

Chapter 6

Conduct

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Part 1**Curfew****§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 p.m. on Sunday through Thursday until 5 a.m. of the following day; and 12:01 a.m. until 5 a.m. on Saturday and Sunday.

Emergency - 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 disasters, automobile accidents or other similar circumstances.

Establishment - refers to any privately-owned place of business within the Township operated for a profit, to which the public is invited, including, but not limited to, any place of amusement or entertainment, skating rink, bowling alley or similar amusement establishment. With respect to such establishment, the term "operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or corporation (and the officers thereof) conducting or managing that establishment.

Minor - any person under 17 years of age who has not been emancipated as an adult under Pennsylvania law.

Parent - any person who is:

- (1) A minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement).
- (2) The biological or adoptive parent with whom a minor regularly resides.
- (3) A minor's court appointed guardian.
- (4) At least 21 years of age and authorized by a parent or court appointed guardian to have the care and custody of a minor.

Public place - any place to which the public or a substantial group of the public has access including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks and/or common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

Remain - refers to the following actions:

- (1) To linger or stay at or upon a place.
- (2) To fail to leave a place when requested to do so by a police officer or by the owner, operator or other person in control of that place.

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. 137, 7/5/2005)

§6-102. Purpose and Findings.

1. The purpose of this Part is to:

A. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Township.

B. Promote the safety and well being of the Township's younger children, persons under the age of 17, whose inexperience and immaturity renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime.

C. Prescribe, 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 from each other and from other persons on the streets during nighttime hours.

D. Foster and enforce parental control and responsibility for their children.

E. Further family responsibility.

2. Based upon criminal statistics and information of the Township and various surrounding communities, the Board of Supervisors finds that curfew regulations for minors under the age of 17 are necessary to: promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Township; promote the safety and well being of the Township's younger children, persons under the age of 17, whose inexperience and immaturity renders them particularly vulnerable to becoming participants in unlawful activities and to being victimized by older perpetrators of crime; protect younger children in the Township from each other and from other persons on the streets during nighttime hours, when the incidents of crime are most significant; foster and enforce parental control and responsibility for their children; and further family responsibility.

(Ord. 137, 7/5/2005)

§6-103. Curfew Offenses; Exceptions.

1. It shall be unlawful for any minor, during curfew hours, to remain in or upon any public place within the Township, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the Township. Exceptions to the above are the following:

A. Minor is accompanied by a parent.

B. Minor is involved in an emergency.

C. Minor is on an errand at the direction of a parent, and the minor has in his or her possession a written statement dated that day and signed by 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, and a brief description of the errand, the necessity for the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand.

D. Minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop.

E. Minor is on the sidewalk directly abutting a place where he or she resides with a parent.

F. Minor is attending an official civic, school or religious activity, or is going to or returning from such an activity without detour or stop.

G. Minor is involved in interstate travel through, or beginning or terminating in, the Township.

H. Minor is 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.

2. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate subsection .1 above.

3. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of subsection .1 above.

4. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the police department that a minor was present at the establishment after curfew hours and refused to leave.

5. It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any police officer investigating a possible violation of this Section.

(Ord. 137, 7/5/2005)

§6-104. Procedures for Violation.

1. *Minors.* Any minor found in a public place, motor vehicle and/or establishment within the Township in violation of §6-103 above shall be:

A. Issued a warning, which shall be followed by a written warning mailed by the Responsible 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 Responsible Police Department shall:

(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.

2. *Others.* Any person, other than a minor, that violates §6-103 shall be issued a warning, which shall be followed by a written warning mailed by the Responsible

Police Department to that person and to the owner and operator of an establishment if the violator is an employee of that establishment. If the person has previously been issued a warning for any such violation, then the person shall be charged with a violation of this Part.

(Ord. 137, 7/5/2005)

§6-105. 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 proper Township officials, be reported to a governmental agency and/or private society or organization which takes charge of incorrigibles and delinquents, and proceedings shall then 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 §6-103 of this Part cannot be made effective by the imposition of fines and penalties.

(Ord. 137, 7/5/2005)

§6-106. Police Discretion in Age Determination.

In taking minors into custody, police officers 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. 137, 7/5/2005)

§6-107. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer.

(Ord. 137, 7/5/2005)

Part 2**Public Gathering****§6-201. Definitions.**

1. As used in this Part unless the context requires otherwise:

Person in charge of property - an agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property.

Public gathering - all assemblies of people for the purpose of public amusement reasonably anticipated to number more than 1,000 for a continuous period of 4 hours or more, more than 10% of whom will assemble outdoors or in structures specially constructed, erected or assembled for the gathering, whether or not an admission fee is charged.

Sponsor - any natural person, association, partnership firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering.

(Ord. 137, 7/5/2005)

§6-202. Basic Clause.

It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a public gathering, unless a permit has been obtained pursuant to this Part. A separate permit shall be required for each public gathering for the period of time designated by the permit.

(Ord. 137, 7/5/2005)

§6-203. Permit Requirement.

