

**SOUTH LONDONDERRY TOWNSHIP  
ORDINANCE NO. 231**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH  
LONDONDERRY, LEBANON COUNTY, PENNSYLVANIA,  
REPEALING ORDINANCE 42 AND PROVIDING FOR A CURFEW  
HOUR FOR MINORS AND ESTABLISHING PENALTIES FOR  
NON-COMPLIANCE.

**WHEREAS** The South Londonderry Township Board of Supervisors recognizes the local need, in accordance with the prevailing community standards, to regulate the conduct of minors on streets, at night for the public good, safety, and welfare. The curfew hours declared by this Ordinance take into consideration the danger hours for nocturnal crime and the accumulation of minors with potential risks incident to immaturity. This includes crimes committed by and crimes committed against minors during these hours. The sanctions of this Ordinance also enforce parental responsibility for the whereabouts of children.

**WHEREAS** the south Londonderry Township Board of Supervisors desires to repeal Ordinance No. 42 and to adopt this Ordinance to clarify and better regulate curfews for minors.

**NOW, HEREOFRE, BE IT ENACTED AND ORDAINED**, and it is enacted and ordained by the Board of Supervisors of South Londonderry Township, Lebanon County, Pennsylvania, as follows:

**Section 1: Short Title:**

This ordinance shall be known and may be cited as the South Londonderry Township Curfew Ordinance.

**Section 2: Definitions:**

For the purpose of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. 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.

- A. **AFTER HOURS** is the period of time between the hours of 11:30 p.m. and 5:00 a.m.
- B. **ESTABLISHMENT** is Any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.
- C. **EMERGENCY** refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disaster, automobile accidents or other similar circumstances.

- D. **MINOR** is any person less than 18 years of age. For the purpose of this Ordinance any person shall be deemed to be 18 years of age on the date of his or her 18th birthday and not before this time.
- E. **OPERATOR** is any individual, firm, association, partnership or corporation owning, operating, managing or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers and managers of any firm, association, partnership or corporation.
- F. **PARENT** is the biological or adoptive parent of a minor; a legal guardian; or an adult person 21 years of age or over and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.
- G. **PUBLIC PLACE** is any public street, highway, road, alley, park, playground, vacant lot or any private building, structure or area to which the public is invited or in which the public is allowed to remain.
- H. **REMAIN** means to be at or stay at a place.

**Section 3: Unlawful conduct of minors:**

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment in the Township of South Londonderry after hours except as follows:

- A. The minor is accompanied by a parent or an adult authorized by a parent or a person acting in loco parentis; or
- B. The minor is involved in an emergency; or
- C. The minor is engaged in an activity related to his or her employment, or is going to or returning home from such activity, without detour or stop; or
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- E. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or
- F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, a brief description of the errand, the minor's destination(s) and the hours the minor

is authorized to be engaged in the errand; no minor or parent shall falsify the documents described above; or

- G. The minor is involved in interstate travel through or beginning or terminating in South Londonderry Township; or
- H. The minor is 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.
- I. The minor has received special written permission from the Chief of Police, or in his/her absence, the written permission of the Township Manager.

**Section 4: Unlawful conduct of parents:**

No parent shall knowingly permit any minor to remain in or upon any public place or establishment after hours unless the minor is engaged in an activity permitted under Section 3 of this Ordinance. "Knowingly" shall mean knows or has reason to know.

**Section 5. Unlawful conduct of operators of establishments:**

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment after hours.

**Section 6. Rules and regulations:**

The Chief of Police is hereby authorized, from time to time, to promulgate such rules and regulations, including the extension of hours for special occasions, as in his or her opinion shall be necessary or useful in the enforcement of this Ordinance. Such rules and regulations shall, however, be subject to the approval of the Board of Supervisors.

**Section 7. Offenses:**

Each violation of the provisions of this chapter shall constitute a separate offense.

**Section 8: ' Penalties:**

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in Section 3. applies.

- A. Any minor or parent who violates the provisions of this Ordinance for the first time may be issued a citation. The minor may be taken into temporary custody, to include transport to the Police Department, in which case his or her parents or other appropriate person shall be notified, and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister 18 years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare.

- B. Any minor or parent who violates any provisions of this Ordinance is guilty of a summary offense and, upon conviction thereof, shall be subject to fine or imprisonment as follows:
1. First offense: \$50.
  2. Second offense: \$100 to \$150.
  3. Third offense: \$150 to \$200.
  4. Fourth offense: \$200 to \$300. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system.
  5. Fifth and subsequent offenses: \$300 to \$500. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system.
- C. Any operator convicted of violating the provisions of this Ordinance for the first time shall be fined \$50 and may be subject to imprisonment for a term of not to exceed 90 days. Any operator convicted of violating the provisions of this Ordinance for the second or subsequent time shall be fined \$300 and may be subject to imprisonment for a term not to exceed 90 days.

**Section 8: Severability :**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the Court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the South Londonderry Township Board of Supervisors, Lebanon County, Pennsylvania, that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 9: Repealer:**

Ordinance 42 is hereby repealed along with all other ordinances and parts of ordinances inconsistent herewith.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania in lawful session duly assembled.

BOARD OF SUPERVISORS  
SOUTH LONDONDERRY TOWNSHIP

\_\_\_\_\_  
Faith Bucks

Attest:

\_\_\_\_\_  
Jack Custer

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
William Bova