

**PERRY TOWNSHIP
CURFEW ORDINANCE
NUMBER 9-12-02**

**An Ordinance of the Perry Township Board of Supervisors, Lawrence County, Pennsylvania,
establishing a curfew for minors; providing for the enforcement compliance thereof by the township;
and fixing penalties for violations.**

WHEREAS, the Perry Township Board of Supervisors deems it to be in the best interest and general welfare of the minors and residents of Perry Township to prescribe regulations for the conduct of minors during nighttime hours in order to promote public good, health, safety, and welfare for said minors and residents of Perry Township;

THEREFORE, it is enacted and ordained by the Perry Township Board of Supervisors, as follows:

SECTION I. PURPOSE.

The purpose of this Ordinance is to prescribe, in accordance with prevailing community standards and regulations for the conduct of minors on streets or public places at night for the protection of younger children in Perry Township from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reductions of the incidence of juvenile criminal activity, for the furtherance of family responsibility, and for the promotion of the public good, health, safety, and welfare for the residents of Perry Township.

SECTION II. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- A. **Minor** - A person under the age of eighteen (18) years.
- B. **Parent** - Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this ordinance, "parent" shall mean one or both parents.
- C. **Public Places** - Any public or private street, alley, sidewalk, park, playground, public building, or vacant lot, in a parked vehicle at any of said locations, or on private property without consent of landowner or renter of said property, located in Perry Township.
- D. **Remain** - To stay behind; to tarry and to stay unnecessarily in or upon a public place, as herein defined, including the congregations of groups or otherwise interacting minors totaling four or more persons, in which any minor is not using the public place for emergency or ordinary and immediate educational, political, religious or business purposes.
- E. In this Ordinance, the **singular** shall include the **plural**, the **plural** shall include the **singular**, and the **masculine** shall include the **feminine** and the **neuter**.

SECTION III. ESTABLISHMENT OF CURFEW.

It shall be unlawful for any minor to remain in or upon any public place within Perry Township between the hours of 11:30 p.m. and 6:00 a.m., prevailing time, except as follows:

- A. A minor accompanied by a parent, guardian, or other person having legal care or custody of such minor.
- B. A minor lawfully employed, making it necessary for him to remain on or in a public place and possessing current proof of employment, certifying the same, signed by an employer.
- C. A minor on an emergency errand.

SECTION IV. PARENT NOT TO PERMIT VIOLATION.

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

SECTION V. ENFORCEMENT AND PENALTIES.

- A. Enforcement of this ordinance shall be by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- B. Upon conviction of a violation of this ordinance, criminal fines not to exceed one thousand (\$1,000) dollars per violation may be imposed as well as incarceration to the extent allowed by law for the punishment of summary offenses.

SECTION VI. JUVENILE ACT PROCEEDINGS.

In addition, an investigating officer may initiate proceedings under the Juvenile Act, 42 Pa. C.S.A., Section 6301, et. seq., as amended from time to time, against offending juveniles when appropriate under that Act.

SECTION VI. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION VII. EFFECTIVE DATE.

This ordinance shall become effective five (5) days after the adoption thereof.

SECTION VIII. REPEALER.

Ordinance dated October 20, 1956 is hereby repealed in its entirety upon the effective date of this ordinance.

ENACTED AND ORDAINED this 12th day of September, 2002.