

ORDINANCE NO. 2006-2

AN ORDINANCE OF THE BOROUGH OF POINT MARION ESTABLISHING A CURFEW FOR MINORS SUBJECT TO CERTAIN EXCEPTIONS; PROVIDING FOR DEFINITIONS THEREOF AND THE PURPOSES THEREOF; FIXING RESPONSIBILITY UPON PARENTS AND ENFORCEMENT OFFICIALS; AND DETERMINING THE PENALTIES FOR AND THE PROCEDURES UPON VIOLATION.

The Borough Council of the Borough of Point Marion hereby ordains:

SECTION 1: DEFINITIONS AND INTERPRETATIONS. 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 Borough of Point Marion.

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.

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 Point Marion 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 for 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 Borough of Point Marion, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough of Point Marion, between the hours of 10:00 P.M. and 5:30 A.M. on the following day.

Exceptions to the above are the following:

1. Minor accompanied by a parent, guardian, or other person having legal care or custody of such minor.
2. 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.

3. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

4. Minor on an emergency errand.

5. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection 2 above.

SECTION 4: PARENTS NOT TO PERMIT VIOLATION. It is hereby made unlawful for any parents, 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 with the Borough of Point Marion in violation of Section 2 shall be taken into custody by the designated police officer of the enforcement official of the Borough of Point Marion or the 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 on Section 2, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, 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 Borough of Point Marion 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 enforcement officials of the Borough of Point Marion 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 enforcement official'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 of not more than THREE HUNDRED and 00/100 (\$300.00) Dollars, 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. The following Ordinances or parts thereof are specifically repealed: NONE

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 Borough Council of the Borough of Point Marion that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

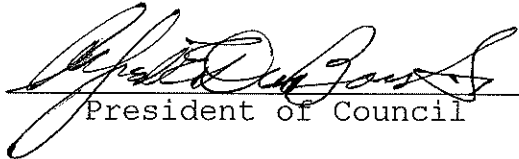
SECTION 11: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its adoption.

ORDAINED AND ENACTED this 16 day of February, 2005.

BOROUGH OF POINT MARION

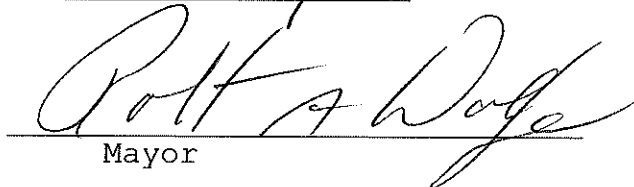
ATTEST:

BY:


President of Council

 (SEAL)
Secretary

APPROVED this 16 day of February, 2005.


Mayor