

ORDINANCE NO. 1982-3

AN ORDINANCE OF THE TOWNSHIP OF MORRIS,
COUNTY OF CLEARFIELD, STATE OF PENNSYLVANIA,
KNOWN AS THE CURFEW ORDINANCE REGULATING
THE USE OF STREETS DURING EVENING HOURS BY MINORS

BE IT ENACTED AND ORDAINED BY THE TOWNSHIP SUPERVISORS of the TOWNSHIP OF MORRIS, County of Clearfield, State of Pennsylvania, and it is hereby enacted and ordained by authority of the same.

SECTION 1. SHORT TITLE. This ordinance shall be known and may be cited as the Curfew Ordinance.

Section 2. PURPOSES AND FINDINGS. The Township Supervisors have found it necessary and desirable, in accordance with prevailing community standards, to regulate the conduct of minors on the streets at night for the public good, safety and welfare.

- (a) The Board of Supervisors finds that the curfew meets a very real local need, that the curfew will be a significant factor in minimizing juvenile delinquency and is necessary in light of Morris Township's local situation. Morris Township is a residential community. The community sense of the proper time for the cessation of outdoor activities by minors on the street is reflected in the prime hours for gatherings of minors and the potential risks of juvenile crime inherent thereto.
- (b) The Board finds that Morris Township is not overcrowded, and that residential land use predominates. Single family dwellings occupy the largest portion of the residential areas. Adequate indoor living space, educational facilities and nearby recreational areas permit minors in Morris Township to healthfully occupy their time. However, commercial recreational facilities are almost non-existent and there is little or nothing to do outdoors but roam the streets after the curfew hours set forth by this Ordinance.
- (c) The Board finds that Morris 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, the likelihood of juvenile delinquency decreases. There is therefore a continuing need for an evening curfew for

minors which will help to eliminate juvenile crime in Morris Township.

SECTION 3. DEFINITIONS As used in this Ordinance:

- (a) "Township" means the Township of Morris, Clearfield County, Pennsylvania, with administrative offices at Rt. 684, Village of Oak Grove, R.D. Morrisdale, Pennsylvania.
- (b) "Minor" means any person under the age of 18.
- (c) "Parent" means 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 (9v) as a person to whom legal custody has been given by order of court.
- (d) "Remain" means to stay behind, to tarry or to stay unnecessarily upon the streets, including the congregation of groups of interacting minors totaling four or more persons in which any minor involved would not be using the streets for ordinance or serious purposes such as mere passage or going home.
- (e) "Street" means a way or place open to the use of the public as a matter of right for purposes of vehicular or pedestrian travel. The term street includes the legal right-of-way, including but not limited to the cartway, the curb, the sidewalks whether paving or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applies irrespective of what it shall be called or normally named, whether alley, avenue, court, road or otherwise.
- (f) "Prevailing Time" means the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at the hour by public in the time.

SECTION 4. CURFEW HOURS. No person 17 or less years of age (under 18) shall be or remain in or upon the streets within the Township of Morris at night during the period ending at 6:00 A.M. and beginning:

- (a) At 10:00 P.M. for minors 11 or less years of age,
- (b) At 10:30 P.M. for minors 12 or 13 years of age, and
- (c) At 11:00 P.M. for minors 14 or more years of age.

SECTION 5. EXCEPTIONS. In the following exceptional cases a minor on the street during the evening hours set forth in Section 4 above shall not, however, be considered in violation of the Curfew Ordinance:

- (a) When accompanied by a parent of such minor.
- (b) When accompanied by an adult authorized by a parent of such minor to take parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- (c) 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 intent to exercise such rights by first delivering to the Morris-Cooper Police Department, Morris Township Building, Rt. 684 Oak Grove, Morris Township, Clearfield County, Pennsylvania, a written communication, signed by such minor and by a parent of such minor with their home address and telephone number, addressed to the chairman of the Township Board of Supervisors specifying when, where and in what manner said minor will be on the streets at night during hours otherwise prohibited by this Ordinance in the exercise of a First Amendment right specified in such communication.
- (d) In case of reasonable necessity, but only after such minor's parent has communicated to the Morris-Cooper Police Department personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. Copies of all such communications or of the police record thereof, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor shall be maintained by the Morris-Cooper Police.
- (e) When the minor is on the sidewalk of his or her residence or on the sidewalk of any next-door neighbor as long as said neighbor has not communicated an objection to the Morris-Cooper Police.
- (f) When returning from home, by direct route from and within thirty (30) minutes of the termination of a school activity of a religious or voluntary association, of which prior notice has been given in writing to the Morris-Cooper Police.
- (g) When authorized by special permit from the Board of Supervisors, carried on the person of the minor thus authorized, as hereinafter provided. When normal or

necessary night-time activities of a minor may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Board of Supervisors either for a regulation as provided in subsection (h) hereof or for a special permit as the circumstances warrant. In the event of the finding by the Board of Supervisors of necessity for the use of the streets to the extent requested by a written application, signed by a minor and by a parent of such minor, which application shall state:

