

Chapter 79

DISORDERLY HOUSES

[HISTORY: Adopted by the Borough Council of the Borough of Upland 6-27-2006 by Ord. No. 5-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Certificates of occupancy — See Ch. 69.

Curfew — See Ch. 73.

Disorderly conduct — See Ch. 78.

Noise — See Ch. 126.

Nuisances — See Ch. 129.

§ 79-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISORDERLY HOUSE — Any house, room or premises where frequent request for police services for noise, assaults, batteries, drinking of intoxicating beverages, illegal drug usage and/or sale, loitering, gaming, or other misbehavior can be documented.

FREQUENT REQUEST FOR POLICE SERVICE — More than three responses to the same address in the preceding twelve-month period.

§ 79-2. Prohibition against maintenance of disorderly house.

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 Upland.

§ 79-3. Declaration of public nuisance.

Any such disorderly house, room or other premises that shall be disruptive to the peace and well-being of the surroundings and greater community is declared to be a public nuisance by either the police or the Borough Manager or the Borough Code Officer.

§ 79-4. Notification.

After the third and final incident as defined above, the officer in charge of the Police Department, or his or her designee, and/or the Borough Manager and/or the Borough Code Officer shall, within five days, notify the property owner in writing by either certified mail, return receipt requested, posting or personal service of the Borough's intent to initiate charges with the District Court, and further, to allow said property owner and/or resident an additional five-day period, commencing on the date of service, to notify the Police Department representative and/or Borough Manager and/or Borough Code Officer, in writing, of said property resident/owner's desire to meet with the Police Department representative and/or Borough Manager and/or Borough Code Officer in an

attempt to rectify the condition to be cited. Upon timely receipt of such notification, the Police Department representative and/or Borough Manager and/or Borough Code Officer shall meet with the property owner within five days and attempt to reach an agreement. Should the parties not be able to reach an agreement, the Police Department representative and/or Borough Manager and/or Borough Code Official will proceed with the citation before District Court.

§ 79-5. Violations and penalties.

- A. Any person, legal entity, property owner, lessee or tenant, including but not limited to the keeper of all parties connected with the maintenance of the disorderly house, and all parties patronizing or frequenting same, who are found guilty under the provisions of this chapter, shall be fined not more than \$600 for each offense and be imprisoned for not more than 30 days.
- B. Upon conviction under the terms of this chapter, the Borough may revoke the occupancy certificate of any house or premises found to be a disorderly house.

§ 79-6. Reimbursement for police and administrative costs.

After the third and final incident, any property owner, lessee or tenant who maintains, keeps, leases or allows a disorderly house shall also be liable for the costs of police and administrative services and shall reimburse the Borough for such costs pursuant to the Borough's ordinance and resolution requiring reimbursement and setting the amounts of same. Said property owner, lessee or tenant shall not only be liable for the third and final incident but shall also be liable for the first and second incidents and the costs associated with all three incidents.