



## BOROUGH OF BRENTWOOD

### ORDINANCE NO. 2014-1228

#### AN ORDINANCE PROHIBITING BULLYING AND HARASSMENT

**"AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING BULLYING AND HARASSMENT."**

**WHEREAS**, the Borough of Brentwood is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and

**WHEREAS**, the Legislature of the Commonwealth of Pennsylvania vests the Borough of Brentwood with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, *inter alia*, the Borough's finances, the maintenance of peace, good government, health, safety and welfare of the Borough, its trade, commerce and manufacturers; and;

**WHEREAS**, bullying and harassment disrupt a safe environment in the Borough, interfere with one's ability to succeed and excel in a safe environment in the Borough and interfere with one's ability to participate in and benefit from programs, activities, work sites and opportunities offered to the community; and

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

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of Brentwood and it is hereby ordained and enacted by the authority of the same as follows:

**PART I.** The Brentwood Code of Ordinances is hereby Amended to contain the following Chapter, Chapter \_\_\_\_, relating to Bullying and Harassment.

**SECTION 1.** The Borough of Brentwood Code of Ordinances is hereby amended to include the following Commonwealth of Pennsylvania Crimes Code statutes as adopted, or, if previously adopted, to readopt, and incorporate into the Code of Ordinances:

18 Pa. C.S. § 2709                      Harassment

#### **SECTION 2. Bullying, Harassment**

**(a) Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1. **Bullying:** Bullying is 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.
2. **Course of Conduct:** “Course of conduct” is defined as a pattern of conduct comprised of a series of acts over a period of time, however short, evidencing a continuity of purpose.
3. **Harassment:** Harassment is defined as any conduct, whether verbal, physical, written, or by means of any mode of communication which:
  - a. Is prohibited by Section 2709 of the Pennsylvania Crimes Code (18 Pa. C.S. § 2709); or
  - b. Is any intentional course of conduct which is likely to create an intimidating or offensive environment, and which serves no legitimate purpose.

**(b) Prohibition.** 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.

**(c) Retaliation Prohibited.** No person shall retaliate against any person who reports any conduct which is prohibited by this Section.

**(d) Constitutionally Protected Activity.** This Section shall not be construed to apply to any constitutionally protected activity or speech.

**(e) Parental Responsibility.** It shall be unlawful for any custodial parent, guardian or custodian of any unemancipated person under the age of eighteen (18) years to allow or permit such person to violate the provisions of subsection (b) or (c) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of subsection (b) or (c) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

**(f) Penalties.** Any person who violates any provision of this Chapter is guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

**PART II** – The Borough Manager, Police Department, Borough Solicitor, and all others employed or appointed by the Borough of Brentwood, are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

**PART III** – Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters here in affected.

**PART IV** – The provisions of this Ordinance are servable, and if any clause, sentence, section or subsection hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or

unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder, but shall be confined in its operation and application to the clause, sentence, or subsection rendered. It is hereby declared that the intent of the Borough of Brentwood Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, section, or subsection had not been included therein.

**PART V-** This Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Brentwood.

**ORDAINED AND ENACTED** THIS 27<sup>th</sup> DAY OF June, 2014 BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRENTWOOD.

**ATTEST:**

**BOROUGH OF BRENTWOOD**

George Zboyovsky  
George Zboyovsky, P.E.  
Borough Manager

Marty Vickless  
Marty Vickless  
President of Council

EXAMINED AND APPROVED BY ME THIS 27<sup>th</sup> DAY OF June, 2014.

Dennis Troy  
Dennis Troy  
Mayor

APPROVED AS TO FORM

Clifford B. Levine  
Clifford B. Levine  
Borough Solicitor

**CERTIFICATE**

I, the undersigned, hereby certify that the foregoing and attached is a true copy of an Ordinance which was duly enacted at a meeting of the Borough Council of the Borough of Brentwood on \_\_\_\_\_, 2014, and that at such meeting a quorum was present and acting throughout, after due notice to the members of the Borough Council of the Borough of Brentwood and to the public and such meeting was at all times open to the public; that the Ordinance was duly recorded in the Borough of Brentwood's Minutes Book and that a summary thereof was published as required by law in a newspaper of general circulation in the Borough. I further certify that the Borough met the advance requirements of Act No. 1998-93 by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Borough Council; that the total number of members of the Borough Council is seven; and the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Marty Vickless, President	X			
John Frombach, Vice President	X			
Rich Schubert, President Pro Tem.	X			
Pasquale Carnevale	X			
Dean Trent	X			
Robert Pasquantonio	X			
Stephanie Fox	X			

WITNESS my hand and the seal of the Borough on this 27<sup>th</sup> day of JUNE, 2014.

(Seal)

By: George Zboyovsky  
George Zboyovsky, PE  
Borough Manager