

ORDINANCE NO. 14

AN ORDINANCE TO REGULATE THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS IN PUBLIC PLACES AND IN PRIVATE ESTABLISHMENTS IN THE TOWNSHIP OF NEW SEWICKLEY BETWEEN CERTAIN HOURS; DEFINING THE DUTIES AND RESPONSIBILITIES OF PARENTS AND PROPRIETORS OF ESTABLISHMENTS IN THIS CONNECTION; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of New Sewickley, County of Beaver and Commonwealth of Pennsylvania and it is hereby ordained and enacted by the authority of the same.

SECTION I. NAME

This Ordinance shall be known as the Curfew Ordinance of 1964.

SECTION II. LEGISLATIVE INTENT

The Board of Township Supervisors of the Township of New Sewickley, being cognizant of the problem of juvenile delinquency and believing that it can be dealt with more effectively by regulating the hours during which minors less than eighteen years of age may remain in public places and certain establishments without adult supervision and by defining more clearly certain duties and responsibilities upon those who have the custody and responsibility for the care of such minors, directs that in the administration and enforcement of this Ordinance the fundamental purpose of reducing juvenile delinquency shall be foremost.

SECTION III. DEFINITIONS

In this Ordinance the proposed definitions shall apply:

(a) "Public Place" means any public street, highway, road, alley, park, playground, vacant lot, public building, railway station, bus terminal or similar place.

(b) "Establishment" means any privately owned place of business, any place of amusement or entertainment to which the public is invited and any similar place.

(c) "Minor or Minors" means any person less than eighteen (18) years of age. For the purpose of this Ordinance any person shall be deemed to be eighteen (18) years of age on the date of his or her eighteenth birthday and not before that time.

(d) "Operator" means any individual, firm, association, partnership or corporation, owning, operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty the word "operator" as applied to association or partnership shall include the members, partners, officers and managers thereof or any of them and as applied to corporations, shall include officers and managers thereof or any of them.

(e) "Parent" means the natural parent or guardian or adult person twenty-one (21) years of age or over, responsible for the custody or care of any minor.

(f) "Remain" means loiter, idle, wander, stroll, play or be.

(g) "After Hours" means the period of time each night specified below:

1. In this Ordinance the Time shall be construed to mean no later than from the hours of 11:00 P.M. to 6:00 A.M. Eastern Standard Time when that time is in effect in the Township of New Sewickley, and Daylight Saving Time when that time is in effect in the Township of New Sewickley.

SECTION IV. UNLAWFUL CONDUCT OF MINORS

It shall be unlawful for any minor to remain in or upon any public place or establishment in the Township of New Sewickley after hours unless accompanied by a parent or upon an errand of other legitimate business directed by a parent or unless engaged in gainful, lawful employment after hours, in which case said minor shall carry written identification and evidence of employment.

SECTION V. UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS

It shall be unlawful for any operator of an establishment knowingly to permit any minor to remain in or upon the premises of said establishment after hours.

SECTION VI. OFFENSES

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

SECTION VII. DUTIES OF POLICE

Any Police Officer who finds a minor violating any provisions of this Ordinance shall endeavor to obtain the name, age, date of birth and address of the minor and the names of the minor's parents. The minor shall thereupon either be brought to the police station and the parents notified, or shall be taken or instructed to proceed directly to his home. The information obtained from the minor, together with a full report, shall be transmitted to the Chief of Police who shall cause a written notice to be delivered, mailed or otherwise, to the parents of the minor advising them of the violation of this Ordinance. A record of all violations shall be kept.

The Police Officer of the Township of New Sewickley in taking a minor into custody under this Ordinance shall use their discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the Officer's judgment shall prevail.

SECTION VIII. PENALTIES

Any parent who shall permit a Minor to violate provisions of this Ordinance after having received Notice of a prior violation shall, after conviction, be sentenced to pay a fine of Five (\$5.00) Dollars and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding twenty-four (24) hours; however, for any subsequent conviction thereafter, said parent shall be fined not less than Ten (\$10.00) Dollars nor more than Twenty-Five (\$25.00) Dollars and in default of payment thereof shall undergo imprisonment in the Beaver County Jail for a period not exceeding fifteen (15) days.

Any Operator who shall violate this Ordinance shall, upon conviction thereof for the first offense, be sentenced to pay a fine of ten (\$10.00) Dollars and in default of payment thereof shall be sentenced to undergo imprisonment in the Beaver County Jail for a period of not more than five (5) days; however, for any subsequent conviction thereafter, said Operator shall be fined not less than

Twenty-five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars and in default of payment thereof shall be sentenced to undergo imprisonment in the Beaver County Jail for a period of not less than fifteen (15) days nor more than thirty (30) days.

Any Minor who shall violate this Ordinance more than three (3) times shall be reported to a Society, Department of Government or Organization whose purpose is to take charge of incorrigibles and delinquents and proceedings will be then taken in the Court of Quarter Sessions or Juvenile Court for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent or Operator shall not be effective, or where for any other reason the provisions of this Ordinance cannot be made effective by fines and penalties imposed thereunder.

SECTION IX. RULES AND REGULATIONS

The Chief of Police is hereby authorized from time to time to promulgate such rules and regulations including the extension of hours for special occasions, as in his sole and uncontrolled discretion shall be necessary or useful in the enforcement of this Ordinance.

SECTION X. CONSTITUTIONALITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION XI. REPEALS

All other Ordinances or parts of Ordinances, Resolutions or parts of Resolutions, inconsistent herewith are repealed.

ENACTED AND ORDAINED by the Board of Township Supervisors of the Township of New Sewickley, County of Beaver and Commonwealth of Pennsylvania, this 1st day of October, 1964.

Carl W. Mengel