

ORDINANCE NO. 2004-0001

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR, BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING A DAYTIME CURFEW FOR UNAUTHORIZED ABSENCES FROM SCHOOL; SETTING FORTH RELATED MATTERS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

BE IT ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED, by the Council of the Borough of Langhorne Manor, Bucks County, Pennsylvania, as follows:

ARTICLE 1
TITLE

Section 1.01 This Ordinance shall be known as and shall be called the "Borough of Langhorne Manor Daytime Curfew Ordinance."

ARTICLE 2
DEFINITIONS

Section 2.01 The meaning of the terms used in this Ordinance shall unless the context specifically and clearly indicates otherwise be as follows:

A. "The Borough" shall mean the Borough of Langhorne Manor, Bucks County, Pennsylvania, a political subdivision acting by and through its Borough Council, or in appropriate cases, by and through its Police Department or other duly authorized representatives.

B. "Student". Any person of compulsory school age.

C. "Compulsory School Age". As defined by the Public School Code of 1949, the period of a child's life from the time the child's parents elect to have the child enter school, until the age of seventeen (17) years. The term shall not include any child who holds a certificate of graduation from a regularly accredited senior high school.

D. "Parent". The natural or adoptive parents of a student.

E. "Guardian". Any person other than a parent who has legal guardianship of a student or is a person in a parental relation, having control or charge of any student.

F. "Establishment". Any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

G. "Public Place". Any public street, highway, road, park, playground, public building, vacant lot or parking area open to the general public, including the interior of any motor vehicle being operated upon or parked upon or standing in or upon any such areas.

H. "Unauthorized Absence". Any absence from school by a student which is not excused or permitted by school authorities.

I. "School Code". The Public School Code of 1949, as amended.

J. "School". Any institution, public or private, authorized and/or certified by the School Code.

K. "School Day". The time period of any day that students are required to attend school.

L. "School Term". The period of time elapsing between the opening of schools in the fall of one year and the closing of schools in the spring of the following year.

M. "Home Education Program". A program conducted, in compliance with the School Code, by the parent or guardian or such person having legal custody of the child or children.

N. "Vocational Education Program". A program conducted, in compliance with the School Code, the purpose of which is to fit an individual to pursue effectively a recognized profitable employment.

ARTICLE 3

CURFEW FOR STUDENTS

Section 3.01 It shall be unlawful for any student, required by the School Code to attend school, to remain in or play in or upon any public place or at any establishment or to wander or stroll upon public streets or right-of-ways when such student is required by the School Code to attend school during the school day.

Section 3.02 The provisions of this Ordinance shall not apply to any student who:

A. Has attained the age of sixteen (16) years and who is regularly engaged in any useful and lawful employment or service during the time the schools are in session, and who holds an employment certificate issued according to law.

B. Has been examined by an approved mental health treatment facility or by a person certified as a school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the Board of School Directors and excused, in accordance with the Regulations prescribed by the State Board of Education;

C. Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the School Board or the designated school official of the School District of the student's residence, in accordance with Regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;

D. Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in Clause (c) of this Section, and who has satisfactorily completed either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the District Superintendent of Schools having supervision of the schools of the district where such child resides or by the principal of the private school where such child is enrolled and the reason therefor has been approved by the Superintendent of Public Instruction.

E. Is engaged in a Home Education program.

F. Is engaged in a Vocational Education program and is out of school pursuant to the guidelines of such program.

ARTICLE 4

LIABILITY AND PENALTIES

Section 4.01 Any person who shall fail to comply with this Ordinance, shall on summary conviction thereof, be sentenced to pay a fine not exceeding Three Hundred Dollars (\$300.00) and to pay court costs.

Section 4.02 The student and every parent, guardian or person in parental relation must appear at a hearing established by the District Justice.

Section 4.03 The District Justice may, in lieu of or in addition to any other sentence imposed under this Section, order the student to perform community service for a period not to exceed six (6) months.

Section 4.04 A first time offender who maintains perfect attendance for a period of thirty (30) days following his/her offense may be permitted to have the citation issued under this Ordinance dismissed.

ARTICLE 5

PARENTAL/GUARDIAN LIABILITY

Section 5.01 Every parent, guardian or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this Ordinance regarding compulsory school attendance, subject to the exceptions set forth in Section 302 (A) through (F), shall be subject to the provisions of Section 4.

Section 5.02 Any parent, guardian or person in parental relation having control or charge of any child or children of compulsory school age, who is convicted of a violation of this Ordinance, may be ordered by the District Justice to complete an approved parenting education program or counseling offered by a local school district or other community resource, in lieu of any fine imposed.

Section 5.03 If the parent, guardian or person in parental relation charged with a summary offense under this section shows that he or she took every reasonable step to insure attendance of the student at school, he or she shall not be convicted of the summary offense.

ARTICLE 6

ENFORCEMENT

Section 6.01 Any police officer who finds a student violating this Ordinance may obtain the information from such student that is required in order to issue a Citation to the student. A copy of the Citation and/or written notice shall be provided to the parent or guardian of the student by the Chief of Police or his designee advising of the violation. The student should then be transported to school.

Section 6.02 Any police officer who is notified by a parent, guardian or person in parental relation, of a student who willfully refuses to attend school, shall obtain permission from the parent, guardian or person in parental relation, to enter the residence of the parent, guardian or person in parental relation, and issue a citation for the violation of the ordinance to the student and return the student to the public school in which the student is, or should be, enrolled.

Section 6.03 If a person suspected of violating this Ordinance refuses to satisfactorily identify himself to a police officer, that person may be temporarily detained to permit the police officer reasonable- opportunity to determine his/her identity. If it is determined that the suspect is a student subject to compulsory school attendance, then the parent or guardian of such student shall be notified and unless requested by such parent, guardian or person in parental relation to place said student in a school other than the public school, the student may be placed in the public school in which the student is or should be, enrolled.

ARTICLE 7 **ORDINANCE DURATION**

Section 7.01 This Ordinance shall remain in effect until amended or repealed as provided by law.

ARTICLE 8 **MORE RESTRICTIVE REQUIREMENTS**

Section 8.01 Whenever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of the Borough of Langhorne Manor, the most restrictive, or those imposing the higher standards, shall govern.

ARTICLE 9 **SEVERABILITY**

Section 9.01 The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance shall have been adopted as if such illegal, invalid or unconstitutional section, clause, sentence, part or provision has not been included herein.

ARTICLE 10

DECLARATION OF PURPOSE

Section 10.01 It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

ARTICLE 11 **REPEALER**

Section 11.01 All ordinances or parts of ordinances, including but not limited to Ordinance No. 2000-02 adopted on October 3, 2000, inconsistent with this Ordinance shall be and the same are hereby repealed.

ARTICLE 12 **EFFECTIVE DATE**

Section 12.01 This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this 5th day of January, 2004.

ATTEST:

**COUNCIL OF THE BOROUGH OF
LANGHORNE MANOR**

Loretta M. Luff
Secretary

By: Maryann Barnes
Maryann Barnes, President

APPROVED this 5th day of January, 2004.

Gerald Seader mayor
Gerald Seader, Mayor