

CURFEW

LILLY BOROUGH ORDINANCE NO. 1958-2

AN ORDINANCE PROHIBITING CHILDREN UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE TO REMAIN IN OR UPON ANY OF THE STREETS, ALLEYS, ETC., IN THE BOROUGH OF LILLY AT NIGHT AFTER THE HOUR OF TEN (10) O'CLOCK P.M., UNLESS ACCOMPANIED AS HEREIN PROVIDED; PROVIDING FOR A CURFEW WHISTLE; PRESCRIBING THE MANNER OF ENFORCEMENT AND FIXING THE PENALTY FOR VIOLATION OF THIS ORDINANCE.

The Borough of Lilly hereby ordains as follows:

SECTION 1. It shall be unlawful for boys and girls under the age of eighteen (18) years of age (such persons being defined for the purpose of this ordinance as children) to be or remain in or upon any of the streets, alleys, parks or public places in the Borough of Lilly at night, after the hour of ten (10) o'clock P.M., unless such child is accompanied by any parent, guardian or other person having the legal custody of such child. A warning whistle or siren, to be known as the "Curfew Whistle" shall be sounded at ten (10) o'clock each evening, after which all such children shall be required to be at home or out of the streets, alleys, parks and public places in the Borough, except as here provided for.

SECTION 2. It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any of the children of the age above designated, to allow or permit any such child, ward or other person under such age while in such legal custody, to go or be in or upon any of the streets, alley parks or public places in said borough after the time prohibited in Section 1 of this Ordinance, except as therein provided.

SECTION 3. Any child as above designated found upon the borough streets, alleys, parks or public places within the borough, in violation of Section One of this Ordinance shall be taken into custody by the borough police and delivered to his or her parents, guardian, or person having the legal custody of said child and report thereof made immediately to the Burgess, who shall make a record thereof in a book to be kept for that purpose. If said parent, guardian, or person having the legal custody of said child shall again allow him or her to be on said streets, alleys, parks or public places in violation of Section One of this Ordinance, said parent, guardian, or person having the legal custody of said child so offending shall, upon conviction thereof before the Burgess, be sentenced to pay a fine of not more than Five Dollars (\$5.00), nor less than One

Dollar (\$1.00) and costs, and in default of payment of such fine and costs, to be imprisoned in the county jail for not more than five (5) days at the discretion of the Burgess, and a like fine or imprisonment shall be imposed upon any person aiding or abetting in the violation of the intent and purpose of this Ordinance.

SECTION 4. Said children who shall violate this ordinance more than three times shall be reported to a society or organization whose purpose is to take charge of incorrigibles and delinquents and proceedings be then taken in the Court of Quarter Sessions or Juvenile Court for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent, guardian or legal custodian shall not be effective, or where for any other reason the provisions of Section One of this Ordinance cannot be made effective by fines and penalties imposed thereunder.

SECTION 5. The police officers of the Borough in taking children into custody under this Ordinance shall use their discretion in determining age, and, in doubtful cases, may require positive proof, and until such proof is furnished, the officer's judgment shall prevail.

SECTION 6. If any sentence, clause, or 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, or sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. All ordinances or parts of ordinances now in existence and inconsistent with the terms and provisions of this Ordinance, and, in particular, Ordinance No. 51, are hereby repealed.

SECTION 8. This Ordinance shall go into effect September 1, 1958.

LILLY BOROUGH COUNCIL

By Michael A. Bennett

ATTEST:

Charles Brady
Secretary

Approved this 23rd day of August, 1958

Charles D. McCloskey
Burgess