

## **ORDINANCE NO. 259**

AN ORDINANCE TO REGULATE THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN YEARS IN PUBLIC PLACES AND IN PRIVATE ESTABLISHMENTS IN THE BOROUGH OF EMLENTON BETWEEN CERTAIN HOURS: DEFINING DUTIES AND RESPONSIBILITIES OF PARENTS AND PROPRIETORS OF ESTABLISHMENTS; AND PROVIDING PENALTIES FOR VIOLATION.

WHEREAS, the Council find that it is necessary to preserve the public peace, safety, health, morals and welfare by restricting the presence of minors in public places and in private establishments.

NOW, THEREFORE, BE IT ORDAINED AND AMENDED by the Council of the Borough of Emlenton, Venango County, Pennsylvania, and it is hereby ORDAINED AND AMENDED by its authority and pursuant to the provisions hereof:

### Section 1: 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, vacant lot, or public parking lot.
- g) "Remain" means to loiter, idle, wander, stroll or play in or upon, whether in or out of a vehicle in or on "public places."

### Section 2: Unlawful Conduct of Minors.

1) It shall be unlawful for any minor who has not attained the eighteenth anniversary of the date of his/her birth to remain in or upon any "public place" or "establishment" in the Borough of Emlenton between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. of the following day, "Official Borough Time", except that on Fridays and Saturdays the hours shall be from eleven-thirty o'clock (11:30) P.M. to five o'clock (5:00) A.M.

2) 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 employment during the curfew hours; provided said minor carries identification and evidence in writing to this effect.

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

Section 3: Unlawful Conduct of Parents.

- 1) It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any "public place" or any "establishments" between the hours specified under Section 2, paragraph (1).
- 2) 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 employment during the curfew hours; provided the minor carries written identification and written evidence to that effect.

Section 4: Unlawful Conduct of Owners or Operators of Establishments.

- 1) It shall be unlawful for any operator of an establishment or their agents or employees knowingly to permit any minor, unaccompanied by a parent, to remain upon the premises of said establishment during the hours restricted under Section 2, paragraph (1).
- 2) Each violation of the provisions of this section shall constitute a separate offense.

Section 5: Enforcement and Penalties.

- 1) A violation of this Ordinance will be a summary offense and any person who violates any provision of this Ordinance shall be fined a minimum of Twenty-five dollars (\$25.00) and not more than prescribed by law.

Section 6: Special Events.

Where there are special events, programs or functions by properly organized and supervised organizations in the Borough of Emlenton, the Mayor shall grant, at his discretion, an extension on times stated in Section 2, paragraph (1) of this Ordinance. A written letter will be signed by the Mayor and filed with the Emlenton Borough Secretary. Only when a letter has been completed will this section apply.

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 amended if such illegal, invalid, or unconstitutional provisions had not been included herein.

Section 8.

All existing Ordinance and parts of Ordinances of the Borough of Emlenton are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

Section 9: Effective Date

This Ordinance shall become effective five(5) days from the date of its amendment.

Ordained and Amended by Council of the Borough of Emlenton, Venango County,  
Pennsylvania, on this day of November 11 1998.

ATTEST: Nancy L. Barber (SEAL)  
Borough Secretary

BY: Gamma J. Presser  
Council President

Daniel E. Serwillage  
Mayor