

OFFICIAL

**BOROUGH OF ASPINWALL
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF ASPINWALL, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6, CONDUCT, TO AMEND PART 1, CURFEW, TO AMEND THE CURFEW HOURS WITHIN THE BOROUGH AND TO AMEND CERTAIN REGULATIONS PERTAINING TO CURFEW OFFENSES AS THEY RELATE TO MINORS.

WHEREAS, Section 1202(5) of the Pennsylvania Borough Code, 8 Pa. C.S. §1202(5), authorizes the Borough of Aspinwall (“Borough”) to establish regulations as may be necessary for the health, safety, morals, and general welfare and cleanliness and beauty, convenience, and comfort, of the Borough; and

WHEREAS, Chapter 6, Part 1, of the Borough Code of Ordinances, Curfew, (“Curfew Ordinance”) does establish curfew hours and sets forth certain rules, regulations and penalties related to the same; and

WHEREAS, the Council of the Borough of Aspinwall (“Borough Council”) has reviewed the current curfew hours, and certain other language contained in the Curfew Ordinance; and

WHEREAS, Borough Council believes that it is in the best interests of the Borough and its residents, in furtherance of the health, safety, morals, and general welfare and cleanliness and beauty, convenience, and comfort, of the Borough, to amend the curfew hours to begin at 10:00 p.m., on Sunday through Thursday, and at 11:00 p.m. on Saturdays.

NOW, THEREFORE, the Council of the Borough of Aspinwall hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Chapter 6, Part 1, of the Borough Code of Ordinances, Curfew, is amended as follows by inserting the underlined text and deleting the stricken text:

§ 6-101 Definitions and Interpretation.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

CURFEW HOURS

The hours of ~~11:00 p.m.~~ 10:00 p.m., on Sunday through Thursday until 5:00 a.m., of the following day; and ~~12:01 a.m.~~ 11:00 p.m., on Saturday, ~~and Sunday.~~

§6-104 Procedures for Violation.

1. Minors. Any minor found in a public place, motor vehicle and/or establishment within the Borough in violation of § 6-103 above shall be:
 - A. Issued a warning, which shall be followed by a written warning mailed by the Police Department to the minor and his or her parent(s).
 - B. If the minor has previously been issued a warning for any such violation or if the police officer determines that a warning would not prevent further violations of the law, then the minor shall be charged with a violation of this Part and, as soon as practical, the Police Department shall release the minor from custody to the minor's parent(s) or legal guardian(s).
 - ~~(1) — Release the minor from custody to his or her parent(s).~~
 - ~~(2) — Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor.~~
 - ~~(3) — If a minor refuses to give a police officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a juvenile shelter and/or juvenile court facility.~~

SECTION 2. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 3. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this _____ day of _____, 2022, by the Council of Aspinwall Borough in lawful session duly assembled.

ATTEST:

BOROUGH OF ASPINWALL

Melissa Lang O'Malley
Borough Manager/Secretary
(SEAL)

By: _____
Tim McLaughlin
President, Borough Council

EXAMINED and **APPROVED** this _____ day of _____, 2022.

Joseph Noro
Mayor