

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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132. REGISTERED SEXUAL VIOLENT OFFENDERS

Patterson Heights Borough - General Offenses

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Discharging projectiles; weapons

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' 130.01 DISCHARGING PROJECTILES; WEAPONS.

(A) No person shall, except in necessary defense of person or property, fire or discharge any gun or firearm within the borough, unless granted advance permission in writing by the Chief of Police.

(B) The provision in division (A) of this section shall not apply to members of federal, state or local law enforcement agencies, when engaged in the performance of their duties within the borough, nor to the use of starter pistols for the purpose of starting or officiating at athletic events, not in dramatic productions, or similar events.

(Ord. 17, passed 11-12-1908) Penalty, see ' 130.99

' 130.99 PENALTY.

It shall be the duty of the Borough Police Department, or the Police Department contracted by the borough for such services, to enforce the provisions of ' 130.01 of this chapter. Any person violating the provisions of ' 130.01 shall, upon conviction thereof, be sentenced by the Magisterial District Judge to a fine of not less than \$100 for each offense, and in default of payment thereof, may commit such convicted person to the county jail for a period not exceeding 30 days.

(Ord. 17, passed 11-12-1908)

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CHAPTER 131: CURFEW

Section

- 131.01 Title
- 131.02 Definitions
- 131.03 Unlawful conduct of minors
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- 131.05 Offense
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' 131.01 TITLE.

This chapter shall be known as the ACurfew Ordinance of 2005@.
(Ord. 235, passed 7-11-2005)

' 131.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AFTER HOURS. The period of time each night specified. In this chapter 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, and Daylight Saving Time when that time is in effect in the borough.

ESTABLISHMENT. Any privately owned place of business, any place of amusement or entertainment to which the public is invited and any similar place.

MINOR or MINORS. Any person less than 18 years of age. For the purpose of this chapter, any person shall be deemed to be 18 years of age on the date of his or her eighteenth birthday and not before that time.

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OPERATOR. 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.

PARENT. The natural parent or guardian or adult person 21 years of age or over, responsible for the custody or care of any minor.

PUBLIC PLACE. Any public street, highway, road, alley, park, playground, vacant lot, public building, railway station, bus terminal or similar place.

REMAIN. Loiter, idle, wander, stroll, play or be.
(Ord. 235, passed 7-11-2005)

' 131.03 UNLAWFUL CONDUCT OF MINORS.

It shall be unlawful for any minor to remain in or upon any public place or establishment in the borough after hours unless the minor is:

- (A) Accompanied by the minor=s parent or guardian;
- (B) On an errand at the direction of the minor=s parent or guardian, without any detour or stop;
- (C) In a motor vehicle involved in interstate travel;
- (D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (E) Involved in an emergency;
- (F) On the sidewalk abutting the minor=s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor=s presence;
- (G) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (H) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

Curfew

(I) Married or had been married or had disabilities of minority removed in accordance with state law.

(Ord. 235, passed 7-11-2005) Penalty, see ' 131.99

' 131.04 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.

(Ord. 235, passed 7-11-2005) Penalty, see ' 131.99

' 131.05 OFFENSE.

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

(Ord. 235, passed 7-11-2005)

' 131.06 DUTIES OF POLICE.

(A) Any police officer who finds a minor violating any provisions of this chapter 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 chapter. A record of all violations shall be kept.

(B) The police officer of the borough in taking a minor into custody under this chapter shall use his or her discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the officer=s judgment shall prevail.

(Ord. 235, passed 7-11-2005)

' 131.07 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 or her sole and uncontrolled discretion shall be necessary or useful in the enforcement of this chapter.

(Ord. 235, passed 7-11-2005)

Patterson Heights Borough - General Offenses**' 131.99 PENALTY.**

(A) Any parent who shall permit a minor to violate provisions of this chapter after having received notice of a prior violation shall, after conviction, be sentenced to pay a fine of \$100 and in default of payment thereof shall undergo imprisonment in the county jail for a period not exceeding 24 hours; however, for any subsequent conviction thereafter, said parent shall be fined not less than \$200 nor more than \$500 and in default of payment thereof shall undergo imprisonment in the county jail for a period not exceeding 15 days.

(B) Any operator who shall violate this chapter shall, upon conviction thereof for the first offense, be sentenced to pay a fine of \$200 and in default of payment thereof shall be sentenced to undergo imprisonment in the county jail for a period of not more than five days; however, for any subsequent conviction thereafter, said operator shall be fined not less than \$200 nor more than \$500 and in default of payment thereof shall be sentenced to undergo imprisonment in the county jail for a period of not less than 15 days nor more than 30 days.

