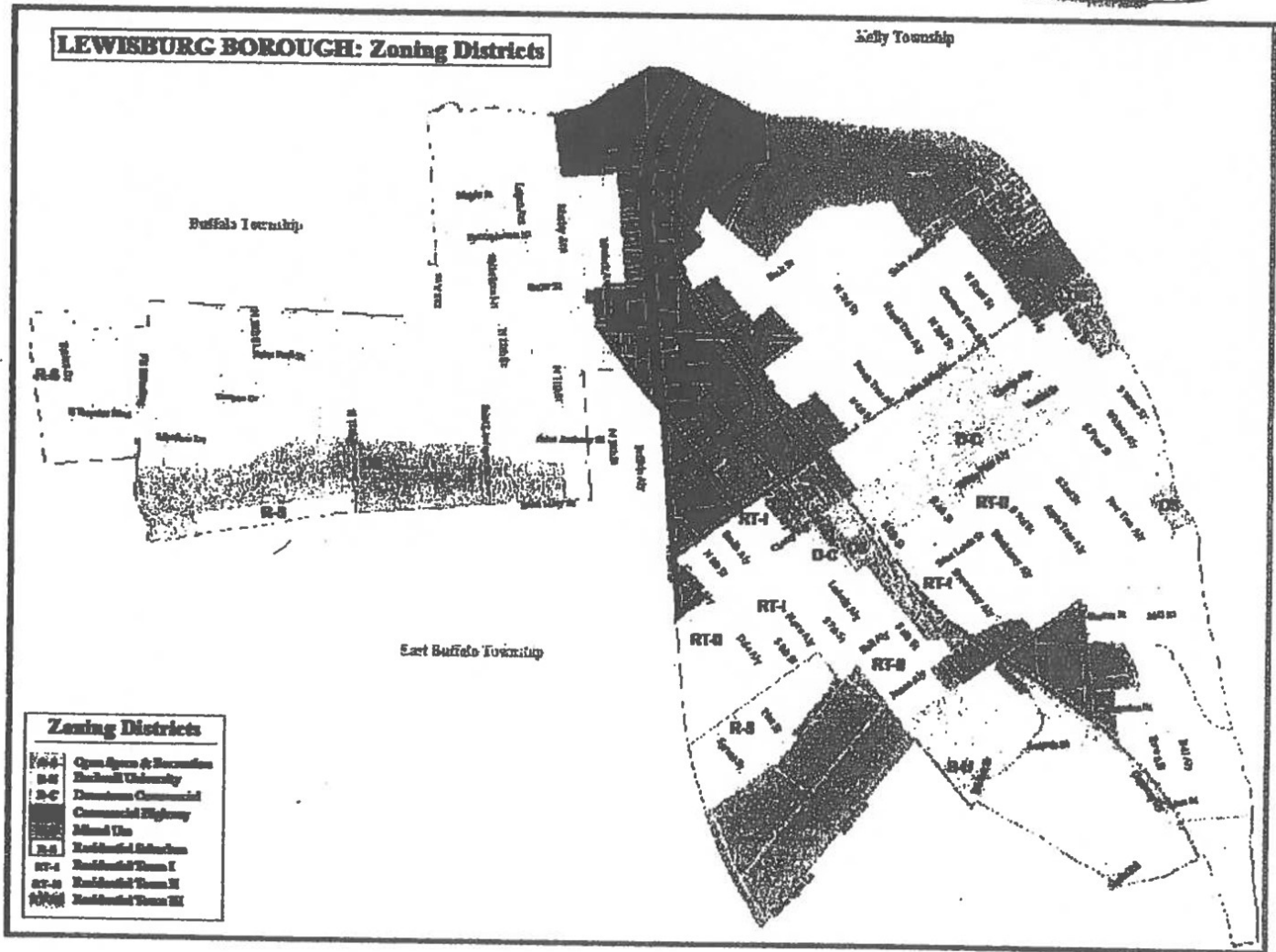
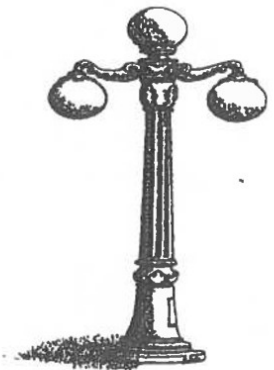
  
Janice L. Stump, Secretary

By:   
Yvonne M. Morgan, President

Approved as an Ordinance this 15<sup>th</sup> day of May, 2001.

  
Lewis L. Hendricks, Jr., Mayor

# LEWISBURG MUNICIPAL ZONING ORDINANCE



**Borough of Lewisburg, PA**  
Incorporated: March 21, 1822

Adopted by: Lewisburg Borough Council  
Prepared by: Lewisburg Planning Commission

