

**ORDINANCE NO. 3-07**

**AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, a substantial increase in the number and in the seriousness of crimes committed by minors against persons and property within Cross Creek Township, Washington County, Pennsylvania, has created a menace to the preservation of public peace, safety, health, morals and welfare, which has partly been caused by the large number of minors who are permitted to remain in public places and in certain establishments during night hours without adult supervision, and that regulation of the same will reduce such juvenile delinquency.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, that:

**Section 1: Purpose.** The purpose of this Ordinance is to prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets or public places at night, for the protection of younger children in Cross Creek 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 reduction 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 of the residents of Cross Creek Township.

**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:

- 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 Place - any public or private street, alley, sidewalk, park, playground, public building or vacant lot, or in a parked vehicle at any of said locations in Cross Creek Township.
- d. Remain - to stay behind; to tarry and to stay unnecessarily in or upon a public place, as herein defined, including the congregation 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.

**Section 3: Establishment of Curfew: Exceptions.** It shall be unlawful for any minor to remain in or upon any public place within Cross Creek Township Sunday through Thursday between the hours of 10:00 p.m. and 5:00 a.m., and on Friday, Saturday and recognized Holidays between the hours of 11:30 p.m. and 5:00 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 a current letter dated not more than thirty (30) days prior to the date of presentation, certifying the same, signed by an employer or parent.
- c. A minor on an emergency errand.

**Section 4: Parent Not to Permit Violation.** 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 5: Police Discretion in Age Determination.** Police officers in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of ages until such proof is furnished, the judgment of the police officer shall prevail.

**Section 6: 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 One Hundred (\$100.00) Dollars for the first such offense, or a fine of not more than Three Hundred (\$300.00) Dollars for the second or each succeeding offense.

**Section 7: 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 8: 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 Board of Supervisors of Cross Creek Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein.

**Section 9: Effective Date.** This Ordinance shall become effective five (5) days after enactment as provided by law.

ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, this 19th day of June, 2007.

ATTEST:

CROSS CREEK TOWNSHIP

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Rachel Warner-Blosser, Secretary

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Dean F. Casciola, Chairman

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Tim Paris, Supervisor

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John Rush, Supervisor