

ORDINANCE 12-06

AN ORDINANCE TO REGULATE THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN YEARS IN PUBLIC PLACES AND IN PRIVATE ESTABLISHMENTS IN THE BOROUGH OF CLINTONVILLE BETWEEN CERTAIN HOURS; DEFINING DUTIES AND RESPONSIBILITIES OF PARENTS AND PROPRIETORS OF ESTABLISHMENTS; AND PROVIDING PENALTIES FOR VIOLATION.

WHEREAS, the Council finds it necessary to preserve the public peace, safety, health, morals and welfare by restricting the presence of minors in public places and in private establishments.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough of Clintonville, in Council assembled, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Definitions.

- (a) "Establishment" means any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.
- (b) "Minor" means any person under the age of eighteen years.
- (c) "Official Borough Time" means Eastern Standard Time excepting for the period established by Ordinance Eastern Daylight Saving Time as official Borough Time.
- (d) "Operator" means any individual, firm, association, partnership or corporation, managing or conducting any establishment; and whatever used in any clauses prescribing a penalty the "Term Operator" as applied to associations or Partnerships shall include the members or partners thereof and as applied to corporations, shall include the officers thereof.
- (e) "Parent" means any natural parent of a minor, a guardian or any adult person, twenty-one years of age or older responsible for the care and custody of a minor.
- (f) "Public Place" means any public street, highway, road, alley, park, playground, public building, vacant lot or public parking lot.
- (g) "Remain" means to loiter, idle, wander, stroll or play in or upon, whether in or out of a vehicle in or on public places.

Section 2. Unlawful Conduct of Minors.

- (a) It shall be unlawful for any minor who has not attained the eighteenth anniversary of the date of his birth to remain in or upon any public place or any public establishment in the Borough of Clintonville between the hours of 10:00 o'clock p.m., and 5:00 o'clock a.m., of the following day, Official Borough Time.
- (b) It shall be unlawful for any minor under the age of eighteen years to remain in or upon any public place of any establishment between the hours of 10:00 o'clock p.m. and 5:00 o'clock a.m. of the following day Official Borough Time.

- (c) The provisions of this section shall not apply to any minor accompanied by a parent or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful employment during curfew hours; provided said minor carries identification and evidence in writing to this effect.
- (d) Each violation of the provisions of this section shall constitute a separate offense.

Section 3. Unlawful Conduct of Parents.

- (a) It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place of any establishment between the hours specified under Section 2, paragraphs (a) and (b) hereof.
- (b) The provisions of this section shall apply to any parent who accompanies a minor or to a parent who directs upon an errand or other legitimate business or to any parent of a minor engaged in gainful employment during the curfew hours; provided, the minor carries a written identification and written evidence to that effect.

Section 4. Unlawful Conduct of Owners or Operators of Establishments.

- (a) It shall be unlawful for any operator of an establishment or their agents or employees knowingly to permit any minor, unaccompanied by a parent to remain on the premises of said establishment during the hours restricted under Section 2, paragraphs (a) and (b).
- (b) Each violation of the provisions of this section shall constitute a separate offence.

Section 5. Enforcement and Penalties.

- (a) Any police officer who finds a minor violating the provisions of this Ordinance shall obtain information from such minor as to his name and address, age and the name of his parent or parents. The minor shall thereupon be taken to the Police Department of the Clintonville Borough for the purpose of accompanying the minor to his home. The information obtained from the minor shall be transmitted to the Chief of Police who shall cause a written notice to be mailed to the parent or parents of the minor advising them of the violation of this Ordinance.
- (b) Any parent who shall permit a minor to violate the provisions of this Ordinance after having received notice of a prior violation shall be fined not less than 50.00 Dollars nor more than 100.00 Dollars for each violation, together with judgment of imprisonment not exceeding ten (10) days if any fine imposed, together with costs if not paid within ten (10) days of the date of imposition thereof.
- (c) Any operator of an establishment and any agents or employees of any operator who shall violate the provisions of this Ordinance shall be fined not less than 50.00 Dollars nor more than 100.00 Dollars for each violation, together with judgment of imprisonment not exceeding thirty (30) days if any fine is imposed.

Section 6. Severability.

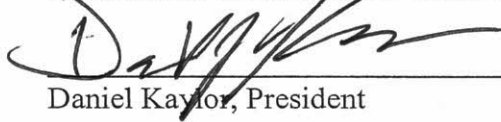
The provisions of this Ordinance are severable and if any provision shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

Section 7.

All existing ordinances in regard to curfews and parts of ordinances of the Borough of Clintonville are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

ORDAINED AND ENACTED this 6 day of December, 2006, at the regular meeting of the Borough Council of Clintonville Borough, Venango County, Pennsylvania.

BOROUGH COUNCIL OF CLINTONVILLE



Daniel Kaylor, President

SEAL

ATTEST:



Louise Donaldson, Secretary, Clintonville Borough