CHAPTER 107
CURFEW

§ 107-1 : TITLE
§ 107-2 : PURPOSE
§ 107-3 : DEFINITIONS
§ 107-4 : CURFEW FOR JUVENILES
§ 107-5 : EXCEPTIONS
§ 107-6 : PARENTAL RESPONSIBILITY
§ 107-7 : ADMINISTRATION
§ 107-8 : ENFORCEMENT; VIOLATIONS AND PENALTIES
§ 107-9 : PARENTAL RESPONIBILITY ; PENALTIES
§ 107-10 : JUVENILE ACT PROCEEDINGS

§ 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 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, 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 purpose of this chapter, the following terms, phrases, words, and their derivatives 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 a 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 the legal right of way, including but not limited to the cartway of traffic lanes, the curb, the sidewalk, 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 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 education, 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 savings time, generally observed at the hour by the public in Linesville 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 11:00pm to 6:00am, 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 a 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.

D. When there is reasonable necessity for the juvenile to remain in a public place, but only after the juveniles parent has communicated with the police or the person designated by the Borough to receive such notification the facts establishing the reasonable necessity relating to a specified public place at 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 hours of the termination of a school activity or of an activity of a religious or voluntary association, or a place of public entertainment, such 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 other 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 Linesville Borough Council. For purposes of this chapter, the law enforcement officers, and Borough designated enforcement officer(s) shall be referred to collectively as "enforcement officer(s)."

§ 107-8. ENFORCEMENT; VIOLATIONS AND PENALTIES.

A. The enforcement officer shall use his/her 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 judgement 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 may issue the juvenile a citation of $50.00 plus cost of prosecution and court cost. If a citation is given, 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 or subsequent violation, the enforcement officer may issue a non-traffic summary citation having a fine of $50.00 to $200.00 plus cost of prosecution and court cost. The juveniles' 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 RESPONIBILITY; PENALTIES.

In the event that a parent, guardian, or person having legal custody of a juvenile knowingly or unknowingly permits a juvenile to be or remain in a public place in violation of this chapter, shall be in violation of this chapter; the provision of § 107-8 shall apply to determine the number of the offense and the fine to be imposes.

§ 107-10. JUVENILE ACT PROCEEDINGS.

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

ORDAINED AND ENACTED this 11 day of MAY, 2021.

Council President

Attest:

Borough Secretary

APPROVED:

Mayor