

ORDINANCE NO. 107 OF 2001
AN ORDINANCE OF WEST VINCENT TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA CONTROLLING AND REGULATING HOURS OF MINORS WITHIN
PUBLIC PLACES, AND CONTROLLING AND REGULATING DISTURBANCES OF THE
PEACE, PEDDLING, AND LITTERING

The Board of Supervisors of West Vincent Township, Chester County, Pennsylvania ordains and enacts the following as the law of West Vincent Township:

PART ONE

CURFEW

101. Short Title. This part shall be known and may be cited as the "West Vincent Township Curfew Ordinance."

102. Definitions. For the purposes of this part, 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 include the singular, 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 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 (1) a natural or adoptive parent, or (2) a legal guardian of the person of the minor, or (3) a person standing in loco parentis, or (4) a person to whom legal custody has been given by order of the court.

Public Place – any street, highway, alley, park, sidewalk, shopping center, or other places in the Township open to use by the public.

Time of Day or Night – 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 Vincent Township, Chester County, Pennsylvania.

103. Purpose. The Curfew Part of this ordinance prescribes, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in West Vincent Township from each other and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

104. Curfew for Minors; Liability of Parents. Except as otherwise provided by 105 of this chapter, 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 p.m. and 5:30 a.m.
2. For a parent to permit a minor to be, or to remain, in or upon a public place at any time between the hours of 11:00 p.m. and 5:30 a.m.

105. Exceptions. In the following cases, it shall not be a violation of the provisions of 104 of this chapter 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 hours of 11:00 p.m. and 5:30 a.m.:

1. When his parent accompanies the minor.
2. When the minor is engaged in employment or is in transit to or from his place of employment.
3. 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 religious or other voluntary association, which he or she attended or in which he or she participated.
4. When the minor is seeking or providing aid in an emergency situation concerning imminent danger to life or property or both.

The burden of proving the applicability of one or more of the exceptions set forth above shall be upon the minor, parent or other person asserting the applicability of such exception.

106. Arrest without warrant. Each and every police officer of the Township is hereby authorized and directed to arrest without warrant any minor violating Section 104 of this chapter and further directed to place the minor into protective custody. The parent of said minor shall be notified of the apprehension and the whereabouts of the minor and said minor shall be released to his parent upon the promise of the parent to secure or compel the obedience of the minor to the provision of 104, subsection 1, of this chapter, unless detention of the minor is otherwise warranted or required under law governing the detention of juveniles. In the event that the parent does not promise to secure or compel the obedience of the minor to the provisions of 104, subsection 1, the minor shall be detained in accordance with the law governing the detention of juveniles.

107. Penalties. Any person, firm or corporation who shall violate any provisions of this Part One shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and/or to imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

108. Certification of Case to Court. Each District Justice for the Township shall, upon the arrest of a minor for violating the provisions of 104, subsection 1, of this chapter, or upon the consideration and determination of said violation, inquire into the facts of the arrest and/or violation, together with the condition and circumstance under which the arrest and/or violation occurred; and where it shall appear that the minor is habitually disobedient or beyond the control

of his parents or other lawful authority, or that the minor deports himself so as to injure or endanger the health, safety, morals or general welfare of himself or of others, the District Justice shall certify the case to the Court of Common Pleas of Chester County for proceedings in accordance with the juvenile law in such cases. In so certifying the case, the District Justice shall charge the minor with having violated the provisions of 104, subsection 1, of this chapter and shall indicate whether any fine and costs levied upon the minor for such violation have been paid.

PART TWO

DISTURBING THE PEACE

201. Disturbing the Peace defined. Disturbing the peace within the limits of the Township of West Vincent, Chester County, Pennsylvania shall consist of and is hereby defined as any act, word or conduct causing a disturbance of the peace and good order of the Township by causing any danger, discomfort, or unreasonable annoyance to the inhabitants thereof or by causing any danger, discomfort, or unreasonable annoyance to the users of the Township highways. Disturbing the peace may include but shall not be limited to loafing, quarreling, fighting, noises, profanity, urinating, or indecent language or acts. It may also include but shall not be limited to reckless or careless driving, or any other use of vehicles by the owners or occupants thereof as shall endanger the safety or interfere with the comfort and convenience of persons using the thoroughfares or highways of the Township.

202. Exceptions. In the following cases, it shall not be a violation of section 201 of this part:

1. For a sworn police officer to operate his light and sirens during emergency and in accordance with laws of Pennsylvania.
2. For a Fire Department to use or sound their house siren and/or vehicle sirens during emergency calls and in accordance with laws of Pennsylvania.
3. For any agency either public or private which may sound a siren to warn the general public of possible hazards or dangers.

203. Penalties. Any person, firm or corporation who shall violate any provision of this Part Two shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and/or to imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rule of Criminal Procedure.

PART THREE

LICENSE AND REGULATION FOR SOLICITING OR PEDDLING

301. Definitions.

Licensee – a person who has obtained a license pursuant to this part.

Peddling – the selling, hawking, exchanging or transferring of goods, wares or merchandise of any kind or nature, for a consideration, from vehicles or temporary structures along the streets or highways within West Vincent Township, or by visits to the dwelling house, residence or places of business within West Vincent Township, except that the definition of peddling shall not include situations wherein a party within the Township of West Vincent has requested and/or consented to the foregoing described conduct constituting peddling.

Soliciting – the procuring or soliciting of orders for future deliveries of goods, wares or merchandise of any kinds or nature, from vehicles or temporary structures along the streets, roads, and highways of West Vincent Township, or by visits to the dwelling houses, residences or places of business within West Vincent Township. In addition, soliciting shall be defined as procuring or soliciting of contributions, gifts or donation of money or any other item of any kind or nature. However the definition of soliciting shall not include situations wherein a party within the Township of West Vincent has requested and/or consented to the foregoing described conduct constituting soliciting.

