

ORDINANCE NO. 233

An Ordinance of the Borough of Patterson Heights, Beaver County, Pennsylvania, to regulate activities in the Patterson Heights Borough Park and provide penalties for violations.

NOW THEREFORE, be it ordained and it is hereby enacted by the Council of the Borough of Patterson Heights, County of Beaver and Commonwealth of Pennsylvania, by the authority of the same as follows:

I

NAME

This Ordinance shall be known as "The Park Control Ordinance of 2005"

II

DEFINITIONS

In this ordinance the following definitions shall apply:

- (A) "Patterson Heights Borough Park" means the property located between Eighth Avenue and Seventh Avenue and along Sixth Street in the Borough of Patterson Heights owned and maintained by the Borough of Patterson Heights, including the playground, basketball court areas, parking area, shelter, Borough Building and all grounds, fixtures and structures appurtenant thereto.
- (B) "Remain" means loiter, idle, wander, stroll, play or be.
- (C) "Minor or Minors" means any person less than eighteen (18) years of age. For the purpose of this Ordinance any person shall be deemed to be eighteen (18) years of age on the date of his or her eighteenth birthday and not before that time.
- (D) "Parent" means the natural parent or guardian or adult person twenty-one (21) years of age or over, responsible for the custody or care of any minor.

III

UNLAWFUL CONDUCT

(A) It shall be unlawful for any person to enter upon or remain in any portion of the Borough of Patterson Heights Park between the hours of 10:00 p.m. and 6:00 a.m. Eastern Standard Time when that time is in effect in the Borough of Patterson Heights, and Daylight Saving Time when that time is in effect in the Borough of Patterson Heights.

(B) It shall be unlawful for any actor, at any time, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, to: (1) engage in fighting or threatening, violent or tumultuous behavior; (2) make unreasonable noise; (3) use obscene language, or make obscene gestures; (4) possess alcoholic beverages; or (5) create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

IV

OFFENSES

Each violation of the provisions of this Ordinance shall constitute a separate offense.

V

DUTIES OF POLICE

(A) Any Police Officer who finds an individual violating any provisions of this ordinance shall issue a citation under this Ordinance with the penalties provided herein; and

(B) Any Police Officer who finds a minor violating any provisions of this ordinance shall endeavor to obtain the name, age, date of birth and address of the minor and the names of the minor's parents. The minor shall thereupon either be brought to the police station and the parents notified or shall be taken or instructed to proceed directly to his or her home. The information obtained from the minor, together with full report, shall be transmitted to the Chief of Police who shall cause a written notice to be delivered, mailed or otherwise, to the parents of the minor advising them of the violation of this ordinance. A record of all violations shall be kept. The Police Officer of the Borough of Patterson Heights in taking a minor into custody under this Ordinance shall use discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the Officer's judgment shall prevail.

VI

PENALTIES

Any individual who violates the provisions of this Ordinance shall, after conviction, be sentenced to pay a fine of One hundred Dollars (\$100.00) and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding twenty-four (24) hours; however, for any subsequent conviction thereafter, said actor shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding fifteen (15) days.

Any parent who shall permit a Minor to violate provisions of this Ordinance after having received notice of a prior violation shall, after conviction, be sentenced to pay a fine of One Hundred (\$100.00) Dollars and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding twenty-four (24) hours; however, for any subsequent conviction thereafter, said parent shall be fined not less than Two Hundred (\$200.00) Dollars nor

more than Five Hundred (\$500.00) Dollars and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding fifteen (15) days.

Any Minor who shall violate this Ordinance more than three (3) times shall be reported to a Society, Department of Government or Organization whose purpose is to take charge of incorrigibles and delinquents and proceedings will then be taken in a Court of Quarter Sessions or Juvenile Court for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent or Operator shall not be effective, or where for any other reason on the provisions of this Ordinance cannot be made effective by fines and penalties imposed thereunder.

VII

CONSTITUTIONALITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining provisions of this Ordinance.

VIII

REPEALS

All other Ordinances or parts of Ordinances, resolutions or parts of resolutions, inconsistent herewith are repealed.

ENACTED AND ORDAINED this 1st Day of July, 2005.

TOWN COUNCIL OF THE BOROUGH
OF PATTERSON HEIGHTS



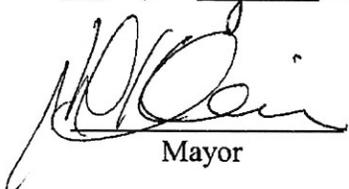
President of Council

Attest:



Borough Secretary

Examined and approved this 1st day of August, 2005.



Mayor