- (1) The name, age and address of such minor;
- (2) The name, address and telephone number of parent thereof;
- (3) The height, weight, sex, color of eyes and hair and other physical characteristics of such minor;
- (4) The necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable; and
- (5) The street or route and the beginning and end of the period of time involved by date and hour.

The Board of Supervisors may grant a permit in writing for the use by such minor of such hours as in the Board's opinion may reasonably be necessary. In an emergency, this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either by the Chairman of the Board of Supervisors, or, if unavailable, to the police officer authorized by the Board of Supervisors to act on their behalf in an emergency at the police station.

- (h) When authorized, by regulation, issued by the Board, in other similar cases of reasonable necessity similarly handled for night-time activities of more minors than can be readily dealt with on an individual special permit basis. Such regulation by the Board permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through the news media and other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved, which is not to extend more than thirty minutes beyond the time of termination of such activity and the reason for finding that such regulation is reasonable necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.

- (i) When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than forty-five days previously, signed by the Chief of Police and briefly identifying the minor, his home address and his place of employment and hours.
- (j) When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This exempts bona fide interstate movement through Morris Township, and intertownship travel beginning or ending in Morris Township.

SECTION 6. PARENTAL RESPONSIBILITY. It shall be unlawful for a parental having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any street in Morris Township under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended that all parents shall adhere to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

SECTION 7. POLICE PROCEDURES. A Policeman of the Township, upon finding or having called to his attention any minor on the streets in prima facie violation of the curfew ordinance, normally shall take the minor to the Morris-Cooper Police Department where a parent shall immediately be notified to come for such minor. In the absence of convincing evidence such as a birth certificate a policeman shall, in the first instance, use their best judgement in determining age.

SECTION 8. CONTINUING EVALUATION.

- (a) The Board of Supervisors will continue its evaluation and updating of the Curfew Ordinance. Accordingly, there shall be compiled and informally reported to the Board of Supervisors through effective channels such as the normal monthly distribution by the Township Secretary to each supervisor and the Township Solicitor of noteworthy material, all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Board's special permits and the Board's regulations

hereinbefore authorized for consideration by the Board in further updating and continuing the evaluation of the Curfew Ordinance.

- (b) Police Procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policeman may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.
- (c) In any event, such policeman shall, within twenty-four hours, prepare and file a written report with the Chief of Police.
- (d) When a parent, immediately called, has come to take charge of the minor, and any and all 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 the juvenile authorities, except to the extent that in accordance with police regulation, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative neighbor or other person who will, on behalf of the parents, assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- (e) In the case of a first violation by a minor, the Chief of Police shall, by certified mail, send to a parent a written notice of such violation, with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties.

SECTION 10. PENALTY.

- (a) If said parent, guardian or person having legal custody of said child shall allow him or her to be on said streets, alleys, parks or public places in violation of this ordinance, said parent, guardian or person having legal custody of said child so offending shall, upon conviction thereof before the District Justice be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and the costs of suit; or, on failure of the convicted party to pay such fine and costs, be imprisoned for a period not to exceed five (5) days, and a like fine or imprisonment shall be imposed on any person aiding or abetting in the violation of the intent and purpose of this Ordinance.

(b) Any minor who shall violate any of the provisions of this ordinance more than twice shall be reported to the Morris-Cooper police to the Juvenile Court of Clearfield County, which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the Juvenile Court for the permanent welfare of such child, and in cases where the arrest of the parents, guardian or legal custodian or reason the provisions of this chapter cannot be made effective by fines or penalties imposed hereunder, such person shall be reported to the courts of Clearfield County.

SECTION 11. SEVERABILITY. In the event any provisions, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence clause or part of this Ordinance, it being the intent of this Township that such remaining shall be and shall remain in full force and effect.

SECTION 12. REPEALER. All other ordinances or parts of ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED this 6th day of May, 1982.

The Township of Morris

By William Saggese
Chairman, Board of Supervisors

ATTEST:

Sharlene M. Yontosh
Secretary

I hereby certify this is a true and correct copy of Morris Township Ordinance No. 1982-3.

Secretary/Treasurer