

CHAPTER 6

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Part 1
Curfew for Minors

§101. Short Title. This Part 1 shall be known and may be cited as the "West Nottingham Township Curfew Ordinance". (Ord. 1-1981, 10/20/1981, §1)

§102. Definitions. For the purpose of this Part 1, the following terms, phrases, words and forms thereof, shall have the meanings or interpretations given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, words used in the singular include the plural, words used in the male gender include the female, and words used in the female gender include the male. The word "shall" is to be construed to indicate mandatory, not merely directory, action or inaction.

BOARD - the Board of Supervisors of the Township.

MINOR - any individual under the age of eighteen (18) years.

PARENT - any person having legal custody, whether permanent or temporary, of a minor as (i) a natural or adoptive parent, or (ii) a legal guardian of the person of the minor, or (iii) a person standing in loco parentis, or (iv) a person to whom legal custody has been given by Order of Court.

PUBLIC PLACE - any street, highway, alley, park, sidewalk, shopping area, gas station or other places in the Township open to use by the public.

TIMES OF DAY OR NIGHT - referred to herein shall be the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Township.

TOWNSHIP - the Township of West Nottingham, Chester County, Pennsylvania.

(Ord. 1-1981, 10/20/1981, §2)

§103. Curfew for Minors; Liability of Parents. Except as otherwise provided by §104 of this Part 1, it shall be unlawful:

1. For a minor to be, or to remain, in or upon a public place at any time between the hours of 11:00 PM and 6:00 AM, except that on Friday and Saturday nights and on all nights between June 15 and September 15 of every year, the hours shall be from midnight to 6:00 AM.

2. For a parent to permit a minor to be, or to remain, in or upon a public place at any time between the curfew hours as specified in §103(1) herein.

(Ord. 1-1981, 10/20/1981, §3)

§104. Exceptions.

1. In the following cases, it shall not be a violation of the provisions of §103 of this Part 1 for a minor to be, or to remain, or to be permitted to be or to remain, in or upon a public place at any time between the curfew hours as specified herein:

A. When the minor is accompanied by his parents;

B. When the minor is engaged in employment or is in transit to or from his place of employment;

C. When the minor is returning home, by a direct route, from, and within thirty (30) minutes of the termination of, a school activity or an activity of a religious or other voluntary association, which he attended or in which he participated;

D. When the minor is seeking or providing aid in an emergency situation concerning imminent danger to life or property or both.

2. The burden of proving the applicability of one or more of the exceptions set forth in §104(1) above shall be upon the minor, parent or other person asserting the applicability of such exception.

(Ord. 1-1981, 10/20/1981, §4)

§105. Enforcement Penalties. Any person violating the provisions of §103 of this Part 1 shall be subject to prosecution by any police officer of the Township, or other person authorized by law, and shall, upon conviction thereof before any District Justice be sentenced to pay, together with costs of prosecution, a fine of twenty-five (\$25.00) dollars for the first offense, fifty (\$50.00) dollars for the second offense, or three hundred (\$300.00) dollars for each subsequent offense. All such prosecutions shall be commenced and carried out in the manner of summary protections initiated either by warrant, or by summons pursuant to the provisions of The Second Class Township Code applicable and The Pennsylvania Crimes Code. (Ord. 1-1981, 10/20/1981, §5; as amended by Ord. 3-1991, 12/30/1991)

Part 2

Consumption and Possession of Alcoholic Beverages

§201. Definitions. Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than one-half of a (1/2%) percent of alcohol by volume which is fit for beverage purposes.

CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

(Ord. 1-1964, 6/25/1964, §1; as revised by Ord. 3-1991, 12/30/1991)

§202. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Township of West Nottingham, nor shall any person consume any alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof. (Ord. 1-1964, 6/25/1964, §1; as revised by Ord. 3-1991, 12/30/1991)

§203. Possession. No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Township of West Nottingham, nor shall any person possess any container or alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof. (Ord. 1-1964, 6/25/1964, §1; as revised by Ord. 3-1991, 12/30/1991)

§204. Exceptions. Provided however, that the provisions of §202 and §203 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in §201 hereof; and provided further that the provisions of said §202 and §203 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee. (Ord. 1-1964, 6/25/1964, §1; as revised by Ord. 3-1991, 12/30/1991)

§205. Penalty. Whosoever violates any of the provisions of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to be imprisoned for a period not to exceed ninety (90) days. (Ord. 1-1964, 6/25/1964, §1; as revised by Ord. 3-1991, 12/30/1991)

