

TOWNSHIP OF OHIO
ORDINANCE NO. 206

AN ORDINANCE REPEALING ORDINANCE 26 CONCERNING CURFEW FOR ALL PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS AND SUBSTITUTING THIS ORDINANCE DEFINING TERMS; CREATING HOURS OF CURFEW FOR MINORS; CREATING OFFENSES FOR MINORS, PARENTS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

NOW, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ohio, County of Allegheny, and Commonwealth of Pennsylvania, and it is HEREBY ORDAINED and ENACTED by the authority of same:

SECTION I.
Repealer

1.01. Ordinance No. 26 and subsequent amendments thereto previously enacted by the Board of Supervisors of the Township of Ohio are hereby each repealed in their entirety, and of no further force and effect.

SECTION II.

2.01. The following provisions shall be substituted therefore.

2.02. Definitions. In this section:

(1) CHIEF OF POLICE means the chief of police of Ohio Township or a designated representative.

(2) CURFEW HOURS means:

(a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and

(b) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

(3) DIRECT ROUTE means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

(4) EMERGENCY means, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(5) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(6) HOLDING LOCATION means a place designated by the chief of police to which a minor taken into custody for a violation of this section will be delivered to await pick up by a parent or juvenile authorities.

(7) MINOR means any person under 18 years of age.

(8) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(9) PARENT means a person who is:

(a) a natural or adoptive parent of another person;

(b) a court-appointed guardian of another person;

(c) at least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

(10) PUBLIC PLACE means any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

(11) REMAIN means to:

(a) linger or stay unnecessarily; or

(b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

2.03. Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the Township during curfew hours.

(2) A parent of a minor commits an offense if he

knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Township during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishing during curfew hours.

2.04 Defenses.

(1) It is a defense to prosecution under Section 2.03 that the minor was:

- (a) accompanied by the minor's parent;
- (b) on an errand at the direction of the minor's parent and was using a direct route;
- (c) in a motor vehicle involved in interstate travel;
- (d) engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;
- (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 officer about the minor's presence;
- (g) attending an official school or religious activity or returning home by a direct route from an official school or religious activity;
- (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
- (i) married or had been married or had disabilities of minority removed.

(2) It is a defense to prosecution under Subsection 2.03(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

2.05 Enforcement.

(1) A police officer, upon finding a minor in violation of Section 2.03(1) shall:

(a) ascertain the name and address of the minor;

(b) issue to the minor a written warning that the minor is in violation of Section 2.03(1); and

(c) order the minor to go promptly home by a direct route.

(2) Notwithstanding Paragraph (1) of this subsection, a police officer, upon finding a minor in violation of Subsection 2.03(1), may take the minor into custody and deliver the minor to a holding location if:

(a) the minor has received two (2) previous written warnings for a violation of Subsection 2.03(1); or

(b) reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision in accordance with the juvenile law of the Commonwealth of Pennsylvania.

(3) When a minor is taken into custody under this subsection, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides the information required by the chief of police to file an incident report, the minor shall be released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities.

(4) If a minor is not taken into custody for a violation of Section 2.03(1), the police department shall by certified mail, return receipt requested, notify a parent of the minor that the minor has violated Section 2.03(1) and include a warning that any subsequent violation may result in prosecution of the minor and the parent under this section. If the minor was found in violation of Subsection 2.03(1) at an establishment, the police department shall by certified mail, return receipt requested, notify the owner, operator, or employee of the establishment of the violation and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this section.

(5) A police officer or his supervisor shall file a written report on any incident involving finding a minor in violation of Section 2.03(1).

2.06 Penalties

(1) Any minor who violates Section 2.03(1) three or more times within any twenty-four (24) month period is subject to appropriate action by the local District Justice, or Juvenile Court, in the discretion of the prosecuting officer, including but not limited to a fine not to exceed \$500.00 and/or thirty (30) days incarceration.

(2) A parent of a minor who violates Section 2.03(2) is, upon conviction, punishable by a fine not to exceed \$500.00 and/or thirty (30) days incarceration.

(3) The owner, operator, or employee of an establishment who violates Section 2.03(3) is, upon conviction, punishable by a fine not to exceed \$500.00 and/or thirty (30) days incarceration.

SECTION III.

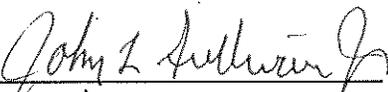
3.01. That within eighteen (18) months after the passage of this ordinance, the Chief of Police shall review this ordinance and make recommendations to the Board of Supervisors concerning the effectiveness of and the continuing need for the ordinance.

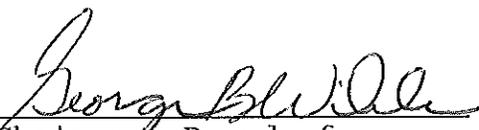
3.02. That the terms and provisions of this ordinance are severable.

3.03. This ordinance shall take effect immediately after its passage.

ORDAINED AND ENACTED INTO LAW BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF OHIO, this 8th day of July, 1996.

ATTEST:


Secretary
(SEAL OF THE TOWNSHIP
OF OHIO)

By: 
Chairman, Board of
Supervisors

APPROVED AS TO FORM:

Michael J. Witherel, Esq.
Solicitor, Township of
Ohio