

ORDINANCE NO. 94-4

AN ORDINANCE OF THE HOP BOTTOM BOROUGH 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.

Whereas, the Borough Council of the Borough of Hop Bottom, Susquehanna County, Pennsylvania, (the "Council") has, pursuant to the Borough Code, as amended, the power to prohibit and remove any obstruction or nuisance and penalize the same; (acts of May 4, 1927, P.L. 519 Sec. 1202 as amended, 1943, and last amended 1979, 53 P.S. 46202) and;

Whereas, said Council has the power to ordain for the proper maintenance of peace, good government, and welfare of the Borough, as delegated to them by the Code, as amended, (1979, Nov. 1, P.L. 453 #90 Sec. 1) and;

NOW, therefore, the Council of Hop Bottom Borough, Susquehanna County, Pennsylvania, does hereby ordain and enact the following ordinance:

SECTION 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 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, closed business (after hours) or opened, creek and under bridges, public or private parking lots.

REMAIN - to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of individual and/or groups (or of interacting minors) 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.

SECTION 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 Hop Bottom Borough 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.

SECTION 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 Hop Bottom Borough, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Hop Bottom Borough, between the hours of 10 P.M. and 5 A.M. on the following day. Exceptions to the above are the following:

1. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor.

SECTION 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.

SECTION 5. Procedure upon Violation. Any minor found upon the streets, alleys, parks or public places within the Hop Bottom Borough in violation of Section 2 shall be taken into custody by the Hop Bottom Borough Police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this ordinance. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of section 2, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this ordinance. Upon the third violation said parent, guardian or person will be cited for the violation.

SECTION 6. 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 Hop Bottom Borough 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 the provisions of section 2 of this ordinance cannot be made effective by the imposition of fines and penalties.

SECTION 7. Police Discretion in Age Determination. The police officers of the Hop Bottom Borough 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.

SECTION 8. Penalties. Any person who shall violate any provision of this ordinance shall upon conviction thereof, be sentenced to pay a fine not less than \$25 or not more than three hundred dollars (\$300.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 9. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 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 Council of the Hop Bottom Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Enacted and ordained by the Borough Council of the Borough of Hop Bottom this 4th day of October, 1994.

BOROUGH OF HOP BOTTOM

Lance M. Benedict
MAYOR

ATTEST

Armen K. Isaac
SECRETARY

Armen M. Zablotsky
COUNCIL PRESIDENT