

**HOME RULE BOROUGH OF EDINBORO ORDINANCE  
NO. 635**

**AN ORDINANCE AMENDING SECTION 6-408, ENTITLED “PENALTIES”, OF PART 4 OF CHAPTER 6 OF THE EDINBORO BOROUGH CODE, ENTITLED “CURFEW”, TO REVISE THE PENALTIES FOR VIOLATIONS OF THE CURFEW; PROVIDING FOR SEVERABILITY, A REPEALER, DIRECTIONS TO THE BOROUGH MANAGER AND AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Edinboro Borough Ordinance No. 585, adopted on or about September 12, 2011, the Borough of Edinboro codified its Ordinances to create the “Edinboro Borough Code”, which included, among other ordinances, Ordinance No. 545, adopted on or about November 24, 2008, which, among other things, established a curfew for minors within the Borough and set penalties for violations of said curfew; and

**WHEREAS**, the Borough has the power and duty to enact ordinances that promote the health, safety and general welfare of the residents and visitors of the Borough, including curfews for minors; and

**WHEREAS**, the Edinboro Borough Council has determined that it would be in the best interest of the residents and citizens of the Borough of Edinboro to make certain changes to the curfew ordinance as more fully described below.

**NOW THEREFORE**, the Edinboro Borough Council hereby ordains and enacts the following:

**Section 1.** Section 6-408, entitled “Enforcement,” of Part 4 of Chapter 6 of the Edinboro Borough Code, entitled “Curfew” is hereby amended through the deletion of the struck out language and the insertion of the underlined language as follows:

**§ 6-408 Penalties**

1. Any minor ~~or parent~~ who violates the provisions of this Part, and any parent who violates the provisions of § 6-404 of this Part, may be issued a non-traffic summary citation. The minor may be taken into temporary custody, 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 18 years of age or older. If no such person is available after reasonable efforts have been made to locate such person, the minor shall be released to such agencies or institutions as are established for juvenile welfare. A referral to support services shall be made where appropriate.

2. Any minor ~~or parent~~ who violates any provision of this Part, and any parent who violates the provisions of § 6-404 of this Part, is guilty of a summary offense and, upon conviction thereof, shall be subject to fine ~~or imprisonment~~ as follows:

A. First offense: ~~written warning~~ \$50 with referral to supportive services where appropriate.

B. Second offense: ~~\$50~~ \$100 to \$150 with referral to supportive services where appropriate.

C. Third or subsequent offense: ~~\$100 to~~ \$150 to \$500 with referral to supportive services where appropriate.

~~D. Fourth offense: \$150 to \$200 with referral to support services where appropriate.~~

~~E. Fifth offense: \$200 to \$300. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.~~

~~F. Sixth and subsequent offenses: \$300 to \$500. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.~~

A police officer may issue a verbal or written warning to a minor or parent in lieu of commencement of summary proceedings.

3. Any operator convicted of violating the provisions of this Part for the first time shall be fined \$50 and shall be subject to imprisonment for a term not to exceed 90 days. Any operator convicted of violating the provisions of this Part for the second or subsequent time shall be fined \$300 and shall be subject to imprisonment for a term not to exceed 90 days.

4. Each violation of the provisions of this Part shall constitute a separate offense.

**Section 2.** **Severability.** The provisions of this ordinance are severable. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, 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 Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein..

**Section 3.** **Repealer.** Any ordinances, rules, or resolutions, or parts of ordinances, rules, or resolutions, in conflict herewith shall be, and the same are hereby, repealed.

**Section 4.** **Direction to Borough Manager.** The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and to take all such actions as are required by the Home Rule Charter of the Home Rule Borough of Edinboro and to amend the Borough Code accordingly.

**Section 5.** **Effective Date.** This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

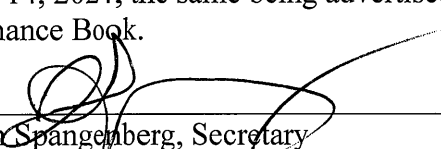
**ENACTED AND ORDAINED** this 14<sup>th</sup> day of October, 2024 by the Council of the Borough of Edinboro.

ATTEST:

  
\_\_\_\_\_  
Manager Jason Spangenberg

  
\_\_\_\_\_  
Mayor Aaron Gast

I hereby certify that the above is a true copy of the Home Rule Borough of Edinboro No. 635 adopted by a roll call vote signifying the majority vote of the members present of the Borough Council of the Borough of Edinboro on October 14, 2024, the same being advertised in the Meadville Tribune and recorded in the Borough Ordinance Book.

  
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Jason Spangenberg, Secretary

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