

**DELTA BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007 – 02

AN ORDINANCE PROVIDING CURFEW REQUIREMENTS FOR MINORS IN DELTA BOROUGH, SPECIFYING DUTIES OF PARENTS AND OPERATORS OF ESTABLISHMENTS IN RELATION THERETO, MAKING PROVISIONS FOR THE TIME DURING WHICH MINORS MAY BE IN OR UPON CERTAIN PUBLIC PLACES OR ESTABLISHMENTS, ESTABLISHING DUTIES OF MINORS, PARENTS AND OTHERS IN RELATION THERETO AND PROVIDING PENALTIES FOR VIOLATION, REPLACING THE CURFEW ORDINANCE ADOPTED ON SEPTEMBER 25, 1979

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that Delta Borough is amending the Curfew Ordinance of September 25, 1979, in its entirety, to read as follows:

Section 1. Definitions.

BOROUGH – Delta Borough, York County, Pennsylvania.

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 18 years.

OFFICIAL BOROUGH TIME – Eastern Standard Time, except during such periods as Eastern Daylight Savings Time may be set as the official time of the Commonwealth of Pennsylvania by the State or Federal Law when the latter shall be the official Borough time.

OPERATOR – Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and whenever used in any clause or prescribing a penalty the term “Operator” as applied to associations or partnerships shall include the members and partners thereof and as applied to corporations, shall include the officers thereof.

PARENT – Any natural parent of a minor, a guardian, or any adult person, 21 years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE – Any public street, highway, road, sidewalk, alley, park, playground, public building or vacant lot.

REMAIN – To loiter, idle, congregate, wander, stroll, play or be in or upon.

Section 2. Unlawful Conduct of Minors.

A. No Minor shall Remain in or upon any Public Place or any Establishment between the hours of 10:00 p.m. and 6:00 a.m.

B. The provisions of this Section shall not apply to any Minor accompanied by a Parent, or to any Minor who is engaged in gainful lawful employment during the curfew hours.

Section 3. Unlawful Conduct of Parents. No Parent shall permit any Minor to Remain in or upon any Public Place or any Establishment between the hours of 10:00 p.m. and 6:00 a.m. Official Borough Time.

Section 4. Unlawful Conduct of Owners or Operators of Establishments

A. No Operator of an Establishment or their agents or employees shall permit any Minor to Remain upon the premises of said Establishment between the hours of 10:00 p.m. and 6:00 a.m. Official Borough Time.

B. 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.

Section 5. Enforcement and Penalties

A. Any property owner or Borough official who finds a Minor violating any provisions of Section 2 of this Ordinance may obtain information from such Minor as to his name and address, age, and the name of his Parent or Parents and file a complaint with the Borough enforcement officer. The Minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the Minor shall be mailed to the Parent or Parents of the Minor advising of the violation of Section 2 of this Ordinance.

B. Any person, partnership, association, or corporation violating any of the provisions of this Ordinance shall be subject to the following penalties:

First Offense	Warning to Parent
Second Offense	\$100 Fine to Parent
Third and Subsequent Offenses	\$500 Fine to Parent

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.

The above penalties may be collected by suit or summary proceeding brought in the name of the Borough before any District Justice. Each day in which such person, partnership, association or corporation shall violate the provisions of this Ordinance shall be deemed as a separate offense.

Section 6. Repealer. The provisions of any prior Ordinance which are inconsistent herewith the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Severability. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 8. Effective Date. This Ordinance shall be effective five (5) days after enactment.

ADOPTED AND ORDAINED this 29th day of January , 2007.

ATTEST:

DELTA BOROUGH COUNCIL

Secretary

President

Approved this 29th day of January, 2007.

Mayor