302. Prohibited Conduct. It shall be unlawful for any person, partnership, association, firm or corporation, or any other organization, to engage in soliciting or peddling within the Township of West Vincent without obtaining a license as specified in this Part.

303. Exemption and Interpretation.

1. A license as specified in this part shall not be required where:
 - A. Peddling or soliciting is conducted by a person who is a member or representative of religious group;
 - B. Peddling or soliciting is conducted by a person who is a member of a local fire department, fire police, or ambulance service;
 - C. A farmer is selling food products, which have been produced by him or his employees.
2. Nevertheless, the Township Board of Supervisors shall make the determination as to whether an applicant falls within any of the specified exemptions set forth in paragraph 1 hereof and, therefore, any person seeking to fit within one or more of the exclusions set forth above shall first make application to the Board of Supervisors.

304. License Application. The application for a license as required by this part shall be on a form provided by the Board of Supervisors and shall contain the following information:

1. Full name of the applicant and local address, telephone number, and date of birth;
2. Permanent address of applicant;
3. Name of employer and address of the principal place of business of employer, or statement that the applicant is self-employed;

4. The nature of the goods, wares, or merchandise to be peddled or solicited; and/or, if applicable, the purpose for the soliciting of contributions, gifts, or donations of money or any other item of any kind or nature;
5. A statement as to whether or not the applicant has ever been convicted of any crime and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor;
6. The type of vehicle to be used, if any;
7. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph;
8. If a license is required from any county officer, the applicant shall upon making application exhibit a valid license;
9. Duration of peddling or soliciting to be conducted;
10. A fee as established by Resolution by the Board of Supervisors, shall be paid for each representative of an organization before a license will be issued.

305. Waiting Period. There shall be a ten (10) day waiting period for issuance of license, which waiting period shall begin the day following submission of application for a peddling or soliciting license, provided that the waiting period may be extended as shall be necessary for verification of information provided in the application.

306. Exhibition of license.

1. The peddling and soliciting license required by this part must be prominently displayed on any vehicle used by the licensee.
2. A licensee under the part must exhibit the license required by this part to all persons contacted for the purpose of peddling or soliciting.
3. A licensee under this part must exhibit the license to all agents of the Township of West Vincent upon request.
4. A license obtained shall not be transferable to any other person. Each representative of an organization must complete an application form, pay the license fee provided in 304 (10), above, and obtain a duplicate copy of the original license issued to the organization.

307. Licensing Period and Renewal.

1. The license required by this part shall be valid for a term of one (1) year. Said license may be renewed by submitting an application as provided in 304 of this part, provided that no waiting period shall be required for renewal of a license.
2. The chairman of the Board of Supervisors of West Vincent Township upon cause shown may revoke the license required by this part. The licensee may request that the Board of Supervisors of West Vincent Township review any revocation. The Board of Supervisors shall, at the next regularly scheduled meeting, sustain the revocation or order that the license be reinstated, as it shall determine.

308. Penalties. Any person, firm or corporation who shall violate any provision of this Part Three shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00); and/or to imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a district justice in the same manner

provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

PART FOUR

LITTERING

401. Short Title. This part shall be known and may be cited as the "West Vincent Littering Ordinance."

402. Definition. For the purposes of this part, the following terms, phrases, words, forms, thereof shall have the meaning or interpretations given herein.

Littering – the depositing of waste material not in the proper way.

Litter – an accumulation of waste material.

Waste – worthless or useless material that is produced as by product and discarded as refused.

Rubbish – worthless material.

Road – a strip of land, including the entire right-of-way intended for use as a means of vehicular and pedestrian access. The word "road" includes avenue, boulevard, thoroughfare, street, highway, alley, lane and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Shoulder – the edge bordering a roadway.

403. Littering Defined. Littering within the Township of West Vincent, Chester County, Pennsylvania consists of the depositing of any waste paper, sweeping, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous detrimental substance onto any township road.

404. Exception. In the following cases, it shall not be a violation of Part 4 of this ordinance:

1. For a township road crew working to repair or improve a roadway.
2. Any general contractor working as an agent of the Township to repair or improve a roadway; except, all waste, rubbish, and trash must be removed at the end of each workday.
3. A property owner or tenant placing their trash out for normal collection and this trash is secured property so as not to blow away or into the roadway.

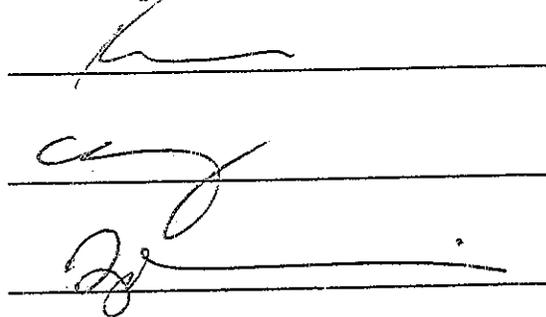
405. Penalty. Any person, firm or corporation who violates any provision of this Part Four shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and/or to imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Also upon conviction thereof a person or company shall remove all items that were deposited, or shall be required to reimburse the Township of West Vincent and its agents for expenses incurred for clean up and removal of the items deposited.

**GENERAL PROVISION APPLICABLE TO PARTS ONE
THROUGH FOUR (INCLUSIVE)**

Section 501. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Governing body that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Enacted and adopted this 9th day of April, 2001 by the West Vincent Township Board of Supervisors effective five (5) days from the date of adoption.



Attest: Cinda M. Cleaver
Secretary