

**BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007- 6

**AN ORDINANCE OF EAST PROSPECT BOROUGH
AMENDING ORDINANCE 98-8, CURFEW, AND
RE-ADOPTING THE SAME TO ESTABLISH A CURFEW
WITHIN THE BOROUGH AND PENALTIES FOR
VIOLATIONS OF SUCH CURFEW.**

WHEREAS, the Borough Council of East Prospect Borough adopted Ordinance 98-8 to establish a curfew for minors within the Borough; and

WHEREAS, Ordinance 98-8 was amended by Ordinance 2004-10, which amendment contained an error; and

WHEREAS, the Borough Council of East Prospect Borough desires to correct such error and re-adopt the Curfew Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, as follows:

Section 1. Ordinance 98-8, as amended by Ordinance 2004-10, of the Borough of East Prospect is deleted in its entirety, and is readopted in its entirety as follows:

CURFEW

§ 101. Definitions: Unless the context clearly indicates the contrary, the following definitions shall apply:

ESTABLISHMENT - any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

MINOR - any person under the age of eighteen (18) years.

OFFICIAL BOROUGH TIME - Eastern Standard Time or Eastern Daylight Saving Time, whichever is applicable on the date in question.

OPERATOR - any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause 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.

PUBLIC PLACE - any public street, highway, road, alley, park, playground, public building or vacant lot.

REMAIN - to loiter, idle, wander, stroll, play, or be in or upon.

§ 102. UNLAWFUL CONDUCT OF MINORS:

1. No minor shall remain in or upon any public place or any establishment between the hours of 11:00 P.M. and 6:00 A.M., Official Borough Time.

2. The provisions of this section shall not apply to any minor accompanied by a parent or guardian, or to a minor upon an errand or other legal business directed by such minor's parent or guardian or to any minor who is engaged in gainful lawful employment during the curfew hours.

§ 103. UNLAWFUL CONDUCT OF OWNERS OR OPERATORS OF ESTABLISHMENTS.

1. No operator of an establishment or their agents or employees shall knowingly permit any minor to remain upon the premises of said establishment between the hours of 11:00 P.M. and 6:00 A.M., Official Borough Time.

2. The provisions of this section shall not apply to any operator of an establishment or their agents or employees with regard to a minor employed by the operator and engaged in gainful lawful employment by the operator during the curfew hours.

§ 104. ENFORCEMENT AND PENALTIES:

1. Any police officer who finds a minor violating any provisions of §102 may issue a citation immediately to the minor, constituting a summary violation, and may then take the minor home if feasible, or may take the minor to police headquarters and request a parent to come to headquarters for the minor.

2. The police officer or Borough shall give or send to the parent, guardian or other adult person having the care and custody of such minor, a written notice of a minor's violation of the provisions of §102 containing a warning that if such violation is repeated, the penalties prescribed herein will be invoked against such parents, guardian or person having the care and custody of the minor involved. Such written notice may be served upon such person via hand

delivery by the police officer or Borough or through certified mail, return receipt requested and regular mail to his last known address, and shall be deemed to have been given to the person entitled thereto when deposited in the United States mail.

3. Any police officer who finds an operator of an establishment or their agent or employees violating any provision of §103 may issue a citation immediately to the operator of the establishment or their agents or employees, constituting a summary violation.

4. Any minor who shall be adjudged in violation of §102 before a District Justice shall be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than six hundred (\$600.00) dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall forward the citation and complaint to York County Juvenile Probation Office.

5. Any parent, guardian or other adult person having the care and custody of a minor who has violated any provision of §102 after said parent, guardian or other adult person has been sent the written notice prescribed in §104(2), shall be sentenced to pay a fine of not less than one hundred (\$100.00) Dollars and not more than six hundred (\$600.00) dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall sentence to imprisonment for not more than thirty (30) days in York County Prison the parent, guardian or other adult person having the care and custody of a minor so defaulting.

6. Any operator of an establishment or their agents or employees who shall be adjudged in violation of §103 before a District Justice shall be sentenced to pay a fine of not more than six hundred (\$600.00) dollars for each violation and costs of prosecution to be collected as other fines and costs are by law collectible and in default of payment of said fine and costs, the magistrate shall sentence the operator of the establishment or their agents or employees to imprisonment for not more than thirty (30) days in York County Prison.

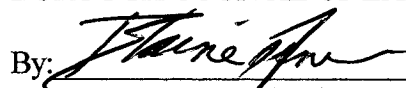
§105. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 2nd day of October, 2007.

ATTEST:


Secretary

BOROUGH COUNCIL OF EAST PROSPECT

By: 
President/Vice President

Approved this 2nd day of October, 2007.


Mayor