

668.02 MINOR'S CURFEW.

(a) Definitions. As used in this section, unless the context clearly indicates or requires otherwise:

- (1) "Minor" means a person under the age of eighteen years.
- (2) "Parent" means a natural parent of a minor, a guardian or any adult person responsible for the care and custody of a minor. The term "parent" shall mean one or both parents.
- (3) "Public place" means any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough.
- (4) "Remain" means 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 is not using the streets for emergencies or ordinary purposes, such as mere passage while going home.

(b) Purposes. The purposes of this section are to provide, 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 night-time 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, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

(c) Hours of Curfew. 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 10:00 p.m. and 6:00 a.m. of the following day, prevailing time, from Sunday evening through Friday morning, and between the hours of 11:00 p.m. and 6:00 a.m. of the following day, prevailing time, from Friday evening to Sunday morning.

(d) Exceptions. Exceptions to the subsection (c) hereof include minors who:

- (1) Are accompanied by a parent, guardian or other person having legal care or custody of such minor.
- (2) Possess a written statement dated that day and signed by a 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 section.
- (3) Are lawfully employed, thus making it necessary for such minors to be on or in highways, streets, parks, etc., as stated above, provided that such minors possess a current letter certifying the same and signed by an employer, parent or guardian.
- (4) Are on an emergency errand.
- (5) Are traveling to and from church, school or a Municipal activity, provided that such minors have a parental permission statement as provided in paragraph (d)(2) hereof.

(e) Responsibility of Parents. It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this section without legal justification therefor.

(f) Violations. Any minor found upon the streets, alleys, parks or public places within the Borough in violation of this section shall be taken into custody by the Borough police or a legally deputized individual, be delivered to his or her parent, guardian or person having the legal custody of such minor and be given a copy of this section and Section 668.99. A report shall be filed and kept in a book for that specific purpose. If such parent, guardian or person having the legal custody of such minor shall again allow him or her to be on the streets, alleys, parks or public places in violation of this section, such parent, guardian or person having the legal custody of such minor so offending shall, upon the second offense, be called along with the offender and be so advised once again as to the penalty provisions contained in this section and Section 668.99. Upon the third violation, such parent, guardian or person will be cited for the violation.

(g) Disposition of Minors. Any minor who violates this section more than three times shall, at the discretion of the proper Borough officials, be reported to a society or organization, the purpose of which is to take charge of incorrigibles and delinquents. 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 purposes of this section cannot be achieved by the imposition of fines and penalties.

(h) Police Discretion in Age Determination. Police officers of the Borough, in taking minors into custody, shall use their discretion in determining a minor's age, and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.
(Ord. 561. Passed 5-11-92.)

668.03 FALSE ALARMS. (REPEALED)

(EDITOR'S NOTE: Section 668.03 was repealed by Ordinance 608, passed March 4, 1996. See Chapter 1066 of the Streets, Utilities and Public Services Code.)