

CITY OF JEANNETTE  
MINOR CURFEW ORDINANCE  
ORDINANCE NO. 22-06

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS DURING NIGHT AND SCHOOL HOURS; REPEALING PRIOR ORDINANCES; ESTABLISHING UNLAWFUL CONDUCT OF MINORS, PARENTS, AND ESTABLISHMENT OPERATORS; DEFINING EXCEPTIONS TO UNLAWFUL CONDUCT; ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE 109 AND INCONSISTENT ORDINANCES; AND PROVIDING FOR PENALTIES AND ENFORCEMENT.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12420, affords the City of Jeannette with the power “to establish and enforce suitable police regulations for the protection of individuals and property;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12422, affords the City of Jeannette with the power “to prevent and restrain riots, noises, disturbances, or disorderly assemblies in any street, house, or place in the city;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12005, affords police officers of the City of Jeannette with certain powers relating to the arrest of individuals;

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12432, affords the City of Jeannette with the power “prohibit disorderly conduct within the limits of the city and provide for the imposition of penalties in accordance with” the Third Class City Code; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power “to prohibit and abate nuisances;” and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs;” and

WHEREAS, there have been recent instances of violent and other crimes perpetrated by and against minors within the City of Jeannette; and

WHEREAS, it is the desire of the City of Jeannette to protect the residents, including both adults and minors, and property located within the boundaries of the City of Jeannette.

**BE IT ENACTED AND ORDAINED** by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1. Repeal of Prior Ordinance.**

Ordinance No. 109, enacted July 8, 1943, is hereby repealed.

**Section 2. Policy and Intent.**

(a) Violence in our community committed by and against minors is a cause of great concern for the immediate health, safety, and general welfare of our citizens. The City of Jeannette highly values the health, safety, and general welfare of our minors, and has a vested interest in preserving and nurturing them as a valuable asset and investment in Jeannette's future. Persons under the age of eighteen (18) are vulnerable to be pressured to participate in violent, criminal, or unlawful activities and to be victims of perpetrators of violent or other crimes due to their general lack of maturity and experience. Minors who are present in public places during the late night and early morning hours and during school hours are particularly vulnerable to being victimized and abused. The City of Jeannette needs effective tools available to protect minors from the dangers that exist in the late night and early morning hours and during school hours at public places and to provide parental aid for the parents of such minors.

(b) The City Council of the City of Jeannette, recognizing the problem of crimes committed by and committed against minors during the late night and early morning hours and during school hours and believing that it can be dealt with more effectively by regulating the hours during which minors may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have custody and responsibility for the care of such minors, hereby enacts this ordinance with the intent of promoting the general welfare and protecting the general public through the reduction of juvenile violence and crime within the City of Jeannette, promoting the safety and welfare of the City's minors whose youth and inexperience renders them particularly vulnerable to becoming participants in criminal activity and victims of perpetrators of crime, and fostering and strengthening parental responsibility and parental aid for children and their parents.

**Section 3. Definitions.**

The following terms, words, and phrases, whenever used in this ordinance, shall be construed and defined as follows:

- (a) "After Hours" shall mean the period between the hours of 11:00 p.m. and 6:00 a.m. each night.

- (b) "During School Hours" shall mean the period between the hours of 9:00 a.m. and 2:30 p.m. during any school day except any school day on which a school cancellation, vacation, or holiday is officially observed by the school attended by such minor.
- (c) "Establishment" shall mean any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.
- (d) "Emergency" shall refer to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb, or property. The term includes but is not limited to fires, natural disaster, automobile accidents, or similar circumstances.
- (e) "Knowingly" shall mean knows or has reason to know.
- (f) "Minor" shall mean any person less than eighteen (18) years of age and does not include any person who is married or who is emancipated. 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 18<sup>th</sup> birthday and not before such date.
- (g) "Operator" shall mean any individual, firm, association, partnership, or corporation owning, operating, managing, or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.
- (h) "Parent" shall mean the biological or adoptive parent of a minor; a legal guardian; or an adult person twenty-one (21) years of age or older and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.
- (i) "Public Place" shall mean any public street, highway, road, alley, park, playground, or parking lot, or any private building, structure or area to which the public is invited or in which the public is allowed to remain.
- (j) "Remain" shall mean to be at or stay at a place.

