

**NEW FLORENCE BOROUGH
WESTMORELAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 195 OF 2002**

AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE ESTABLISHING A CURFEW FOR MINORS SUBJECT TO CERTAIN EXCEPTIONS; PROVIDING FOR DEFINITIONS THEREFOR AND THE PURPOSES THEREOF; FIXING RESPONSIBILITY UPON PARENTS AND POLICE; AND DETERMINING THE PENALTIES FOR AND THE PROCEDURES UPON VIOLATION.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNSEL OF THE BOROUGH OF NEW FLORENCE, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY BY THE SAME AS FOLLOWS:

SECTION 1. SHORT TITLE

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW FLORENCE BOROUGH CURFEW ORDINANCE."

SECTION 2. DEFINITIONS AND INTERPRETATION

AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED, UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

MINOR - Person under the age of eighteen (18) years;

PARENT - Any natural parent of a minor, as herein defined, or a guardian or adult person responsible for the care and custody of a minor. When used in this Ordinance, "parent" shall mean one or both parents.

PUBLIC PLACE - Any public street, alley, sidewalk, park, playground, public building, or vacant lot in the Borough of New Florence.

REMAIN - To stay behind, to tarry, and to stay unnecessarily upon the streets, including but not limited to the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

In this Ordinance, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neutr.

SECTION 3. PURPOSES

This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough of New Florence from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for the children, for the protection of the public from nocturnal mischief by minors, and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety, and welfare.

SECTION 4. CURFEW; EXCEPTIONS

It shall be unlawful for any minor to be or remain in or upon any public highway, park, or other public place within the Borough of New Florence, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough of New Florence, between the hours of 10:00 p.m. and 5:00 a.m. on the following day.

Exceptions to the above are the following:

1. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor;
2. Minor possessing a written statement dated that day and signed by the parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose, and necessity of the minor being in a public place contrary to this Ordinance;
3. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent, or guardian;
4. Minor on an emergency errand;

5. Minor traveling to and from church, school, or municipal activity with parental permission statement as in subsection 2 above.

SECTION 5. PARENTS NOT TO PERMIT VIOLATION

It is hereby made unlawful for any parent or guardian, or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Ordinance without legal justification therefor.

SECTION 6. PROCEDURE UPON VIOLATION

Any minor found upon the streets, alleys, parks, or public places within the Borough of New Florence in violation of Section 3 shall be taken into custody by the Borough of New Florence Police or legally deputized individual, be delivered to his parent(s), guardian(s), or person(s) having the legal custody of said minor, and be given a copy of this Ordinance. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian, or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks, or public places in violation of Section 3, said parent, guardian, or person having legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Ordinance. Upon the third violation, said parent, guardian, or person having legal custody of said minor shall be cited for the violation.

SECTION 7. PROCEDURE IN CASE OF REPEATED VIOLATIONS OR OTHER FACTORS INTERFERING WITH ENFORCEMENT

Any minor who shall violate this Ordinance more than three (3) times may, at the discretion of the proper officials of the Borough of New Florence, be reported to a society or organization the purpose of which is to take 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 Section 3 of this Ordinance may be made effective by the imposition of fines and penalties.

SECTION 8. POLICE DISCRETION IN AGE DETERMINATION

The police officers of the Borough of New Florence in taking minors into custody shall use their discretion in determining age and in doubtful cases may require a positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

SECTION 9. PENALTIES

Any person who shall violate any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 10. REPEALER

Ordinance Number 133 of 1974 is hereby specifically repealed.

SECTION 11. SEVERABILITY

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 Counsel of the Borough of New Florence that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective on August 20, 2002.

MAYOR

Eugene A. Arunsi
PRESIDENT OF COUNCIL

Margaret S. Boyle
SECRETARY-TREASURER

(SEAL)