

ORDINANCE NO. 2001 - 02

AN ORDINANCE AMENDING ORDINANCE 1990-10 REGULATING THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN YEARS IN PUBLIC PLACES AND PRIVATE ESTABLISHMENTS IN MANHEIM TOWNSHIP BETWEEN CERTAIN HOURS; DEFINING THE DUTIES AND RESPONSIBILITIES OF MINORS, PARENTS, AND PROPRIETORS OF ESTABLISHMENTS IN THIS CONNECTION; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania, that Ordinance 1990-10 is hereby amended to read as follows:

SECTION I: This Ordinance shall be known as the Manheim Township Curfew Ordinance.

SECTION II. LEGISLATIVE INTENT.

The Board of Commissioners of Manheim Township, recognizing the problem of crimes committed by and committed against juveniles during the night time and believing that it can be dealt with more effectively by regulating the hours during which minors less than eighteen (18) years of age may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have the custody and responsibility for the care of such minors, hereby enacts this Ordinance for the purpose of (a) promoting the general welfare and protecting the general public through reduction of juvenile violence and crime within Manheim Township, (b) promoting the safety and welfare of Township's citizens under the age of eighteen (18) whose youth and inexperience renders them particularly vulnerable to

becoming participants in criminal activity and in being victimized by perpetrators of crime, and (c) fostering and strengthening parental responsibility for children.

SECTION III. DEFINITIONS.

In this Ordinance the following definitions shall apply.

AFTER HOURS - The period of time between the hours of 10:00 p.m. and 6:00 a.m. on Sunday through Thursday nights and 12:00 midnight and 6:00 a.m. on Friday and Saturday nights.

EMERGENCY - refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

ESTABLISHMENT - Any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.

MINOR - Any person less than eighteen (18) years of age. For the purpose of this Ordinance any person shall be deemed to be eighteen (18) years of age on the date of his or her eighteenth (18th) birthday and not before this time.

OPERATOR - Any individual, firm, association, partnership, or corporation owning, operating, managing, or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers, and managers of any firm, association, partnership, or corporation.

PARENT - The biological or adoptive parent of a minor; a legal guardian; or an adult person twenty-one (21) years of age or over and who is authorized by a minor's

parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.

PUBLIC PLACE - Any public street, highway, road, alley, park, playground, vacant lot, or any private building, structure or area to which the public is invited or in which the public is allowed to remain.

REMAIN - To be at or stay at a place.

SECTION IV. UNLAWFUL CONDUCT OF MINOR.

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment in Manheim Township after hours except as follows:

- (1) the minor is accompanied by a parent; or
- (2) the minor is involved in an emergency; or
- (3) the minor is engaged in an activity related to his or her employment, or is going to or returning home from such activity, without detour or stop; or
- (4) the minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- (5) the minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or
- (6) the minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing

the errand, the telephone number where the parent may be reached during the errand, the name of the minor, a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(7) the minor is involved in interstate travel through or beginning or terminating in Manheim Township; or

(8) the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

SECTION V. UNLAWFUL CONDUCT OF PARENTS.

No parent shall knowingly permit any minor to remain in or upon any public place or establishment after hours unless the minor is engaged in an activity permitted under Section IV of this Ordinance. Knowingly shall mean knows or has reason to know.

SECTION VI. UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS.

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment after hours.

SECTION VII. RULES AND REGULATIONS.

The Chief of Police is hereby authorized from time to time to promulgate such rules and regulations, including the extension of hours for special occasions, as in his or her opinion shall be necessary or useful in the enforcement of this Ordinance. Such rules and regulations shall, however, be subject to the approval of the Board of Commissioners of Manheim Township.

SECTION VIII. OFFENSES.

Each violation of the provisions of this Ordinance shall constitute a separate offense.

SECTION IX. PENALTIES.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in Section IV applies.

(a) Any minor or parent who violates the provisions of this Ordinance for the first time shall be issued a warning. The minor shall be taken into temporary custody; his or her parents shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor. If such parent is not available, in the discretion of the officer in charge the minor may be released to a relative by blood or marriage over the age of eighteen or to the parents of any other minor detained for the same curfew violation. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare.

(b) Any minor or parent who violates any provisions of this Ordinance a second or subsequent times is guilty of a summary offense and, upon conviction thereof, shall be subject to fine or imprisonment.

Second offense - \$10.00;

Third offense - \$50.00;

Fourth offense - \$100.00 and subject to imprisonment up to ninety (90) days;

Fifth and subsequent offenses - \$300.00 and subject to imprisonment up to ninety (90) days.

(c) Any operator convicted of violating the provisions of this Ordinance for the first time shall be fined fifty dollars (\$50) and shall be subject to imprisonment for a term of not to exceed ninety (90) days. Any operator convicted of violating the provisions of this Ordinance for the second or subsequent time shall be fined three hundred dollars (\$300.00) and shall be subject to imprisonment for a term not to exceed ninety (90) days.

SECTION X. ANNUAL REVIEW.

This Ordinance and the need for it shall be reviewed annually. By November 1, 2001, and each year thereafter, the Chief of Police of the Township shall review this Ordinance and report and make recommendations to the Township Commissioners concerning the effectiveness of and the continuing need for this Ordinance. The report shall include, but not be limited to, the following information:

1. The practicality of enforcing the chapter and any problems with enforcement identified by the Township Police Department.
2. The impact of this chapter and support programs on juvenile crime statistics and the public perception of juvenile crime and victimization.
3. Number of juveniles taken into custody for curfew violations.
4. Number of official citizen complaints filed regarding the enforcement of this Ordinance.

SECTION XI. SEVERABILITY.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the Court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Commissioners of Manheim Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XII. REPEALS.

Any and all Ordinances or parts of Ordinances inconsistent herewith shall be and hereby are repealed.

SECTION XIII. EFFECTIVE DATE

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 8th day of January, 2001.

BOARD OF COMMISSIONERS
OF MANHEIM TOWNSHIP

By: Ray E. Bader

Attest:

James M. Martin