

Chapter 107

CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville 3-20-2006 by Ord. No. 282. Amendments noted where applicable.]

§ 107-1. Title.

The title of this chapter is the "Linesville Borough Curfew Ordinance."

§ 107-2. Purpose.

The purpose of this chapter is to prescribe, in accordance with prevailing community standards, regulations for the conduct of juveniles on streets or public places, 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 incidence of juvenile criminal activity, for the furtherance of family responsibility, and for the promotion of the public good, health, safety, and welfare of the residents of Linesville Borough.

§ 107-3. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given. When not inconsistent with the context, words in the singular number include the plural, and words in the masculine include the feminine and neuter. The word "shall" is always mandatory and not merely directory.

BOROUGH — Linesville Borough.

EMERGENCY — An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

JUVENILE or MINOR — Any person under the age of 18.

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 chapter, "parent" shall mean one or both parents.

PUBLIC PLACE — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, vacant lots, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, arcades, and similar areas that are open to the use of the public or in a parked vehicle at any of those locations. As a type of public place, a street is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk, for pedestrian travel. "Street" includes that legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

REMAIN — To stay behind, to tarry and to stay unnecessarily in a public place, including the congregation of groups (or of interacting minors) totaling four or more persons in which any juvenile involved is not using the public place for emergency or ordinary or immediate educational, political, religious or business purpose.

TIME OF NIGHT — As referred to herein, is based upon the prevailing standard of time, whether standard time or daylight saving time, generally observed at that hour by the public in the Borough.

§ 107-4. Curfew for juveniles.

It shall be unlawful for any juvenile to be or remain in or upon a public place within Linesville Borough between the hours of 10:00 p.m. to 6:00 a.m., prevailing time.

§ 107-5. Exceptions.

The following shall constitute valid exceptions to the curfew established by this chapter:

- A. When a juvenile is accompanied by a parent, guardian, or other person having legal care or custody of such juvenile.
- B. When the juvenile is on an emergency errand or when the juvenile is in the public place as a direct result of an emergency.
- C. When a juvenile is lawfully employed, making it necessary for him to remain in a public place, and possessing a current letter dated not more than 30 days prior to the date of presentation, certifying the same, signed by an employer or parent.
- D. When there is reasonable necessity for the juvenile to remain in a public place, but only after the juvenile's parent has communicated to the police or the person designed by the Borough to receive such notifications the facts establishing the reasonable necessity relating to a specified public place at a designated time for a described purpose, including points of origin and destination.

- E. When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from and within one hour of the termination of a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event.
- F. Any fireman under the age of 18 years of age engaged in a fire call.

§ 107-6. Parental responsibility.

It shall be unlawful for a parent, guardian or person having legal custody of a juvenile to permit or to allow the juvenile to be or remain in any public place under circumstances not constituting an exception to the prohibition of this chapter.

§ 107-7. Administration.

This chapter shall be administered by Pennsylvania law enforcement officers with jurisdiction in Linesville Borough and any other enforcement officer specially designated by the Borough Council. For purposes of this chapter, the law enforcement officers and Borough-designated enforcement officer(s) shall be referred to collectively as "enforcement officers."

§ 107-8. Enforcement; violations and penalties.

- A. The enforcement officer shall use his discretion in determining age, and in doubtful cases may require positive proof of age in which case the juvenile shall provide information about name, age, address and telephone number. Until such proof is furnished, the judgment of the enforcement officer shall prevail. A failure to provide such information shall also constitute a violation of this chapter.
- B. In the event of a first violation, the enforcement officer shall notify the juvenile of the curfew and the violation and shall issue the juvenile a written warning concerning the violation and order the juvenile to go promptly home or the juvenile's parent, guardian or person having legal custody shall be notified to pick up the juvenile. A failure to promptly return home or to another appropriate place that is not a public place shall constitute a violation of this chapter.
- C. In the event of a second violation, the enforcement officer shall issue a non-traffic summary citation having a fine of \$50 to \$100, together with costs of prosecution and court costs. The juvenile's parent, guardian or person having legal custody shall be notified to pick up the juvenile. A failure to promptly return home or to another appropriate place, that is not a public place, shall constitute a violation of this chapter.
- D. In the event of third violation, the enforcement officer shall issue a non-traffic summary citation having a fine of \$100 to \$200, together with costs of prosecution and court costs. The juvenile's parent, guardian or person having legal custody shall be notified to pick up the juvenile. A failure to promptly return home or to another appropriate place, that is not a public place, shall constitute a violation of this chapter.

- E. In the event of a fourth and any subsequent violation, the enforcement officer shall issue a non-traffic summary citation having a fine of \$200, together with costs of prosecution and court costs. The juvenile's parent, guardian or person having legal custody shall be notified to pick up the juvenile. A failure to promptly return home or to another appropriate place, that is not a public place, shall constitute a violation of this chapter.

§ 107-9. Parental responsibility; penalties.

In the event a parent/guardian or person having legal custody of a juvenile permits or allows a juvenile to be or remain in a public place in violation of this chapter, they shall be guilty of a summary offense; the provisions of § 107-8 shall apply to determine the number of the offense and the fine to be imposed.

§ 107-10. Juvenile Act proceedings.

In addition, an enforcement officer may initiate proceedings under the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq., as amended from time to time, against offending juveniles when appropriate under that Act.