**Section 4. Unlawful Conduct of Minor.**

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment within the boundaries of the City of Jeannette after hours or during school hours, except as follows:

- (a) The minor is accompanied by a parent;

- (b) The minor is involved in an emergency;
- (c) The minor is engaged in an activity related to his or her employment, or is going to or returning home from such activity, without detour or stop;
- (d) The minor is on the sidewalk directly abutting a place where he or she resides with a parent, or the minor is on the property or the sidewalk of an adult next-door neighbor with that neighbor's permission;
- (e) The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop and has acceptable documentation thereof;
- (f) The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand. No minor or parent shall falsify the document described above;
- (g) The minor is involved in interstate travel through or beginning or terminating in the City of Jeannette and has acceptable documentation thereof;
- (h) The minor is exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly and such exercise is otherwise peaceful and lawful;
- (i) The minor is a homeless juvenile who uses the public place as his or her usual abode and has not refused the assistance of the City or other social service agencies or organizations;
- (j) The minor is absent from school during school hours with permission to be absent from school and the minor has in his or her possession a writing signed by the parent or an authorized school official containing the following information: the name, signature, address and telephone number of the parent authorizing the absence, the telephone number where the parent may be reached during the absence, the name of the minor. No minor or parent shall falsify the document described above;
- (k) The minor is absent from school during school hours and the minor is on a vacation scheduled by such minor's parent and has acceptable documentation thereof; or
- (l) The minor is at a public place or establishment for an activity or event not otherwise covered by this ordinance where City Council has provided authorization.

**Section 5. Unlawful Conduct of Parents.**

No parent shall knowingly permit any minor to remain in or upon any public place or establishment after hours or during school hours unless the minor is engaged in an activity permitted under Section 4 of this ordinance.

**Section 6. Unlawful Conduct of Operators of Establishments.**

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment after hours or during school hours.

**Section 7. 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 opinion shall be necessary or useful in the enforcement of this ordinance. Such rules and regulations shall, however, be subject to the approval of the City Council of the City of Jeannette.

**Section 8. Enforcement.**

Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in Section 4 of this ordinance applies. The officer may issue a citation against the minor and/or the parent.

**Section 9. Report to Council.**

If requested by the City Council of the City of Jeannette, one (1) year following the effective date of this ordinance, the Chief of Police, or his designee, shall, at the request of City Council, prepare and present a report to the City Council of the City of Jeannette concerning the effectiveness of and continuing need for this ordinance. The report shall include, but not be limited to, the following information:

- (a) The practicality of enforcing the ordinance and any problems with enforcement identified by the Police Department and the City of Jeannette;
- (b) The impact of this ordinance and support programs on juvenile crime statistics;
- (c) The number of juveniles detained for curfew violations; and
- (d) The number of official citizen complaints filed regarding the enforcement of this ordinance.

**Section 10. Severability.**

If any provisions, sentence, clause, section, or part of this ordinance or application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the City Council of the City of Jeannette that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, or part not been included herein.

**Section 11. Penalties.**

(a) Any minor or parent who violates the provisions of this ordinance may be issued a non-traffic summary citation. The minor may be taken into temporary custody, in accordance with the guidelines for juveniles set forth by the Pennsylvania Commission on Crime and Delinquency, in which case his or her parents or other appropriate person shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister eighteen (18) years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare. A referral to supportive services shall be made where appropriate.

(b) Any minor or parent who violates any provision of this ordinance is guilty of a summary offense and, upon conviction thereof, shall be subject to fine of twenty-five dollars (\$25.00) to three hundred dollars (\$300.00) and/or community service and with referral to supportive services where appropriate.

(c) Any operator convicted of violating the provisions of this ordinance shall be fined twenty-five dollars (\$25.00) to three hundred (\$300.00).

(d) Each violation of the provisions of this ordinance shall constitute a separate offense.

(e) Enforcement of this ordinance shall be by the police officers of the City of Jeannette and such other person(s) as may be appointed by City Council.

**Section 12. Repealer.**

Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

**Section 13. Effective Date.**

This ordinance shall become effective ten (10) days after enactment.

ORDAINED AND ENACTED by the City Council of the City of Jeannette, Westmoreland County, Pennsylvania, this 8<sup>th</sup> day of September, 2022.



ATTEST:

CITY OF JEANNETTE

A handwritten signature in black ink, appearing to read "Curtis J. Antoniak", written over a horizontal line.

Curtis J. Antoniak,  
Mayor and President of Council

By: A handwritten signature in blue ink, appearing to read "Ben Walker", written over a horizontal line.  
Benjamin D. Walker, City Clerk