

FRANKLIN TOWNSHIP
YORK COUNTY, PENNSYLVANIA
ORDINANCE NO. 4 - 2011

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, YORK COUNTY,
PENNSYLVANIA ESTABLISHING A CURFEW FOR MINORS AND PROVIDING FOR
COMPLIANCE BY MINOR'S PARENTS AND FOR APPROPRIATE PENALTIES FOR
VIOLATIONS OF SAID ORDINANCE

WHEREAS: Those under the age of 18 can become particularly susceptible, because of their lack of maturity, judgment, and experience, to participate in unlawful and gang-related activities and to be the victims of older perpetrators of crime; and

WHEREAS: The protection of minors from each other and from other persons, the enforcement of parental control over, and responsibility for, children, the protection of the general public, and the reduction of the incidence of juvenile criminal activities are compelling public interests of Franklin Township; and

WHEREAS: A comprehensive Minors Curfew ordinance for those under the age of 18 can serve the best interests of the public health, safety, and general welfare of the Township and will help to attain these objectives and to diminish the undesirable impact of criminal conduct on the citizens of the Township, and

WHEREAS: the Franklin Township Board of Supervisors has determined that passage of this Ordinance will protect the welfare of minors by:

- (1) Reducing the likelihood that minors will be the victims of criminal acts during the curfew hours;
- (2) Reducing the likelihood that minors will become involved in criminal acts or exposed to narcotics trafficking during the curfew hours; and
- (3) Aiding parents or guardians in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care.

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Franklin, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. This Ordinance shall be known and may be cited as the Franklin Township Curfew Ordinance.

Section 2. Purpose.

The Minors Curfew is not intended to infringe upon the freedoms of resident youth, but rather to assure that minors have adequate parental/guardian supervision during focal times of the day, and to offer support to minors and parents/guardians experiencing curfew concerns.

Section 3. Findings.

A. This Ordinance is in accordance with prevailing community standards, and regulates the conduct of minors in public places at night, for the protection of younger children in the Township 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 criminal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety, and welfare.

B. The Township Board of Supervisors finds that the Minors Curfew meets a very real local need, and will be a significant factor in minimizing juvenile delinquency.

C. The community sense of the proper time for cessation of outdoor activities by minors in public places is reflected in the curfew hours declared by this Ordinance which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident to immaturity.

D. Adequate indoor living space in the Township permits minors to healthfully occupy their time.

E. Commercial recreational facilities are almost nonexistent, and there is little or nothing for minors to do outdoors but roam the streets after the curfew hours.

F. The Township is a stable family community. Parental responsibility for the whereabouts of children is the norm, legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years, as parental control increases likelihood of juvenile delinquency decreases, and there is a continuing need for the nocturnal curfew for minors which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated.

Section 4. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings herein given. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

COURT - Any Magisterial District Justice Office or the York County Court of Common Pleas.

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

PARENT - Any person having legal custody of a minor (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis, or (iv) as a person to whom legal custody has been given by order of court.

PUBLIC PLACE - Any public street, highway, road, alley, park, playground, sidewalk, vacant lot, or other area generally open to the public.

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

Township, whether Eastern Standard Time or Eastern Daylight Saving time, the time then observed in the Township administrative offices and police station.

TOWNSHIP - Franklin Township, York County, Pennsylvania, with administrative offices at 150 Century Lane, Dillsburg, Pennsylvania 17019.

Section 5. Curfew.

A. It shall be unlawful for any minor to be at or remain in or upon any public place between the hours of eleven o'clock (11 :00) P.M. and six o'clock (6:00) A.M.

B. It shall be unlawful for a parent to allow or permit a minor, whether through intentional permission or negligent inattention to allow a minor to remain in or upon any public place between the hours of eleven o'clock (11 :00) P.M. and six o'clock (6:00) AM

Section 6. Exceptions.

The provisions of this Ordinance shall not apply to:

- A. Any minor attending an activity sponsored by school, religious, non-profit, governmental, or similar organization including bona fide volunteer service to a fire company or ambulance association in which the activity is supervised by adults, and when returning home by a direct route from (and within thirty minutes of the termination of) such activity.
- B. Any minor or operator of an establishment in which the minor is employed in lawful employment during curfew hours or is immediately and directly in route to and from such employment.
- C. When accompanied by a parent or an adult authorized in writing by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area, which adult shall be 21 years of age or more.
- D. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to the Township Board of Supervisors a written communication, signed by the minor and countersigned by the minor's parent with their home address and telephone number, specifying when, where and in what manner said minor will be on the streets or public property at night in the exercise of a First Amendment right specified in such communication.

Section 7. Burden of Proof.

When, in any prosecution under this ordinance, a defendant offers any affirmative defense that he or she was engaged in one of the exceptions set forth in Section 6 above, the obligation to go forward and present competent evidence falls upon the defendant.

Section 8. Penalties.

A. A minor and/or parent may be cited with a summary criminal offense if the minor is found in violation of curfew. The fine for the offense shall be no less than Twenty-Five (\$25) dollars and not more than One Thousand (\$1,000) dollars for each offense plus costs of prosecution.

B. The court is encouraged, when appropriate, to consider counseling and/or community service or other diversionary programs as an alternative sentence to the penalties prescribed above.

C. The court is encouraged to refer unpaid curfew fines and/or sentences to Juvenile Probation.

Section 9. Police Procedures.

Any minor found upon the street or public property within the Township in violation of this Ordinance shall be taken into police custody and to the Township Police Station and or appropriate curfew center, where a parent shall be notified immediately to come for such minor. When a parent has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to a relative or responsible adult.

Section 10. 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 Franklin Township that such remainder shall be and shall remain in full force and effect.

Section 11. Repealer.

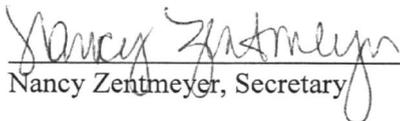
All other ordinances, parts of ordinances or parts of resolutions inconsistent herewith shall be and the same expressly are repealed.

Section 12. Effective Date.

This Ordinance shall be effective at 12:01 A.M. on the 6th day following the adoption hereof by the Board of Supervisors of the Township of Franklin.

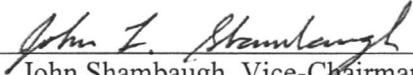
ENACTED AND ORDAINED this 14 day of December, 2011.

ATTEST:

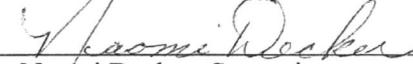

Nancy Zentmeyer, Secretary

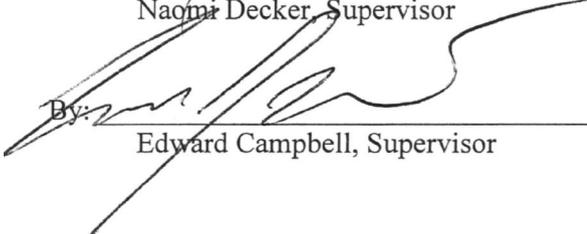
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BOARD OF SUPERVISORS**

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John Shambaugh, Vice-Chairman

By: 
Gary Brown, Supervisor

By: 
Naomi Decker, Supervisor

By: 
Edward Campbell, Supervisor