

MUNICIPALITY OF PENN HILLS

Ordinance No. 2018 - 2619

AN ORDINANCE OF THE MUNICIPALITY OF PENN HILLS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REASONABLY REGULATING BULLYING AND HARASSMENT IN THE MUNICIPALITY; AND PROVIDING FOR THE ENFORCEMENT OF THE SAME.

WHEREAS, bullying and harassment disrupt a safe environment in the Municipality; interfere with one's ability to succeed or excel in a safe environment in the Municipality and interfere with one's ability to participate and benefit from programs, activities, worksites, and opportunities offer to the community; and

WHEREAS, Council finds it is in the public interest to assure that every person is valued and respected regardless of perceived differences, and may live free from bullying, harassment and intimidation.

NOW, THEREFORE, the Mayor and Council of the Municipality of Penn Hills hereby ordain and enact by its authority as follows:

SECTION 1. DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- a. BULLYING. A form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, defame or threaten another person and which serves no legitimate purpose.
- b. COURSE OF CONDUCT. A pattern of conduct comprised of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- c. HARASSMENT. Any conduct, whether verbal, physical, written, or by means of any mode of communication which:
  - i. Is prohibited by Section 2709 of the Pennsylvania Crimes Code (18 Pa.C.S.A. § 2709); or
  - ii. Is any intentional course of conduct which is likely to create an intimidating or offensive environment, and which serves no legitimate purpose.

SECTION 2. PROHIBITED ACTS.

It shall be unlawful for any person to engage in any bullying or harassment of a person or to induce another person to engage in such bullying or harassment.

SECTION 3. RETALIATION PROHIBITED.

No person shall retaliate against any person who reports any conduct which is prohibited by this chapter.

SECTION 4. CONSTITUTIONALLY PROTECTED ACTIVITY.

This chapter shall not be construed to apply to any constitutionally protected activity or speech.

SECTION 5. PARENTAL RESPONSIBILITY.

It shall be unlawful for any custodial parent, guardian or custodian of any unemancipated person under the age of 18 years to allow or permit such person to violate the provisions of Sections 2 or 3 above. Any custodial parent, guardian or custodian of any unemancipated person under the age of 18 years who has been alleged to have violated the provisions of this Ordinance shall receive a written warning of said offense. The fact that prior to a second offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Sections 2 or 3 by the same minor occurring within 90 days prior to the present offense, as well as any third or additional offense, shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

SECTION 6. VIOLATIONS AND PENALTIES.

Any custodial parent, guardian or custodian of any unemancipated person under the age of 18 years, after first receiving a written warning of a violation of the terms of this ordinance and who permits or fails to deter a similar violation of the terms of this ordinance within 90 days of receipt of the written warning, and any third or subsequent offense, is guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600.00 and costs of prosecution or, in lieu of such fine and costs, to perform community service for not less than 40 hours at the discretion of the magisterial district judge.

SECTION 7. AUTHORIZATION. That the Penn Hills Mayor and Municipal Manager are hereby authorized to sign all documentation required to proceed with this ordinance.

SECTION 8. SEVERABILITY. It is hereby declared to be the intent of the Council of the Municipality of Penn Hills that several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

SECTION 9. REPEALER. All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

THIS ORDINANCE APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE MUNICIPALITY OF PENN HILLS on this 2 day of April, A.D., ~~2016.~~ 2018

  
SARA J. KUHN, MAYOR

April 2, 2018  
DATE

  
MOHAMMED RAYAN, MANAGER

April 2, 2018  
DATE

SEAL