No public gathering may be held within the boundaries of the Township, unless the sponsor, the owner of property, and the person in charge of property upon which the gathering will be conducted, jointly apply for and be granted a permit as herein provided.

A. No permit shall be available for an extent of more than 48 hours duration unless permit and application specifically allow for an extension of that period.

B. No applicant shall be under 21 years of age.

C. No permit may be transferred or assigned.

D. In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Board of Supervisors shall control.

(Ord. 137, 7/5/2005)

§6-204. Application.

1. Written application for each public gathering shall be made to the Board of Supervisors according to the following schedule:

A. A gathering numbering 1,000 - 2,000 persons, 20 days prior to the first

days upon which the public gathering is to commence.

B. A gathering numbering 2,000 - 3,500 persons, 30 days prior to the first day upon which the public gathering is to commence.

C. A gathering numbering 3,500 - 5,000 persons, 45 days prior to the first day upon which the public gathering is to commence.

D. A gathering numbering over 5,000 persons, 60 days prior to the first day upon which the public gathering is to commence.

2. Application shall be made on forms specified by the Board of Supervisors of the Township and shall contain at least the following information:

A. The full legal name, address and telephone numbers of all sponsors.

B. The full legal name and address of the owner and person in charge of the property to be utilized for the public gathering.

C. If the sponsor-applicant is a partnership or joint venture, then all parties thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, bylaws and resolution authorizing the application may be required.

D. The location and address of the property to be utilized for the public gathering.

E. The program for the public gathering, or if no program is prepared, a narrative statement as to the purpose, date or dates for or during which the public gathering is to be conducted.

F. A diagrammatic sketch plan of the proposed site of the mass gathering showing the locations and dimensions of the proposed service roads, portable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, distribution of security personnel, and provisions for food storage, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

G. Evidence that all permits and licenses as required by State and County statutes and rules and regulations enacted thereunder have been obtained, or will be obtained.

H. A statement of the number of persons expected to attend such event and the duration of such attendance.

I. The specific details relating to:

(1) Food and drink.

(2) Sanitary facilities.

(3) Transportation and parking facilities.

(4) Security and protection of surrounding areas, including specific reference to the number of marshals assisting in the control of traffic and supervision of those attending.

(5) Onsite medical facilities and hospital care.

(6) Janitorial services and post gathering trash removal.

J. A certified copy of the bond or verified evidence of other suitable financial

arrangements, as hereinafter required, must be attached to the application.

K. A statement containing the names and addresses of licensed ticket printers to be used and the plans for assuring the return of monies upon the termination or cancellation of the event as well as the means of notifying potential and existing ticket holders of such cancellation, where the anticipated number of people attending is over 5,000 persons.

L. Examples of proposed advertising of the event, if any.

M. Applicants' statement that they shall abide by the terms and provisions of this ordinance, and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Allegheny and Frazer Township.

3. Each application shall be accompanied with a cash fee to cover the cost of inspection, investigation, issuance, and administration of the permit in an amount as established from time to time by resolution of the Board of Supervisors. No part of the permit fee is refundable.

4. The Board of Supervisors, or their agent, shall either grant or deny the application for permit according to the following schedule:

A. A gathering numbering 1,000 - 2,000 persons, 5 days prior to the first day upon which the public gathering is to commence.

B. A gathering numbering 2,000 - 3,500 persons, 10 days prior to the first day upon which the public gathering is to commence.

C. A gathering numbering 3,500 - 5,000 persons, 15 days prior to the first day upon which the public gathering is to commence.

D. A gathering numbering over 5,000 persons, 20 days prior to the first day upon which the public gathering is to commence.

(Ord. 137, 7/5/2005)

§6-205. Bond of Indemnity, Insurance.

The applicants shall submit with their application a corporate bond of indemnity in a form approved by the Township Solicitor, and in compliance with the requirements of Chapter 1, Part 3, "Financial Security," to save and protect Township streets, pavements, bridges, road signs and all other township property from any and all damage that might be caused by vehicles, employees, or participants in the public gathering, and to be used, if necessary, to restore the premises where such public gathering is held to a sanitary and neat condition and pay all charges and losses to the Township for damages to the streets, pavements, bridges and all other Township property.

A. Should the permitted public gathering necessitate that the Township deploy or employ additional personnel as a direct result of the public gathering, such added expense shall be recoverable from the principals and/or their indemnitor. The cash deposit or its balance will be returned to the applicants upon final audit of the township as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessitated.

B. The property owner or person in charge of the property making application shall sign as an additional indemnitor, to insure against damage to streets,

pavements, bridges, road signs, and all other township property, to meet costs of the Township for deploying or employing personnel directly attributable to the conduct of the public gathering, and to insure that the property will be restored to a sanitary condition.

(Ord. 137, 7/5/2005)

§6-206. Conditions of Approval.

