

CHAPTER 6

CONDUCT

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PART 1
CURFEW

§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:

MINOR - person under the age of 17 years.

PARENT - any natural parent of a minor, as herein defined, or a guardian or any adult person responsible for the care and custody of a minor. When used in this Part "parent" shall mean one or both parents.

PUBLIC PLACE - any public street, alley, sidewalks, park, playground, public building or vacant lot in the Township of Vernon.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets including the congregating of groups (or of interacting minors) totalling four or more persons in which any minor involved would not be using the streets for emergencies or ordinary purposes such as mere passage of going home.

2. In this Part the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 1990-2, 5/3/1990, §1)

§102. PURPOSES.

This is a curfew ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Township of Vernon from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activities, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

(Ord. 1990-2, 5/3/1990, §2)

§103. CURFEW; EXCEPTIONS.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township of Vernon or in any enclosure or vehicle which is on and in close proximity to any such public place within the Township of Vernon between the hours of 12 p.m. and 6 a.m. on the following day with the following exceptions:

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- A. A minor accompanied by a parent, guardian or other person having legal care or custody of such minor.
- B. A minor possessing a written statement dated that day and signed by a parent, guardian or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Part.
- C. A minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by the minor's employer and by the minor's parent or guardian.
- D. A minor on an emergency errand.
- E. A minor traveling to and from church, school or municipal activity with a parental permission statement as set forth in subsection (B) of this Section.

(Ord. 1990-2, 5/3/1990, §3)

§104. PARENTS NOT TO PERMIT VIOLATION.

It is hereby unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit the minor to violate any of the provisions of this Part without legal justification therefor.

(Ord. 1990-2, 5/3/1990, §4)

§105. PROCEDURE UPON VIOLATION.

Any minor found upon the streets, alleys, parks or public places within the Township of Vernon in violation of §103 shall be taken directly into custody by the Vernon Township Police and shall be delivered to his parent(s), guardian or person having the legal custody of said minor and be given a copy of this Part. A report shall be filed and kept in a log for that specific purpose. If said parent(s), guardian or person having legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §103 of this Part said parent(s), guardian or person having the legal custody of said minor so offending shall, upon the second offense, be called along with the offender and be so advised once again as to the penalty provision contained in this Part. Upon the third violation said parent(s), guardian or person will be cited for the violation.

(Ord. 1990-2, 5/3/1990, §5)

§106. PROCEDURE IN CASE OF REPEATED VIOLATIONS OR OTHER FACTORS INTERFERING WITH ENFORCEMENT.

Any minor who shall violate this Part more than three times may, at the discretion of the Chief of Police of Vernon Township, be reported to a society or organization, the purpose of which is to take charge of incorrigibles and delinquents and proceedings then shall be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective or where for any other reason the provisions of §103 of this Part cannot be made effective by imposition of fines and penalties.

(Ord. 1990-2, 5/3/1990, §6)

§107. POLICE DISCRETION IN AGE DETERMINATION.

The police officers of the Township of Vernon in taking a minor into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished the officer's judgment shall prevail.

(Ord. 1990-2, 5/3/1990, §7)

§108. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1990-2, 5/3/1990, §8; as amended by Ord. 1997-2, 3/6/1997; and by Ord. 1998-2, 3/5/1998)

PART 2
PORNOGRAPHY

§201. DEFINITIONS.

As used in this Part the following words and phrases shall have the meaning given them in this Section:

KNOWING - having general knowledge of, or reason to know, or a belief or a belief or ground for belief that warrants further inspection or inquiry of, the character and content of any materials or conduct described herein which is reasonably susceptible of examination or inquiry.

NUDITY - the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the male genitals, covered or uncovered, in a discernibly turgid state. (Note: This definition relates only to "obscene live entertainment.")

OBSCENE MATERIALS - any literature including any book, magazine, pamphlet, newspaper, storybook, comic book or writing or any figure, visual representation or image including any drawing, photograph, picture or motion picture if the subject matter represents or depicts sexual conduct as herein defined.

OBSCENE LIVE ENTERTAINMENT - entertainment by living persons in which entertainers, whether one or more, engage in sexual conduct or nudity as herein defined.

PERSON - any human being, corporation, partnership, firm, association or other entity.

PUBLIC PLACE -

- (1) Any window, showcase, newsstand, display rack, billboard, viewing screen or other similar place visible from any public street, highway, sidewalk or other public thoroughfare.
- (2) Any theater, motion picture house, restaurant, tavern, auditorium or other similar place to which the general public or any part of the general public, regardless of age, is regularly admitted.

SEXUAL CONDUCT - ultimate sexual acts, normal or perverted, actual or simulated including, by way of illustration, but not limited to, sexual intercourse, masturbation, felatio, cunnilingus and excretory functions.

SEXUAL DEVICES - any tangible devices, object or mechanism designed or intended primarily for use in producing sexual arousalment or sexual orgasm.

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TOWNSHIP - the Township of Vernon, a municipality situated in Crawford County, Pennsylvania.

(Ord. 1980-2, 7/17/1980, §1)

§202. OFFENSES.

No person, knowing the obscene character of the materials or conduct involved, shall:

- A. Exhibit, show or display or cause to be exhibited, shown or displayed in any public place in the Township any obscene materials or sexual devices.
- B. Sell any obscene materials or sexual devices in the Township.
- C. Manufacture, construct or produce any obscene material or sexual device in the Township.
- D. Promote, arrange for or directly engage in any obscene live entertainment in any public place in the Township.

(Ord. 1980-2, 7/17/1980, §2)

§203. EXCLUSIONS.

Nothing in this Part shall apply to any recognized, not for profit organization or institution accorded charitable status under Federal or State laws including, not limited to, historical societies, libraries or art galleries or to any legally sanctioned licensed or other governmentally recognized or approved educational, medical, religious, scientific, artistic, not for profit organization or institution or to the private, not for profit sales by individuals of obscene materials which are isolated and casual and does not involve multiple transactions such as normally would be deemed an ongoing business.

(Ord. 1980-2, 7/17/1980, §3)

§204. ENFORCEMENT AND REMEDIES.

1. Enforcement Notice.

- A. If it appears to the Township that a violation of this Part has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
- (1) The name of the violator and, if applicable, the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the violation and, if applicable, the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Board of Supervisors within a period of 10 days.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays not timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.
- B. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- C. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 1980-2, 7/17/1980, §4; as amended by Ord. 1997-2, 3/6/1997; and by Ord. 1998-2, 3/5/1998)

