

ORDINANCE NO. 264

AN ORDINANCE PROHIBITING ANY PERSON UNDER EIGHTEEN (18) YEARS OF AGE, UNLESS ACCOMPANIED AS HEREIN PROVIDED, TO BE IN PUBLIC PLACES AND IN PRIVATE ESTABLISHMENTS IN CENTER TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA, BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M., DEFINING THE DUTIES AND RESPONSIBILITIES OF PARENTS AND LEGAL GUARDIANS OF SUCH CHILDREN, AND THE RIGHTS AND RESPONSIBILITIES OF OPERATORS OF PRIVATE ESTABLISHMENTS, AND PROVIDING PENALTIES FOR VIOLATIONS

BE IT ENACTED AND ORDAINED by the Center Township Board of Supervisors, Beaver County, Pennsylvania; and, it is hereby ordained and enacted by authority of the same;

SECTION 1: This ordinance shall be known and may be cited as the CURFEW ORDINANCE of Center Township.

SECTION 2: The following words when used in this Ordinance shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

(a) "public place" shall mean and include any public building, street, alley, park or playground.

(b) "private establishment" shall mean and include any privately owned place of business to which the public is invited.

(c) "operator" shall mean and include any natural person, firm, association, partnership, or corporation; "operator" as applied to corporation shall include the officers and managers thereof, or any of them; "operator" as applied to associations or partnerships shall include the members, partners, officers, and managers thereof or any of them.

SECTION 3: It shall be unlawful for any person under eighteen (18) years of age, between the hours of 10:00 P.M. and 6:00 A.M. to remain in or upon any public place or private establishment or in any enclosure or vehicle which is on or in close proximity to any such place, unless such person shall be accompanied by a parent, guardian, or other person having the legal care and custody of such person, unless such person is upon an errand of legitimate business directed by a parent, or unless such person is lawfully employed between said hours, which person shall carry written identification and evidence of such employment.

SECTION 4: It is hereby made unlawful for any parent, guardian, or person having the legal care or custody of such person under eighteen (18) years of age to allow or permit such person to violate any of the provisions of this Ordinance.

SECTION 5: It shall be unlawful for an operator of any private establishment to knowingly permit any said person under eighteen (18) years of age to remain in or upon his/her premises between the hours of 10:00 P.M. and 6:00 A.M.

SECTION 6: Any person as above designated found upon or in any public place or private establishment in Center Township, at the same time in violation of Section 3 of this Ordinance, shall be taken into custody by the Center Township police and delivered to his or her parents, guardian, or person having legal custody of said person. The parent, guardian, or person having the legal custody of said person shall, upon conviction of any of the provisions of this Ordinance before a District Judge, be sentenced to pay a fine not more than Fifty (\$50.00) Dollars, nor less than Twenty-five (\$25.00) Dollars, and the costs of suit; or on failure of the convicted party to pay said fine, to be imprisoned for a period of time not to exceed forty-eight (48) hours, which period of incarceration shall be within the discretion of the District Judge. A like fine or imprisonment shall be imposed upon any operator or upon any other adult person aiding or abetting in the violation of the intent and purpose of this Ordinance. All fines and penalties collected for the violation of this Ordinance shall be paid over

to the Center Township Treasurer for the use of Center Township. If any person violating this Ordinance does not immediately disclose his or her place of residence or if the residence is not in Center Township, the police officer shall take such person into custody for questioning and investigation. Any person, whether resident or non-resident of Center Township, who shall violate this Ordinance more than one time, shall be reported to the proper juvenile authorities of Beaver County.

SECTION 7: The Center Township police officers in taking such person into custody shall use their discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the officers' judgment shall prevail.

SECTION 8: The Center Township Chief of Police is hereby authorized from time to time to promulgate such rules and regulations including, but not limited to, the extension of that period of time at night herein defined as after hours, as in his discretion shall be deemed necessary in the enforcement of this Ordinance or where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship.

SECTION 9: It is hereby declared that the purpose of this Ordinance is to reduce juvenile delinquency which now prevails and is growing in an alarming extent; and, it is further declared to be the intent of this Ordinance that its provisions shall be liberally construed so as to effectively cure or reduce juvenile delinquency, either on the part of persons within the township, or non-resident persons coming into the township.

SECTION 10: The provisions of this ordinance shall be severable; and, if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as the legislative intent of the Township Supervisors that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provisions not been included herein.

SECTION 11: All Ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed in so far as they may be inconsistent herewith.

ENACTED AND ORDAINED into an Ordinance this 9th day of July, 1980.

BOARD OF SUPERVISORS OF CENTER TOWNSHIP

ATTEST:
Clayton M. Will
Secretary

By Joseph P. Zajicek