

AN ORDINANCE

No. 256

To regulate the presence of minors under the age of eighteen years in public places and in private establishments in the Borough of Parkesburg between certain hours; defining duties and responsibilities of parents and proprietors of establishments; and providing penalties for violations.

BE IT ORDAINED by the Council of the Borough of Parkesburg, and it is hereby ordained by the authority of the same:

SECTION 1. Legislative findings.

The Council of the Borough of Parkesburg finds as follows:

(a) The problem of juvenile delinquency can be reduced by regulating the hours during which minors may remain in public places and certain establishments without adult supervision and by imposing certain duties and responsibilities upon the parents or other adult persons who have care and custody of minors.

(b) To that end, it is desirable and advisable to revise the existing curfew Ordinance of the Borough of Parkesburg in order to make the same comprehensive, effective and adequate.

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

(c) "Official Borough time" means Eastern Standard Time excepting for the period establishing by Ordinance Eastern Daylight Saving Time as Official Borough time.

(d) "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 corporations, shall include the officers thereof.

(e) "Parent" means any natural parent of a minor, a guardian, or any adult person, twenty-one years of age or over, responsible for the care and custody of a minor.

(f) "Public Place" means any public street, highway, road, alley, park, playground, public building or vacant lot.

(g) "Remain" means to loiter, idle, wander, stroll, or play in or upon.

SECTION 3. Unlawful Conduct of Minors.

(a) It shall be unlawful for any minor who has not attained the sixteenth anniversary of the date of his birth to remain in or upon any public place or any establishment in the Borough of Parkesburg between the hours of 9:15 o'clock p.m. and 6:00 o'clock a.m. of the following day, Official Borough time, except that on Fridays and Saturdays and all nights between June 15th and September 15th inclusive, the hours shall be from 10:15 o'clock p.m. to 6:00 o'clock a.m.

(b) It shall be unlawful for any minor sixteen years of age but under eighteen years of age to remain in or upon any public place or any establishment between the hours of 10:15 o'clock p.m. and 6:00 o'clock a.m. of the following day, Official Borough time, excepting that on Fridays and Saturdays and all nights between June 15th and September 15th inclusive, the hours shall be from 11:15 o'clock p.m. to 6:00 o'clock a.m. of the following day.

(c) The provisions of this section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful lawful employment during the curfew hours;

provided said minor carries identification and evidence in writing to this effect.

(d) Each violation of the provisions of this section shall constitute a separate offense.

SECTION 4. Unlawful Conduct of Parents.

(a) It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place or any establishment between the hours specified under Section 3, paragraph (a) and (b) hereof.

(b) The provisions of this section shall not apply to any parent who accompanies a minor or to a parent who directs a minor upon an errand or other legitimate business or to any parent of a minor engaged in gainful lawful employment during the curfew hours; provided the minor carries written identification and written evidence to that effect.

SECTION 5. Unlawful conduct of Owners or Operators of Establishments.

(a) It shall be unlawful for any operator of an establishment or their agents or employees knowingly to permit any minor to remain upon the premises of said establishment during the hours restricted under Section 3, paragraph (a) and (b).

(b) Each violation of the provisions of this section shall constitute a separate offense.

SECTION 6. Enforcement and Penalties.

(a) Any police officer who finds a minor violating the provisions of this Ordinance, shall obtain information from such minor as to his name and address, age, and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be transmitted to the Chief of Police who shall cause a written

notice to be mailed to the parent or parents of the minor advising of the violation of this Ordinance.

(b) Any parent who shall permit a minor to violate the provisions of this Ordinance after having received notice of a prior violation shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) for each violation, together with judgment of imprisonment not exceeding ten days if any fine imposed, together with costs, is not paid within ten days of the date of imposition thereof.

(c) Any operator of an establishment and any agents or employees of any operator who shall violate the provisions of this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each violation, together with judgment of imprisonment not exceeding thirty days if any fine imposed, together with costs, is not paid within ten days of the date of imposition thereof.

SECTION 7. Severability.

The provisions of this Ordinance are severable and if any provision shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

ENACTED into an Ordinance this 2ND day of *NOVEMBER*, 1964.

Borough of Parkesburg

Thomas

President of Council

Seal
Attest

Maris W. Mullen

Secretary,
Maris W. Mullen

Approved: *Nov. 25, 1964.*

J. William Stroup
J. William Stroup, Mayor