

# **CURFEW ORDINANCE**

## **TOWNSHIP OF NORTH FAYETTE ORDINANCE No.**

### **AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A CURFEW, THUS AMENDING, REPEALING, REPLACING AND SUPERCEDING TOWNSHIP OF NORTH FAYETTE ORDINANCE NO.6:**

Be it ordained and enacted by the Board of Supervisors of the Township of North Fayette, County of Allegheny and Commonwealth of Pennsylvania:

Ordinance No. 6 of the Township of North Fayette is hereby repealed, amended, replaced, and superceded, such that it shall hereafter provide as follows:

§6-1. 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:

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 PLACE - any public street, alley, sidewalk, park, playground, public building or vacant lot in the Township of North Fayette.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

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.

§6-2. Purposes. This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the 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 incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

§6-3. Curfew; Exceptions. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township of North Fayette, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Township of North Fayette, during the following hours: on Sunday evenings through Thursday evenings, between the hours of 10 p.m. and 6:00 a.m. on the following day; and on Friday evenings through Saturday evenings, between the hours of 11 p.m. and 6:00 a.m. on the following day. Exceptions to the above are the following:

- (A) Minor accompanied by parent, guardian or other person having legal care or custody of such minor;
- (B) Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this Ordinance;
- (C) Minor lawfully employed making it necessary to be in or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian;
- (D) Minor on an emergency errand;
- (E) Minor traveling to and from church, school or municipal activity with parental permission statement as in Subsection 6-3(B) above.

§6-4. Parents not to Permit Violation. It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Ordinance without legal justification therefor.

§6-5. Procedure upon Violation: Any minor found upon the streets, alleys, parks or public places within the Township of North Fayette in violation of Section 6-3 shall be taken into custody by the Township of North Fayette police or legally deputized individual, and be delivered to his parent(s), guardian, or person having the legal custody of said minor, at which time both the minor and parent(s), guardian, or person having the legal custody of said minor shall be given and acknowledge in writing their receipt of a copy of this Ordinance. A report of the foregoing, along with the written acknowledgment of receipt of the Ordinance, shall be filed and kept in a book for that specific purpose. Upon the second violation by the said minor of Section 6-3 hereof, said minor shall be issued a citation and shall be remanded to the District Justice for disposition. Additionally, said parent(s), guardian or person having the legal custody of said minor shall, having allowed him again to be on the streets, alleys, parks or public places in violation of Section 6-3, upon such second violation by the said minor of Section 6-3 hereof and having received a copy of this Ordinance at the time of the first violation, be issued a citation for violation of Section 6-4 of this Ordinance and shall be remanded to the District Justice for disposition.

§6-6. 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 Three Hundred (\$300.00) Dollars, and/or to imprisonment for a term not to exceed ninety (90) days.

§6-7. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement. Any minor who shall violate this Ordinance more than three (3) times may, at the discretion of the proper Township of North Fayette officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason for the provisions of Section 6-2 of this Ordinance cannot be made effective by the imposition of fines and penalties.

§6-8. Police Discretion in Age Determination. The police officers of the Township of North Fayette in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.

§6-9. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. Ordinance 6, adopted by the Township of North Fayette December 3, 1953, is specifically repealed and superceded hereby.

§6-10. 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§6-11. Effective Date. This Ordinance shall become effective on \_\_\_\_\_.

ENACTED AND ORDAINED into law this \_\_\_\_\_ day of \_\_\_\_\_,2002.

ATTEST:

TOWNSHIP OF NORTH FAYETTE

BOARD OF SUPERVISORS

\_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
Chairman