

Beech Mountain Lakes Association Policies			
<i>Section:</i>	4.0 Administration	<i>Effective Date:</i>	October 11,2021
<i>Policy:</i>	4.1 Curfew Policy	<i>Supersedes:</i>	August 2010
<i>Approved by:</i>	4 of 4 Board Members		

If applicable, the exact amount of the fee, fine or deposit that may be referenced in the below policy can be found in the Schedule for Fees and Fines (found by following this link).

If permits are required for this policy:

- 1. Beech Mountain has 30 days from the date of submission to approve the permit.*
- 2. It is your responsibility to check with Butler Township for any permits needed to ensure you are in compliance with their policies.*

RECITALS

- A. Whereas, under the Declaration of Protective Covenants, Exceptions, Reservations, and Conditions for Beech Mountain Lakes in Drums, Pennsylvania, the Board of Directors is charged with certain responsibilities regarding protection of the safety and well-being of residents and guests of Beech Mountain Lakes, as well as with the care, maintenance, service, and preservation of the Common Areas.
- B. Whereas, the Board of Directors, under section 13 of the Beech Mountain Lakes Protective Covenants, has the power to implement general use restrictions including section 13.10.
- C. Whereas, the Board of Directors wishes to update the uniform policy for curfews.

Now, therefore, let it be resolved that the Board of Directors hereby updates the following policy for curfews:

CURFEW RESOLUTION

- 1. Definitions and Interpretations.** As used in this resolution, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR – for the definition of this policy, any person under the age of eighteen (18) years

PARENT- any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor
 When used in this resolution, “parent” shall mean one or both parents.

PUBLIC SPACE- any public street, park, playground, public building, common ground, or vacant lot in the Beech Mountain Lakes Community

REMAIN- to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes, such as the mere passage of going home

2. **Purposes.** This is a Curfew Resolution prescribing, in accordance with prevailing community standards, regulations
 - a. for the conduct of minors on streets at night, for the protection of younger children in the community from each other and from other persons in the community during nighttime hours.
 - b. for the enforcement of parental control and responsibility for their children.
 - c. for the protection of the public from nocturnal mischief by minors.
 - d. for the reduction of the incident of juvenile criminal activity, all for the good of minors
 - e. for the furtherance of family responsibility, and for the public good, safety and welfare.

3. **Curfew and Exceptions.** It shall be unlawful for any minor to be or remain in or upon any public roadway, park, common ground or other public place within the Beech Mountain Lakes Community, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Beech Mountain Lakes Community, during the following hours:
11:00 PM and 6:00 AM, 7 days a week.

Exceptions to the above are the following:
 - a. A minor accompanied by parent, guardian or other person having legal care or custody of such minor;
 - b. **A minor possessing a written statement dated that day and signed by parent, guardian, or other person having legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this resolution;**
 - c. A minor lawfully employed, the conditions of which make it necessary to be on or in highways, streets, parks, etc., as stated above and who possesses a current letter certifying the same and signed by an employer, parent, or guardian;
The said employee must take the most direct route home.

4. **Parent Responsibility to Prevent Violation.** It shall be unlawful for any parent, guardian or person, including guests having legal care or custody of a minor, to allow or permit such minor to violate any of the provisions of this resolution without legal justification. Therefore, if the cited non-resident fails to pay for the violation, the resident who authorized the offender's entry will be deemed responsible to pay the fine.

5. **Procedure upon Violation:** Any minor, BML resident or not, found upon the streets or public places within the Beech Mountain Lakes Community, in violation of Section 3, shall be required to comply with all directions given by the Beech Mountain Community Security/Enforcement Officer or legally deputized individual.

6. **Penalties.** Any person who receives a citation for a violation of this resolution shall be fined as listed on the Fee and Fine Schedule.

- 7. Right to Appeal.** A parent(s), guardian, or person having the legal custody of the minor has the right to appeal as indicated on the citation.

In witness whereof, the undersigned have executed this resolution the 11th day of October, 2021.

Signature on file in Admin office

President

Signature on file in Admin office

Secretary