

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-3

**AN ORDINANCE OF FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA,
ESTABLISHING A CURFEW FOR MINORS AND PROVIDING PENALTIES FOR
THE VIOLATION THEREOF.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of the Felton Borough, York County, Pennsylvania, under authority of law as follows:

SECTION 1: PURPOSE. The purpose of this Ordinance is to prescribe, in accordance with prevailing community standards, regulations for the conduct of minors on streets or public places, for the protection of children in Felton Borough from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors, for the reduction of the incidence of juvenile criminal activity, for the furtherance of family responsibility, and for the promotion of the public good, health, safety, and welfare of the residents of Felton Borough.

SECTION 2: DEFINITIONS AND INTERPRETATION. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- A. **Establishment** - any privately owned place of business carried on for profit, or any place of amusement or entertainment in which the public is invited.
- B. **Minor** - a person under the age of eighteen (18) years.
- C. **Operator** - Any Person 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 members of partners thereof and as applied to corporations, shall include officers thereof.
- D. **Parent** - any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a Minor. When used in this Ordinance, "Parent" shall mean one or both parents.
- E. **Person** - includes natural persons, partnerships, companies, societies, trusts, associations and corporations, public or private.

F. **Public Place** - any public or private street, alley, sidewalk, park, playground, public building or vacant lot, or in a parked vehicle at any of said locations in Felton Borough.

G. **Remain** - to stay behind; to stay unnecessarily in or upon a public place, as herein defined, including the congregation of groups or otherwise interacting minors totaling four or more persons, in which any minor is not using the public place for emergency or ordinary and immediate educational, political, religious or business purposes.

H. In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

SECTION 3: ESTABLISHMENT OF CURFEW. It shall be unlawful for any Minor to Remain in or upon any Public Place or Establishment within Felton Borough between the hours of 11:00 p.m. and 6:00 a.m., prevailing time, except as follows:

A. A Minor accompanied by a Parent.

B. A Minor lawfully employed, making it necessary for him to Remain on or in an Establishment, when possessing a current letter dated not more than 60 days prior to the date of presentation, certifying the same, signed by an Operator or Parent.

C. A Minor on an emergency errand.

SECTION 4: PARENT NOT TO PERMIT VIOLATION. It shall be unlawful for any Parent to allow or permit such Minor to violate the provisions of this Ordinance without legal justification therefor.

SECTION 5: OPERATOR NOT TO PERMIT VIOLATION. It shall be unlawful for any Operator to allow or permit such Minor to violate the provisions of this Ordinance without legal justification therefor.

SECTION 6: DISCRETION IN AGE DETERMINATION. Enforcement agents and Police officers when taking Minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of ages. Until such proof is furnished, the judgment of the police officer shall prevail.

SECTION 7: PENALTIES. Any Person who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than one hundred (\$100.00) Dollars for the first such offense or a fine of not more than three hundred (\$300.00) Dollars for the second or subsequent offenses, plus all costs of prosecution, including, but not limited to attorneys' fees, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days.

SECTION 8: ENFORCEMENT. The provisions of this Ordinance shall be enforced by any police officer having authority within Felton Borough or anyone appointed by the Felton Borough Council by resolution.

SECTION 9: JUVENILE ACT PROCEEDINGS. In addition, an investigating officer may initiate proceedings under the Juvenile Act, 42 Pa. C.S.A., Section 6301, *et. seq.*, as amended from time to time, against offending juveniles when appropriate under that Act.

SECTION 10: REPEALER. All Ordinances or parts of Ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed in their entirety.

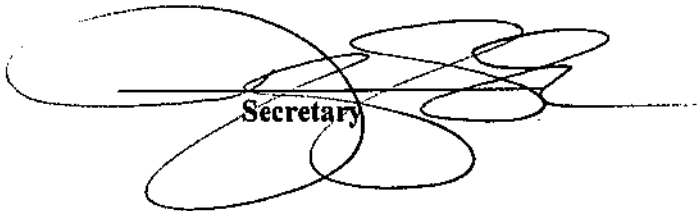
SECTION 11: SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Council of Felton Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein.

SECTION 12: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ORDAINED AND ENACTED this 2nd day of June 2008.

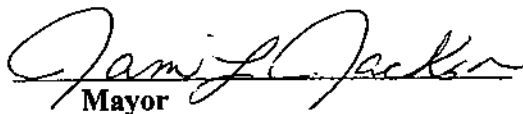
ATTEST:

**FELTON BOROUGH
BOROUGH COUNCIL**


Secretary

By: Anna O'Berry
President

Approved this 2 day of June 2008.


Mayor