

**NEW BETHLEHEM BOROUGH,
CLARION COUNTY, PENNSYLVANIA**

Ordinance No. 863

**AN ORDINANCE CREATING A CURFEW FOR MINORS AND ESTABLISHING
PENALTIES FOR VIOLATION OF THAT CURFEW AND REPEALING ANY AND
ALL PREVIOUSLY ENACTED ORDINANCES RELATING TO THE ISSUE OF A
CURFEW FOR MINORS**

WHEREAS, it is the intent of the Council of New Bethlehem Borough to take reasonable measures to foster and protect the health, safety and well-being of the community and, in particular, the community's youth, and;

WHEREAS, it has been observed by and reported to officials of New Bethlehem Borough that minors frequently remain in certain public places and establishments within the Borough of New Bethlehem during late night hours without parental supervision, and;

WHEREAS, it has further been observed and reported that minors who remain in public places, unsupervised, during late night hours are at a higher risk of being victims of crimes or perpetrators of criminal activity such as drug use, vandalism and theft, and;

WHEREAS, the Council of New Bethlehem Borough believes that curfew restrictions are a reasonable measure to protect the community's youth from being victims of crime, to hinder criminal activity engaged in by minors and to promote parental responsibility; then;

BE IT ORDAINED BY THE COUNCIL OF NEW BETHLEHEM BOROUGH, CLARION COUNTY, PENNSYLVANIA:

SECTION 1. Definitions

- (a) **CHILD** or **MINOR** refers to any person seventeen (17) years of age or younger who has not been emancipated under Pennsylvania law.
- (b) **PARENT** or **GUARDIAN** refers to a person who is a minor's biological or adoptive parent and who has legal custody of a minor, including either parent if custody is shared under court order or agreement; a person who is the biological or adoptive parent with whom the minor regularly resides; a person lawfully appointed as a legal guardian of the minor; a person eighteen (18) years old or older who is standing in loco parentis (as indicated by the authorization of any of the above mentioned individuals) to assume the care or physical custody of the child.
- (c) **PUBLIC PLACE** refers to any place to which the public or a substantial portion of the public has access including, but not limited to, streets, highways, roads, sidewalks, parks, common areas of schools, hospitals, apartment complexes, office buildings and shops.
- (d) **REMAIN** refers to the actions of lingering or staying upon a place and failing to leave a place when requested to do so by a police officer or the owner, operator or other person in control of the place.

- (e) EMERGENCY refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property, including, but not limited to, fires, natural disasters, automobile accidents or other similar circumstances.
- (f) ALLOW or PERMIT means to knowingly allow, knowingly fail to prevent or to fail to prevent due to a lack of reasonable efforts or concerns or due to failure to supervise or control.

SECTION 2. Unlawful Acts

(a) It shall be unlawful for any child under the age of 15 years old to be or remain in or upon any public highway, park, playground, street, sidewalk or any other public place or in any vehicle that is in or upon any of the aforesaid public places between the hours of 10 p.m. and 5 a.m. Sunday night through Thursday night and 11 p.m. and 5 a.m. Friday and Saturday nights.

(b) It shall be unlawful for any child 16 or 17 years old to be or remain in or upon any public highway, park, playground, street, sidewalk or any other public place or in any vehicle that is in or upon any of the aforesaid public places between the hours of 11 p.m. and 5 a.m. on any night.

SECTION 3. Exceptions

It shall be a defense to a violation of Section 2 of this Ordinance that the child was: (a) accompanied by a parent, (b) that the child was lawfully employed so as to make it necessary to use public highways during curfew hours for the exclusive use of such employment, (c) the child was in attendance at an authorized school event of the Redbank Valley School District or any other private school of which he or she is a student, or a church-related or other religious event or activity supervised by adults, that concluded within a reasonable time before the child was apprehended for violating the curfew and the child does present proof of the event, (d) it was necessary as a result of an imminent emergency that the child violate the curfew restrictions.

SECTION 4. Parental Responsibility

No parent shall allow or permit any child to remain in or upon any public place or any establishment during the designated curfew hours outlined in Section 2 of this Ordinance. The provisions of this Ordinance shall not apply to any parent who accompanies a child.

SECTION 5. Violations and Penalties

First Offense – Any police officer who finds a child in violation of any provision of this Ordinance shall obtain information from such child as to his or her name and address, age and the name(s) of his or her parent(s) or guardian(s). If the child is a resident of the Borough, the child shall be escorted by a police officer to his or her home. Non-resident offenders shall be instructed to proceed to their homes immediately. The information obtained from the child shall be recorded by the police officer and placed on file at the police department. A written notice shall then be mailed to the parent(s) or guardian(s) of the child to advise of the violation of the curfew restrictions and to inform that any subsequent violations of the curfew restrictions may result in prosecution, including fines. If a child refuses to provide the required information, a police officer may take the child to the office of the Borough police and detain the child for further questioning and investigation until the required information is obtained.

Subsequent Violations – Any child who shall violate the provisions of this Ordinance, upon conviction by the District Justice, shall be penalized at the discretion of the District Justice with a fine not to exceed one hundred dollars (\$100) plus the costs of prosecution, community service hours or a combination of these penalties. Any child who shall be found in violation of the provisions of this Ordinance three (3) times in one calendar year may be referred to the proper officials of the Clarion County Juvenile Court system by the District Justice.

Violations by Parents or Guardians – Any parent or guardian who violates any provision of this Ordinance, upon conviction by the District Justice, shall be guilty of a summary offence and shall be subject to a fine not to exceed the maximum of three hundred dollars (\$300) plus costs of prosecution, community service, parental counseling or imprisonment for a term not to exceed thirty (30) days, or any combination of the foregoing penalties.

SECTION 6. Suspension of Curfew by Mayor

The Mayor of the Borough of New Bethlehem, with approval of New Bethlehem Borough Council, may from time to time issue proclamations or notices to temporarily suspend the curfew regulations provided by this Ordinance, or extend the hours of the curfew, to permit children 17 years old and younger to be upon the streets or in or upon other public places, for any special occasion or other function not otherwise covered in Section 3 of this Ordinance.

SECTION 7. Validation

This Ordinance shall take effect upon its adoption by the Council of the Borough of New Bethlehem and approval of the Mayor.

Any ordinance or any part of any ordinance previously adopted by the New Bethlehem Borough Council that conflicts with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION 8. Severability

The provisions of this Ordinance shall be severable. If any provision of this Ordinance, including any exception, paragraph, phrase or term, or the application thereof to any person or circumstances, is held invalid, the validity of the Ordinance and the application of the Ordinance in any and all other respects shall not be affected. It is intended that this Ordinance be held inapplicable where issues of constitutional rights are evoked, if any, and where its application would be unconstitutional. The Borough does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 21st day of June, 2005.

NEW BETHLEHEM BOROUGH

By: Edward F. Goth
President of New Bethlehem Borough Council

ATTEST:

Richard D. McGarrity
Secretary

The foregoing Ordinance of the Borough of New Bethlehem is hereby approved by the Mayor of New Bethlehem Borough on the 21st day of June, 2005.

Tom Seidle
Mayor of the Borough of New Bethlehem