

CHAPTER 6

CONDUCT

Part 1

Curfew

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## Part 1

## Curfew

§101. Definitions and Interpretation. As used in this Part 1, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR - 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 Part 1, "parent" shall mean one or both parents.

PUBLIC PLACE - any public street, alley, sidewalk, park, playground, public building or vacant lot in the Township.

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 mere passage of going home.

In this Part 1, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§102. Purposes. This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the 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. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§103. Curfew; Exceptions. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Township, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Township, between the hours of 10:00 P.M. and 6:00 A.M. on the following day. Exceptions to the above are the following:

1. Minor accompanied by parent, guardian, or other person having legal care or custody of such minor.

2. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the 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 Part 1.

3. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above and possessing a current letter certifying the same and signed by employer, parent or guardian.

4. Minor on an emergency errand.

5. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection 2 above.

(Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§104. Parents not to Permit Violation. It is hereby made unlawful for any parent, guardian, or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this Part 1 without legal justification therefor. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§105. Procedure upon Violation. Any minor found upon the streets, alleys, parks or public places within the Township in violation of §102 shall be taken into custody by the Township police or legally deputized individual, be delivered to his parent(s), guardian, or person having the legal custody of said minor, and be given a copy of this Part 1. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks or public places in violation of §102, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender and be so advised once again as to the penalty provisions contained in this Part 1. Upon the third violation, said parent, guardian or person will be remanded to the district justice for disposition. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§106. Penalties. Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§107. Procedure in Case of Repeated Violations or Other Factors Interfering with Enforcement. Any minor who shall violate this Part 1 more than three (3) times may, at the discretion of the proper Township officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of §102 of this ordinance cannot be made effective by the imposition of fines and penalties. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)

§108. Police Discretion in Age Determination. The police officers of the Township in taking minors into custody shall use their discretion in determining age and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail. (Ord. 1973-3, 8/6/1973; as revised by Ord. 1985-2, 6/11/1985)