1. No permit shall be issued by the Board of Supervisors of Frazer Township, or their agent, unless all of the conditions recited herein have been satisfactorily concluded according to the following schedule:

A. A gathering numbering 1,000 - 2,000 persons, 6 days prior to the first day upon which the public gathering is to commence.

B. A gathering numbering 2,000 - 3,500 persons, 11 days prior to the first day upon which the public gathering is to commence.

C. A gathering numbering 3,500 to 5,000 persons, 16 days prior to the first day upon which the public gathering is to commence.

D. A gathering numbering over 5,000 persons, 21 days prior to the first day upon which the public gathering is to commence.

2. *Sanitary Facilities.* Written approval of the Pennsylvania Department of Health and the Pennsylvania Department of Environmental Protection, indicating that applicant's plan for water supply, toilet facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable State and County laws, rules and regulations relating to the public health.

3. *Public Safety.* Written statement of the Responsible Police Department indicating that plans have been made to meet the following conditions:

A. Applicants have provided for adequate traffic control and crowd control personnel, i.e., one marshal for every 50 motor vehicles reasonably anticipated to be at the location and one marshal for each 150 persons reasonably anticipated to be in attendance.

B. Applicants have completely enclosed the ground where the public gathering is to be held with snow fencing or other similar material of equivalent strength of not less than 4 feet in height.

C. Adequate lighting must be provided subject to approval of the Board of Supervisors.

4. *Medical Services.* Written approval by the Pennsylvania Department of Health or its designee and the Township Emergency Management Coordinator and/or Township Fire Marshal that all requirements for providing emergency medical services for crowds or gatherings of the size contemplated as provided by State law or rule or regulation and as may be contained in any local emergency management plan and as may be required in the sound discretion of the chief officer of the Township emergency medical services provider or providers.

5. *Parking Facilities.* Proof that parking is available within or adjacent to the premises upon which the public gathering is to be conducted as herein provided:

A. Such parking facilities shall provide parking space for one vehicle for every four persons reasonably anticipated to be in attendance at the public gathering.

B. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area; provided, however, that should buses be used to transport the public to the public gathering, it shall be shown that public parking, as described above, is available at any site from which buses are scheduled to pick up persons to transport them to the public gathering.

(Ord. 137, 7/5/2005)

§6-207. Structures.

All facilities, including stage, to be specially assembled, constructed, or erected for the public gathering must be in place at least 24 hours before the commencement of the public gathering and be approved by the Township Code Official/Building Inspector.

(Ord. 137, 7/5/2005)

§6-208. Conduct of Public Assembly.

1. No permittee, or persons having control of the public gathering shall condone the presence of intoxicating liquor or the consumption of intoxicating liquor on the property and no person during the public gathering shall take or carry onto the property, or drink thereon, intoxicating liquor, except as licensed or permitted by state law.

2. The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violation of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this ordinance, or other ordinances of Allegheny County or of Frazer Township, or the permit granted hereunder may be cause for immediate revocation of the permit by the Board of Supervisors of Frazer Township upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

3. The Board of Supervisors, its authorized agents and representatives, and the representative of the County and Township departments having responsibility for approval under this Part shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

4. No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than 500 feet from any school house, church, dwelling unit, or any other place of permanent human habitation, and there will be no programmed entertainment provided between the hours of 11 p.m. and 10 a.m.

5. If at any time during the conduct of the public gathering the number of persons in attendance exceeds by 10% the number of persons represented by the applicants for the permit anticipated to be in attendance, the Board of Supervisors, the

Pennsylvania Department of Health, the Pennsylvania Department of Environmental Protection, or the Pennsylvania State Police have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.

6. Any applicant with more than a 10% proprietary interest, if any, in the public gathering, and the owner of property or person in charge of the property, or their designated agents or representatives, shall be required to be in attendance at the public gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any State, County or Township laws, rules or regulations or any provision of this Part.

7. Public gatherings operating without a permit under this Part based on a reasonable anticipation of less than 1,000 persons in attendance, shall limit attendance therein to 999 persons, and printed tickets, if utilized, cannot number more than 999.

8. The permit under this Part shall be conditioned upon an inspection by the Zoning Officer, or his duly appointed representative, the Township Emergency Management Coordinator and/or the Township Fire Marshal to determine the suitability of the site and facilities thereon for the proposed use. In the event of such inspection, a record shall be made indicating the time and date of the inspection, the findings of the Township official authorized to conduct the inspection in regard to conformance with this Part and other Township ordinances, and the opinion of such Township official in regard to the suitability of the site for the proposed use. After such inspection, if the Township official determines that the site and any facilities thereon are unsuitable for the particular use, such determination shall be grounds for the revocation of the permit.

(Ord. 137, 7/5/2005)

§6-209. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist or for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violation of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Secretary or the Board of Supervisors shall deem appropriate.

(Ord. 137, 7/5/2005)

§6-210. Conformance With Other Law.

This Part shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all state laws, rules and regulations, County and Township ordinances which are now, or may in the future be, in effect which pertain to the conduct of public gatherings.

(Ord. 137, 7/5/2005)

