

**ORDINANCE NO.: A06-4**

**AN ORDINANCE TO CREATE A NEW CHAPTER OF THE CODE  
OF THE TOWN OF BRIDGEVILLE, DELAWARE, TO ENSURE THE PEACE,  
SAFETY, AND GOOD ORDER OF THE TOWN**

WHEREAS, the Commissioners of the Town of Bridgeville are concerned that certain activities could interfere with the peace, safety, and good order of the Town of Bridgeville; and

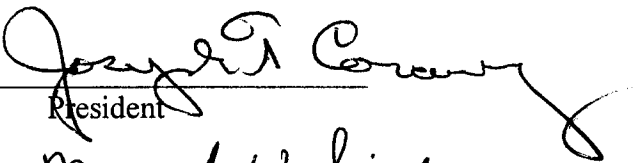
WHEREAS, the Commissioners believe that placing reasonable regulations on certain activities is the best means of protecting rights of citizens to engage in those activities while protecting the rights of the citizens of the Town to live in peace and good order,

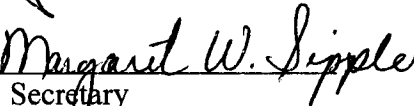
**NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN:**

Section 1. That Ordinance No. A06-4, attached hereto, is hereby adopted as an ordinance of the Town of Bridgeville.

Section 2. This ordinance shall become effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By:   
President

Attest:   
Secretary

1st Reading: June 12, 2006

2nd Reading: July 10, 2006

Adopted: July 10, 2006

Synopsis

The Town of Bridgeville wishes to adopt an ordinance to prevent activities such as loitering and disorderly conduct, and to place reasonable restrictions on demonstrations and other public gatherings that could disturb the peace, safety, and good order of the Town.

Chapter \_\_\_\_\_

**PUBLIC PEACE AND SAFETY**

**§ \_\_\_\_\_-1. Loitering.**

A. No person shall loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such a manner so as to:

1. Obstruct any public street, highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians; or

2. Commit in or upon any public street, public highway, public sidewalk, or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$150.00 and shall pay the costs of prosecution.

**§ \_\_\_\_\_-2. Disorderly Conduct.**

A. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance or if his conduct is likely to cause public danger, alarm, disorder, or nuisance, he does any of the following acts in an unreasonable manner so as to commit a breach of peace:

1. Creates a disturbance of the public order by an act of violence.

2. Engages in fighting or in violent, threatening or tumultuous behavior.

3. Makes any unreasonably loud noise.

4. Addresses abusive language or threats to any person present which creates a clear and present danger of violence.

5. Causes likelihood of harm or serious inconvenience by failing to obey a lawful order of dispersal by a police officer where one or more persons are committing acts of disorderly conduct in the immediate vicinity.

6. Damages, befouls or disturbs public property or property of another so as to create a hazardous, unhealthy or physically offensive condition.

7. Commits a trespass on public, semipublic or private property. Trespass for the purpose of this article shall mean:

(a) Entering upon, or refusing to leave, any public, semipublic or private property of another, either where such property has been posted with "NO TRESPASSING" signs or where immediately prior to such entry or subsequent thereto, notice is given by the owner or occupant, orally or in writing, that such entry or continued presence is prohibited; or

(b) Entering upon, or refusing to leave, any public or semipublic property in violation of regulations promulgated by the official charged with the security, care or maintenance of the property and approved by the governing body of the public agency owning such property, where such regulations have been conspicuously posted or where immediately prior to such entry, or subsequent thereto, such regulations are made known by the official charged with the security, care or maintenance of the property, his agent or a police officer.

8. Is drunk or intoxicated in any public place or under the influence of any narcotic drug in any public place.

9. Collects or assembles in crowds and bodies for unlawful, mischievous purposes to the annoyance or inconvenience of others or is involved in, incites or attempts to incite a riot.

10. Assembles and stands or sits in crowds or loiters about or hinders, obstructs, impedes or blocks the free and uninterrupted passage of any sidewalk, street, alley or driveway or in front of any place of business or in any hall, stairway, office, courtroom or public hall or building or any other public place in the Town and fails to disperse upon the command of a police officer or other lawful authority.

11. Jostles or roughly crowds people unnecessarily in a public place by being offensive to public order or decency.

12. Stands, loiters or strolls about in any public place awaiting or seeking an opportunity to obtain money or things of value from others by trick or fraud or to aid or assist therein.

13. Loiters, idles, is present or gathers with others in or on any public property, private parking lot or other private property during hours or times when such premises are posted as not being open to the general public.

14. Utters any lewd or filthy words or uses any threatening language toward any other person, or shall make any obscene gesture to or about any other person in any public

place, which is likely to provoke the average person to retaliation and thereby cause a breach of the peace.

B. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined for the first offense not less than \$50 nor more than \$150 and shall pay the costs of prosecution, and for each subsequent violation of any provision of this section, such person shall be fined not less than \$75 nor more than \$200 and shall pay the costs of prosecution. For all purposes of this section, a subsequent violation, before being punishable as such, shall have been committed within 30 days after the commission of the prior offense.

**§ \_\_\_\_\_ -3. Disruption of Assemblies, Religious Services, and other Lawful Gatherings.**

A. No person shall disturb any lawful assembly, religious service, memorial service, funeral, community event, or other lawful gathering of people in any public or private area by noise, by talking, by rude and indecent behavior, or by profane language within 1,000 feet of the place where such event occurs.

B. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined for the first offense not less than \$50 nor more than \$150 and shall pay the costs of prosecution, and for each subsequent violation of any provision of this section, such person shall be fined not less than \$75 nor more than \$200 and shall pay the costs of prosecution. For all purposes of this section, a subsequent violation, before being punishable as such, shall have been committed within 30 days after the commission of the prior offense.

**§ \_\_\_\_\_ -4. Assemblies on Public Property; Permit Required.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

APPLICANT – The person or persons, organization, partnership, or corporation required to apply for a permit under this section.

SPECIAL EVENT – Any public assembly or gathering of people on public property, including parks, streets, sidewalks, or other Town property not officially sponsored by the Town. By way of example and not in limitation, "Special Event" includes fairs, festivals, processions, protests, demonstrations, motorcades, parades, rallies, concerts, religious gatherings, prayer services, and memorial services.

B. License Required. No Special Event shall occur unless written notice and an application containing the following information is submitted to the Town Manager at least fifteen (15) business days in advance of the Special Event:

1. The character, time, place, and duration. If the Special Event is a moving event, such as a parade or march, the application must show the proposed route.

2. The names, addresses, and telephone numbers of the Applicants, organization, or persons responsible for the Special Event.

3. The purpose of the event and the estimated number of participants and spectators. If the event is to include vehicles, the application must state the number of vehicles estimated to participate.

C. The Town Manager shall have any agency or department he or she reasonably believes should be informed of the Special Event review the application, including, but not limited to, the Police Department, the Fire Company, and the Public Works Department. Within five (5) business days of the application, the Town Manager shall do one of the following: approve the application; approve the application with specified limitations with respect to day, time, location, duration, and any other limitations based on the review by the agency or department comments, including incremental costs necessary to provide the public services necessary to support the Special Event; deny the application in accordance with the standards set forth in Paragraph D, below.

D. The Town Manager may deny or place reasonable limitations on a Special Event for any of the following reasons:

1. The event will significantly disrupt traffic within the Town and no practical solution to such disruption is reasonably available.

2. The event will significantly interfere with access to or egress from the fire station or other emergency services facility such that emergency service will be unable to promptly respond to emergencies.

3. The location of the Special Event will cause undue hardship to adjacent businesses, residents, or property owners.

4. The event will require the diversion of town employees which would unreasonably deny service to the remainder of the Town.

5. The event will interfere with a previously scheduled event.

6. The Applicant has submitted materially incomplete or false information.

7. Any other articulable, content-neutral reason narrowly designed to advance a compelling and legitimate town interest with regard to the Special Event.

E. Method of Appealing any Action of the Town Manager. Any person aggrieved by the action of the Town Manager in approving, denying, modifying or revoking a permit may appeal to the Commissioners of Bridgeville by promptly filing with the Town Clerk a written statement setting forth fully the grounds for such appeal. Upon receipt of the written appeal, the Town Clerk shall set a time and place for hearing such appeal and shall immediately notify the

Applicant of such hearing by telephone and United States mail, postage prepaid, to the Applicant at the address provided by the Applicant to the town, or such notice shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for the hearing.

F. Appeal Hearing. At the appeal hearing, the Applicant and the Town Manager shall be entitled to present such evidence and arguments as they deem appropriate in support of their respective positions; to cross-examine witnesses; to be represented by legal counsel; and to request that witnesses be sworn. The hearing shall be tape recorded, and the Commissioners shall articulate the reasons for their decision. Strict rules of evidence shall not apply to the conduct of such hearing, but the Commissioners may hear and consider any relevant evidence which a reasonable person, in making important decisions in his/her own life, would consider and rely upon in making such decisions.

G. Permit Fee. The Applicant shall pay a nonrefundable application fee of \$100 at the time of submission of the application.

H. Penalties. Any person who conducts or participates in a Special Event for which no permit has been issued or otherwise violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined for the first offense not less than \$50 nor more than \$150 and shall pay the costs of prosecution, and for each subsequent violation of any provision of this section, such person shall be fined not less than \$75 nor more than \$200 and shall pay the costs of prosecution. For all purposes of this section, a subsequent violation, before being punishable as such, shall have been committed within 30 days after the commission of the prior offense.