

**PART 4**

**CURFEW**

**§401. DEFINITIONS AND INTERPRETATION.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**MINOR** - person under the age of 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, "parent" shall mean one or both parents.

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

**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, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

**§402. 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 Borough 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

**§403. 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 Borough, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 11:00 P.M. and 6:00 A.M. on the following day. Exceptions to the above are the following:

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proximity to any such public place within the Borough, between the hours of 11:00 P.M. and 6:00 A.M. on the following day. Exceptions to the above are the following:

- A. Minor accompanied by parent, guardian or other person having legal care or custody of such minor.
- B. 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.
- C. 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.
- D. Minor on an emergency errand.
- E. Minor traveling to and from church, school or municipal activity with parental permission statement as in subsection (B) above.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

### **§404. 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 without legal justification therefor.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

### **405. PROCEDURE UPON VIOLATION.**

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of §403 shall be taken into custody by the Borough police and released to his or her parent, guardian or person having legal custody of said minor. The parent, guardian or person having legal custody shall be advised of the circumstances by which minor was apprehended and such information shall become part of the police report and juvenile record. Additionally, such person shall also be advised that any subsequent violations under this Part shall result in the parent, guardian or person having legal custody being cited and such person shall be cited for any subsequent violation.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998; and as amended by Ord. 99-6, 3/1/1999, §1)

### **§406. POLICE DISCRETION IN AGE DETERMINATION.**

The police officers of the Borough 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. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)

**§407. PENALTIES.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 250, 12/6/1971; as revised by Ord. 98-4, 9/14/1998)