

Borough of Lilly

LILLY, PENNSYLVANIA

Ordinance No.: Act - 2014-1

*An Ordinance of the Borough of Lilly
Establishing a Curfew for Minors*

Section 1. - *Title.* This Ordinance shall be known as the "Borough of Lilly Curfew Ordinance".

Section 2. - *Legislative Intent.* The Council of the Borough of Lilly, recognizing the problem of crimes committed by and committed against juveniles during the nighttime and believing that it can be dealt with more effectively by regulating the hours during which minors less than eighteen 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 promoting the general welfare and protecting the general public through reduction of juvenile violence and crime within the Borough of Lilly, promoting the safety and welfare of the Borough's citizens under the age of eighteen whose youth and inexperience renders them particularly vulnerable to becoming participants in criminal activity and in being victimized by perpetrators of crime, and fostering and strengthening parental responsibility for children.

Section 3. - *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.

"ESTABLISHMENT"

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

"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 disaster, automobile accidents or other similar circumstances.

"MINOR"

Any person less than eighteen years of age. For the purpose of this Ordinance, any person shall be deemed to be eighteen years of age on the date of his or her eighteenth birthday and not before that 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 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 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 4. - Unlawful Conduct of Minors. 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 any establishment in the Borough of Lilly after hours except as follows:

- A. The minor is accompanied by a parent; or
- B. The minor is involved in an emergency; or
- C. 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
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- E. 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.

Section 5. - *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 any activity permitted under Section 4 hereof. "Knowingly" shall mean knows or has reason to know.

Section 6. - *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.

Offenses.

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

Section 7. - *Penalties.*

- A. Any minor, parent or operator who violates the provisions of this Ordinance is guilty of a summary offense and subject to a fine of up to \$300.00. Each violation of the provisions of this Ordinance shall constitute a separate offense.
- B. The minor may be taken into temporary custody, in which case his or her parents or other appropriate person shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister eighteen years of age or older. 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.

Section 8. - *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, part or provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Lilly, Cambria County, Pennsylvania, that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

Section 9. - Repealer. Ordinance 1958-2 and any and all ordinances or parts of ordinances inconsistent herewith shall be and hereby are repealed.

ORDAINED AND ENACTED, this first day of October, 2014

BOROUGH OF LILLY:

By: Richard R. Sweeney
Richard R. Sweeney - *President*

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - *Secretary*

APPROVED this 1st day of October, 2014

John T. Barlick, Jr.
John T. Barlick, Jr. - *Mayor*