Enacted by Ordinance No. 1010  
Effective Date: December 20, 2011

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- (3) Interior landscaping which meets the following requirements shall be provided for parking areas containing more than six thousand (6,000) sq. ft. of paved area or more than twenty (20) vehicular parking spaces, whichever is less. Interior landscaping is required in addition to required buffers and screening.
  - (a) For every ten (10) parking spaces, the applicant shall provide not less than two hundred (200) sq. ft. of interior landscaped parking lot areas containing at least one deciduous tree with a minimum caliper of two (2) inches and two (2) shrubs.
  - (b) If interior landscaping requirements cause a shortfall in the number of parking spots required for the use, as specified in Table 360-26B, each two hundred (200) sq. ft. of area designated for landscaping may be counted as one (1) parking space.
  - (c) To assure that landscaped areas are properly dispersed, and to break up large expanses of parking pavement, no individual landscape area shall be larger than five-hundred (500) sq. ft..
  - (d) Curbs or wheel stops shall be provided to prohibit bumpers and bodies of parked vehicles from overhanging an interior landscape area by more than two and one-half (2 1/2) feet.
  - (e) To retain visibility, trees shall have a clear trunk of at least five (5) feet above the ground. Shrubs and other landscape material shall not exceed three (3) feet in height.
- (4) The location of any landscaping shall not interfere with the illumination of the parking area.
- (5) Parking lot buffers shall be broken only at points of vehicular or pedestrian access.
- (6) Parking lot screening and landscaping shall meet all applicable provisions of Article VI. Any deciduous tree proposed to be located in any public right-of-way shall require a shade tree permit issued under and pursuant to the provisions of the Borough's Shade Tree Ordinance (Chapter 332)

### **§360-31. Performance Standards**

No land or building in any district in the Borough shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by this Ordinance or any federal or state agency.

#### **A. Storage of Potential Contaminants**

- (1) All outdoor bulk storage for fuel, chemicals, industrial wastes and other hazardous or toxic materials must be on impervious pavement and shall be

completely enclosed by an impervious barrier high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm event of twenty-four (24) hour duration.

- (2) Storage tanks for home heating oil and diesel fuel that do not exceed two-hundred seventy five (275) gallons in size, and containers of fuels or chemicals kept in ANSI-ASTM certified containers, shall be exempted from this requirement, provided there is no seasonal high water table (within four (4) feet of the surface), and that rapidly permeable sandy soils are not present on the site.
- B. Toxic Materials - No emission of toxic or noxious materials that are demonstrably injurious to public health and safety or animal and plant life will be permitted at or beyond the boundaries of any lot. Where such an emission may result from an accident or equipment malfunction, adequate precautions for mitigation and safe utilization in the future shall be taken.
- C. Dust, fumes, vapors, gases and odors - Emission of dust, dirt, flyash, fumes, vapors or gases that could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or that could soil or stain persons or property, at any point beyond the lot line of the use generating such emission, shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive or bothersome odors, scents or aromas (such as, but not limited to, those produced by manufacturing process, commercial food preparation, food processing, fish sales, rendering, fermentation process, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the plan submitted for a zoning permit, with a description of the source materials.
- D. Glare - No land use or establishment shall be permitted to produce a strong, dazzling light, or reflection of that light, beyond its lot lines onto neighboring properties, or onto any public way, so as to impair the vision of any driver of a vehicle upon that public right-of-way. All such activities shall also comply with applicable federal and state regulations.
- E. Noise - Between the hours of 10:00 p.m. and 7:00 a.m., noise shall be required to be muffled so as not to exceed fifty-five (55) decibels beyond the property line of the use generating said noise.
- F. Compliance with other regulations - Applicants shall conform to the following:
- (1) Refuse Disposal: All applicants shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner;
  - (2) Stormwater Run-off: Surface water run-off shall be minimized and detained on-site if possible or practicable, in accordance with the Borough Stormwater Management Ordinance;



- (3) **Erosion Control:** Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing "best management" practices, as approved by the Union County Conservation District;
- (4) **Floodplain Control:** Any proposed use or structure to be located in any floodplain shall comply with the Borough Floodplain Management Ordinance, prior to any zoning permit being issued;
- (5) **Excavation:** All excavation activities shall comply with the Pennsylvania One-Call Regulations;
- (6) **Electrical/Utility Apertures:** All electrical/utility apertures shall be installed, protected and screened in accordance with the installing utility's rules and regulations

**§360-32. Development Standards**

All applicants should attempt to conform to the illustrations in Figure(s) 360-32A and 360-32B for the uses specified in this section. However literal conformance to the illustrations shall not be mandatory, except for applications involving subdivisions, land developments, major expansions, changes in use or when the Historical and Architectural Review Board (HARB) shall mandate it.



ENACTED AND ORDAINED as an Ordinance of the Borough of Lewisburg, Union  
County, Pennsylvania, this 20<sup>th</sup> day of December, 2011.


ATTEST:

BOROUGH OF LEWISBURG:

  
\_\_\_\_\_  
Patricia M. Garrison, Secretary

By:   
\_\_\_\_\_  
Peter J. Bergonia, Jr., President

Approved as an Ordinance this 20<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Judith T. Wagner, Mayor

## DESCRIPTION

Beginning at the intersection of the western right-of-way line of North Front Street and the southern right-of-way line of Cherry Alley; thence along the southern right-of-way line of Cherry Alley to the eastern right-of-way line of North Seventh Street; thence along the eastern right-of-way line of North Seventh Street through Market Street and continuing along the eastern right-of-way line of South Seventh Street to the northern right-of-way line of White Pine Alley; thence along the northern right-of-way line of White Pine Alley to the western right-of-way line of South Front Street; thence along the western right-of-way line of South Front Street through Market Street and continuing along the western right-of-way line of North Front Street to the place of beginning.

EXHIBIT "D"