

ORDINANCE NO. 1-00

AN ORDINANCE OF THE WEST MANHEIM TOWNSHIP 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 ENACTED AND ORDAINED, by the West Manheim Township Board of Supervisors, York County, Pennsylvania that a CURFEW for minors is established as follows:

SECTION I. Short Title

This ordinance shall be known and may be referred to as the **CURFEW ORDINANCE**.

SECTION II. Purpose

This is a curfew ordinance prescribing regulations for the conduct of minors in public places in West Manheim Township during specified hours. The ordinance has the following purposes: (1) the enforcement of parental control and parental responsibility; (2) the protection of the public from nocturnal mischief by minors and the reduction of juvenile criminal activity; (3) the furtherance of family responsibility; and (4) the public good, safety and general welfare.

SECTION III. Definition 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 any adult person responsible for the care and custody of a minor. When used in this ordinance, "parent" shall mean one or both parents.

PUBLIC SPACE any public street, alley, sidewalk, park, playground, public building or vacant lot within West Manheim Township.

REMAIN - to stay behind, or tarry unnecessarily upon the streets. Not to include minors involved in emergencies or ordinary purposes such as mere passage through the township, returning home directly from school activities or a place of employment.

SECTION IV Curfew established

It shall be unlawful for minors to be in or upon, or to remain in or upon, any public space in the West Manheim Township at night after the hour of 11:00 P.M. until 5:00 A.M. the following morning, prevailing time, unless such minor is accompanied by any parent, guardian or other person having the legal custody of such minor.

SECTION V Duties of parents and guardians.

It shall be unlawful for any parent, guardian, or person having legal care or custody of a minor to intentionally or knowingly permit such minor to violate any provisions of this ordinance.

SECTION VI - Violations and penalties.

Any minor found upon public space within West Manheim Township, in violation of Section IV of this Ordinance, shall be taken into custody by the township police, who shall either notify or deliver said minor to a parent, responsible person, guardian or person having the legal custody of said minor and make a report thereof on the departmental Offense and Incident Log Book.

Police officers shall have ultimate discretion in dealing with Curfew violations, but generally, the officer should issue a warning for the first time offender. Second and subsequent violations of this ordinance shall be referred to the District Justice.

Parents, guardians, or persons having legal care or custody of minors and or minors who violate this ordinance may be sentenced to pay a fine of not more than \$300.

SECTION VII - Determination of age.

The police officers of the township, in taking minors into custody under this ordinance, 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 VIII- Construction

SEVERABILITY is intended throughout and within the provisions of this ordinance. If any provision, part, phrase or term, of this ordinance should be held invalid, the unaffected provisions, parts, phrases or terms shall not be affected and shall be considered valid.