

BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 98-8

AN ORDINANCE OF EAST PROSPECT BOROUGH ESTABLISHING A CURFEW WITHIN THE BOROUGH, DEFINING UNLAWFUL CONDUCT OF MINORS, OWNERS OR OPERATORS OF DEFINED ESTABLISHMENTS AND PARENTS, GUARDIANS AND ADULTS HAVING CARE AND CUSTODY OF MINORS, AND PENALTIES FOR VIOLATION OF THE CURFEW.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, 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, except from the first Sunday in April to the last Sunday in October during which it shall be Eastern Daylight Saving Time.

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 department 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 given to such person through the 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 twenty-five (\$25.00) 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 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.

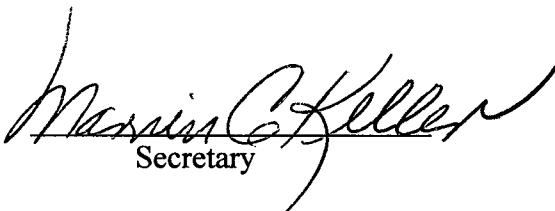
6. Any operator of an establishment or their agents or employees who shall be adjudged in violation of § 103 before a District Justice shall be sentenced to pay a fine of not more than six hundred (\$600.00) dollars for each violation and costs of prosecution to be collected as other fines and costs 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.

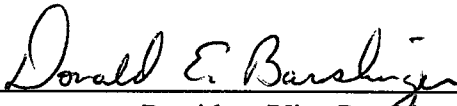
§105. Repealer: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 6th day of October, 1998.

ATTEST:

BOROUGH COUNCIL OF EAST PROSPECT


Secretary

By: 
President/Vice President

Approved this 6th day of October, 1998.


Mayor