

BOROUGH OF PATTERSON HEIGHTS

BEAVER COUNTY, PENNSYLVANIA

ORDINANCE NO. 239

"AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 173 OF 1975 BY PROVIDING FOR AN INCREASE IN FINES FOR VIOLATION OF THE CURFEW ORDINANCE OF 1975 AND ADJUSTING HOURS OF CURFEW"

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Patterson Heights that Ordinance 173 of 1975 is hereby amended in the following particulars:

ORDINANCE 173 of 1975 which presently reads:

ORDINANCE NO. 173

An Ordinance of the Borough of Patterson Heights, Beaver County, Pennsylvania, to regulate the presence of minors under the age of eighteen (18) years in public places and in private establishments in the Borough of Patterson Heights between certain hours; defining the duties and responsibilities of parents and proprietors of establishments in this connection; and providing penalties for violations.

NOW THEREFORE, be it ordained and it is hereby enacted by the Town 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 Curfew Ordinance of 1975.

II

DEFINITIONS

In this ordinance the following definitions shall apply:

- (A) "Public Place" means any public street, highway, road, alley, park, playground, vacant lot, public building, railway station, bus terminal or similar place.

- (B) "Establishment: means any privately owned place of business, any place of amusement or entertainment to which the public is invited and any similar place.
- (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) "Operator" means any individual, firm, association, partnership or corporation, owning, operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty the word "operator" as applied to association or partnership shall include the members, partners, officers and managers thereof or any of them and as applied to corporations, shall include officers and managers thereof or any of them.
- (E) "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.
- (F) "Remain" means loiter, idle, wander, stroll, play or be.
- (G) "After Hours" means the period of time each night specified below:
 - 1. In this ordinance the Time shall be construed to mean no later than from the hours of 11:00 P.M. to 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.

III

UNLAWFUL CONDUCT OF MINORS

It shall be unlawful for any minor to remain in or upon any public place or establishment in the Borough of Patterson Heights after hours unless accompanied by a parent or upon an errand of other legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case said minor shall carry written identification and evidence of employment.

IV

UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS

It shall be unlawful for any operator of an establishment knowingly to permit any minor to remain in or upon the premises of said establishment after hours.

V

OFFENSES

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

VI

DUTIES OF POLICE

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 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 their discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the Officer's judgment shall prevail.

VII

PENALTIES

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 Five (\$5.00) 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 Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding fifteen (15) days.

Any Operator who shall violate this Ordinance shall, upon conviction thereof for the first offense, be sentenced to pay a fine of Ten (\$10.00) Dollars and in default of payment thereof shall be sentenced to undergo imprisonment in the Beaver County Jail for a period of not more than five (5) days; however, for any subsequent conviction thereafter, said Operator shall be fined not less than Twenty-five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars and in default of payment thereof shall be sentenced to undergo imprisonment in the Beaver County Jail for a period of not less than fifteen (15) days nor more than thirty (30) 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.

VIII

RULES AND REGULATIONS

The Chief of Police is hereby authorized from time to time to promulgate such rules and regulations including the extension of hours for special occasions, as in his sole and uncontrolled discretion shall be necessary or useful in the enforcement of this Ordinance.

IX

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.

REPEALS

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

ENACTED AND ORDAINED this Seventh Day of July, 1975.

TOWN COUNCIL OF THE BOROUGH
OF PATTERSON HEIGHTS

Byron B. Luce /s/

President of Council

Attest:

David Danhart /s/

Borough Secretary

Examined and approved this 7 day of July, 1975.

Perry M. Small /s/

Mayor

is hereby amended to read as follows:

An Ordinance of the Borough of Patterson Heights, Beaver County, Pennsylvania, to regulate the presence of minors under the age of eighteen (18) years in public places and in private establishments in the Borough of Patterson Heights between certain hours; defining the duties and responsibilities of parents and proprietors of establishments in this connection; and providing penalties for violations.

NOW THEREFORE, be it ordained and it is hereby enacted by the Town 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 Curfew Ordinance of 2005.

II

DEFINITIONS

In this ordinance the following definitions shall apply:

- (A) "Public Place" means any public street, highway, road, alley, park, playground, vacant lot, public building, railway station, bus terminal or similar place.
- (B) "Establishment: means any privately owned place of business, any place of amusement or entertainment to which the public is invited and any similar place.
- (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) "Operator" means any individual, firm, association, partnership or corporation, owning, operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty the word "operator" as applied to association or partnership shall include the members, partners, officers and managers thereof or any of them and as applied to corporations, shall include officers and managers thereof or any of them.

- (E) "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.
- (F) "Remain" means loiter, idle, wander, stroll, play or be.
- (G) "After Hours" means the period of time each night specified below:
 - 1. In this ordinance the Time shall be construed to mean no later than from the hours of 11:00 P.M. to 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.

III

UNLAWFUL CONDUCT OF MINORS

It shall be unlawful for any minor to remain in or upon any public place or establishment in the Borough of Patterson Heights after hours unless accompanied by a parent or upon an errand of other legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case said minor shall carry written identification and evidence of employment.

IV

UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS

It shall be unlawful for any operator of an establishment knowingly to permit any minor to remain in or upon the premises of said establishment after hours unless accompanied by a parent or upon an errand of other legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case said minor shall carry written identification and evidence of employment.

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OFFENSES

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

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DUTIES OF POLICE

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 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 their discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the Officer's judgment shall prevail.

VII

PENALTIES

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 Operator who shall violate this Ordinance shall, upon conviction thereof for the first offense, be sentenced to pay a fine of Two Hundred (\$200.00) Dollars and in default of payment thereof shall be sentenced to undergo imprisonment in the Beaver County Jail for a period of not more than five (5) days; however, for any subsequent conviction thereafter, said Operator 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 be sentenced to undergo imprisonment in the Beaver County Jail for a period of not less than fifteen (15) days nor more than thirty (30) 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.

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The Chief of Police is hereby authorized from time to time to promulgate such rules and regulations including the extension of hours for special occasions, as in his sole and uncontrolled discretion shall be necessary or useful in the enforcement of this Ordinance.

IX

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.

REPEALS

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

ENACTED AND ORDAINED this 11th 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 Aug., 2005.

Mayor