

SILVER SPRING TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 97-2

AN ORDINANCE CONCERNING A CURFEW IN SILVER SPRING TOWNSHIP; IMPOSING AN 11:00 P.M. TO 5:00 A.M. CURFEW ON ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS OF AGE; MAKING IT UNLAWFUL FOR ANY PARENT OR LEGAL GUARDIAN OF CHILDREN UNDER THE AGE OF EIGHTEEN YEARS TO PERMIT OR ALLOW SUCH CHILD OR CHILDREN TO VIOLATE SAID CURFEW; TO MAKE IT UNLAWFUL FOR THE OPERATORS OF CERTAIN ESTABLISHMENTS TO KNOWINGLY ALLOW OR PERMIT PERSONS UNDER THE AGE OF EIGHTEEN YEARS TO REMAIN UPON THE PREMISES; AND TO PROVIDE FOR PROSECUTION AND PENALTIES FOR VIOLATION HEREOF.

WHEREAS, the Board of Township Supervisors of the Township of Silver Spring believes that it is in the best interest of said Township that a curfew for minor persons be established; and

WHEREAS, this Ordinance and the reasons leading to its enactment are authorized by "The Second Class Township Code", Act of May 1, 1933, P.L. 103, as variously amended and re-enacted (53 P.S. § 65101, et seq.);

THEREFORE, BE AND IT IS HEREBY enacted and ordained by said Board of Township Supervisors, as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as "The Silver Spring Township Curfew Ordinance".

SECTION 2: DEFINITIONS

(A) "Establishment" means any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

(B) "Knowingly" means and includes actual knowledge and knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody.

(C) "Minor" means any person under the age of eighteen (18) years.

(D) "Official Township Time" means the then prevailing Eastern Standard Time or Eastern Daylight Saving Time when the Commonwealth of Pennsylvania adopts or uses such time.

(E) "Operator" means 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 corporation, shall include the officers thereof.

(F) "Parent" means any person having legal custody of a Minor under the following circumstances: as a natural or adoptive parent; as a legal guardian; as a person who stands in loco parentis; or as a person to whom legal custody has been awarded by Order of Court.

(G) "Public Place" means any public street, highway, road, alley, park, playground, public building, parking lot, vacant lot or other place open to the public.

(H) "Remain" means to be on, in or about or to loiter, idle, wander, stroll or play in or upon.

(I) "Township" means the Township of Silver Spring, located in Cumberland County, Pennsylvania.

SECTION 3: PROHIBITED CONDUCT -- UNLAWFUL CONDUCT OF MINORS

(A) It shall be unlawful for any Minor to remain in or upon any Public Place or any Establishment between the hours of 11:00 P.M. and 5:00 A.M. of the following day, Official Township Time.

(B) The provisions of this Section shall not apply under the following conditions:

- (1) When the Minor is accompanied by a Parent.
- (2) When the Minor is upon an errand or legitimate purpose or business directed by such Minor's Parent.
- (3) When the Minor is engaged in lawful employment.
- (4) When the Minor is attending or going directly to or returning from a juvenile activity of a charitable, educational, religious, social, or civic activity supervised by at least one (1) adult and with the express verbal or written consent of the Parent.
- (5) When the Minor is in the company of any adult over the age of eighteen (18) with the express verbal or written consent of the Parent.
- (6) When the Minor is exercising First Amendment Rights protected by the United States Constitution and the Constitution of the Commonwealth of Pennsylvania, such as the free exercise of

religion, freedom of speech and the right of assembly.

- (7) When the Minor is excused by reason of the action of the Board of Township Supervisors of Silver Spring Township. Said Board of Township Supervisors may, by written declaration upon application or upon the Board's own decision by motion and resolution, declare special events, programs, or functions by properly organized and supervised organizations advancing legitimate recreation, charitable, educational, religious, social or civic, or organizations advancing recreation, character development, or training in the aforementioned areas, and promoting the building of good citizenship in young people, and the attendance and movement directly to and from such events by minors, exempt from the provisions of this Ordinance.

(C) Each violation of this Section shall constitute a separate offense.

SECTION 4: PROHIBITED CONDUCT -- UNLAWFUL CONDUCT OF PARENTS

(A) It shall be unlawful for any Parent knowingly to allow or permit or, having reason to know, to allow or permit any Minor to remain in or upon any Public Place or any Establishment in the Township between the hours set forth in this Ordinance.

(B) The provisions of this Section shall not apply where the Minor's activity is excepted under the provisions of Section 3(B) of this Ordinance.

(C) Each violation of the provisions of this Section shall constitute a separate offense.

SECTION 5: PROHIBITED CONDUCT -- UNLAWFUL CONDUCT OF OWNERS OR OPERATORS OF ESTABLISHMENTS

(A) It shall be unlawful for any Operator of any Establishment within this Township or their agents or employees knowingly to allow or permit or, having reason to know, to allow or permit any Minor to remain upon the premises of such Establishment between the hours set forth in this Ordinance.

(B) The provisions of this Section shall not apply where the Minor's activity is excepted under Section 3(B) of this Ordinance.

(C) Each violation of the provisions of this Section shall constitute a separate violation.

SECTION 6: VIOLATIONS AND PENALTIES

(A) Any person who shall violate Sections No. 3, 4 or 5 of this Ordinance shall be liable, upon summary conviction for the first offense and upon summary conviction for each subsequent offense, to a fine not less than \$25.00 nor more than \$300.00, together with the costs of prosecution, in each case. Each day that a violation shall continue shall be deemed to be a separate offense and shall be punishable as such. The fines and costs imposed under the provisions of this Ordinance shall be

enforceable and recoverable in the manner and at the time provided by applicable law. Upon judgement upon any person by summary conviction, or by proceedings by summons on default of the payment of the fine and penalty imposed and the costs, such person may be sentenced and committed to the jail of Cumberland County for a period not exceeding thirty (30) days.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

SECTION 8: SEVERABILITY

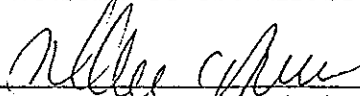
In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of The Board of Township Supervisors of Silver Spring Township that such remainder shall be and shall remain in full force and effect.

SECTION 9: RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

ENACTED and Ordained by the Board of Township Supervisors this
24th day of July, 1997, in public session duly assembled.

TOWNSHIP OF SILVER SPRING

By 
Chairman, Board of Township
Supervisors

ATTEST:


Township Secretary