(C) Any minor who shall violate this chapter more than three 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 his or her 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 chapter cannot be made effective by fines and penalties imposed thereunder.

(Ord. 235, passed 7-11-2005)

CHAPTER 132: REGISTERED SEXUAL VIOLENT OFFENDERS

Section

- 132.01 Definitions
- 132.02 Sexual offender residency restrictions
- 132.03 Notice to move
- 132.04 Exemptions to residency restrictions
- 132.05 Enforcement

- 132.99 Penalty

' 132.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOROUGH. The Borough of Patterson Heights, including its residents and all land within its territorial boundaries.

CHILD CARE FACILITY. A licensed day care center, licensed child care facility or any other child care services facility exempt from licensing to the laws of the commonwealth.

COMMON OPEN SPACE. The area of land or water available and accessible for use by the public and residents of the borough which is restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for the residents of the borough. ***OPEN SPACE*** generally includes such land or area of land that is regulated, maintained or owned by the borough, or by community associations, and may include steep slopes, floodplains and other significant features to be preserved.

PATTERSON HEIGHTS BOROUGH PARK. 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, including the playground, basketball court areas, parking area, shelter, borough building and all grounds, fixtures and structures appurtenant thereto.

PERMANENT RESIDENCE. A place where a person lives, abides, lodges or resides for 14 or more consecutive days.

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SEX OFFENDER. Any person, over the age of 18 years, who has been convicted of any sexual offense or crime as defined in 42 Pa.C.S.A. ' 9795.1, including, but not limited to, kidnapping where the victim is a minor, institutional sexual assault, indecent assault, incest, prostitution and related offenses, sexual abuse of a child, unlawful contact with a minor, sexual exploitation of a minor, rape, involuntary deviate sexual intercourse, sexual assault and aggravated indecent assault. ***SEX OFFENDER*** shall also include any individuals convicted of any attempt to commit offenses as enumerated herein.

TEMPORARY RESIDENCE. A place where a person lives, abides, lodges or resides for a period of less than 14 days in the aggregate during any calendar year, which is not the person=s permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person=s permanent residence.

(Ord. 243, passed - -2008)

' 132.02 SEXUAL OFFENDER RESIDENCY RESTRICTIONS.

(A) It shall be unlawful for any sex offender or other person over the age of 18 years who has been convicted of a violation which requires registration pursuant to 42 Pa.C.S.A. " 9791 et seq., or who has been convicted of a violation which requires registration in another jurisdiction, to reside, lodge, abide or live within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the borough.

(B) For the purpose of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the Patterson Heights Borough Park or the child care facility or common open space within the borough.

(C) Such person who resides or lives within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the borough shall have 60 days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this chapter.

(Ord. 243, passed - -2008) Penalty, see ' 132.99

' 132.03 NOTICE TO MOVE.

Registered Sexual Violent Offenders

Any sex offender who resides on a permanent or temporary basis within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the borough shall, within 60 days of receipt of written notice of the sex offender=s noncompliance with this chapter, move from said location to a new location, but said location may not be within 500 feet of the Patterson Heights Borough Park or any child care facility or common, open space within, the borough. It shall constitute a continuing violation for each day beyond the 60 days the sex offender continues to reside within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the borough. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the borough to another that is within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the borough.

(Ord. 243, passed - -2008)

' 132.04 EXEMPTIONS TO RESIDENCY RESTRICTIONS.

This chapter shall not apply to any person or sex offender who has established a residence prior to the date of adoption of this chapter, and shall not apply if the child care facility or common open space within 500 feet of sexual offender=s residence or lodging was established subsequent to the establishment of this sex offender=s residence or lodging. The provisions of this section shall not apply to any person or sex offender who has established a residence or lodging, and then relocates to a different residence or lodging within the borough after the adoption of this chapter.

(Ord. 243, passed - -2008)

' 132.05 ENFORCEMENT.

All agencies and authorities within the borough, including, but not limited to, the Patterson Township Police Department, have full authority to enforce this chapter, and impose such fines and other penalties as necessary and appropriate.

(Ord. 243, passed - -2008)

' 132.99 PENALTY.

Any violation of this chapter shall be punishable by imprisonment for a term not exceeding 90 days and a fine not exceeding \$1,000 for each violation, in addition to the costs of prosecution and attorney fees.

(Ord. 243, passed - -2008)

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