

## **Chapter 5**

### **Part D: *Curfew for Juveniles* (OR4-2001)**

#### **100.00 Title:**

100.10 The Title of this Ordinance is the Saegertown Borough Curfew Ordinance.

#### **200.00 Purpose:**

200.10 The purpose of this Ordinance is to prescribe, in accordance with prevailing community standards, regulations for the conduct of juveniles on streets or public places.

200.11 During nighttime hours;

200.12 For the enforcement of parental control and responsibility for their children;

200.13 For the protection of the public from nocturnal mischief by minors;

200.14 For the reduction of the incidence of juvenile criminal activity;

200.15 For the furtherance of family responsibility;

200.16 For the promotion of the public good, health, safety, and welfare of the residents of Saegertown Borough.

#### **300.00 Definitions.**

300.10 For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given.

300.11 When not inconsistent with the context, words and their derivations shall have the meaning given.

300.12 When not inconsistent with the context, words in the singular number include the plural, and words in the masculine include the feminine and neuter.

300.13 The word “shall” is always mandatory and not merely directory.

300.20 *Emergency* - means an unforeseen combination of circumstances or the resulting state that calls for immediate action.

300.21 The terms 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.

- 300.30 *Juvenile or Minor* – is any person under the age of eighteen (18).
- 300.40 *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.
- 300.41 When used in this Ordinance, “parent” shall mean one or both parents.
- 300.50 *Public Place* - means 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, theatres, 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.
- 300.51 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.
- 300.52 “Street” includes that the 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. .
- 300.60 *Remain* -means 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.
- 300.70 *Time of Night* -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 the Borough.
- 300.80 *Borough* -shall mean Saegertown Borough.
- 300.90 *Home Schooled (Millin)*  
Those Juveniles who are legally educated outside the public school environment.
- 300.91 *Cyber school (Millin)*  
Those Juveniles who are legally educated via course provided over the internet rather than at a physical premises.

**400.00 Curfew for Juveniles:**

400.10 It shall be unlawful for any juvenile to be or remain in or upon a public place within Saegertown Borough between the hours of 11:00 pm to 6:00 a.m. prevailing time.

400.20 It shall be unlawful for any juvenile, that is being “home schooled” or enrolled in “cyber school” or is “absent from school” to be or remain in or upon a public street or place within Saegertown Borough between the hours of 6:00 am and 4:00 pm prevailing time, during normally scheduled School days unless accompanied by a *parent, teacher or guardian* over 18 years old.

**500.00 Exceptions.**

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

500.11 When a juvenile is accompanied by a parent, guardian, or other person having legal care or custody of such juvenile.

500.12 When the juvenile is on an emergency errand or when the juvenile is in the public place as a direct result of an emergency.

500.13 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.

500.14 When there is a reasonable necessity for the juvenile to remain in a public place but only after the juvenile’s parent has communicated to the Code Enforcement Officer 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.

500.20 When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from and within one (1) 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.

500.30 When a juvenile that is being “home schooled” or attending “cyber-school” is going to or returning from the Saegertown Public Library, by direct route, without any unnecessary detour or stop, including at a store or other commercial establishment.

**600.00 Parental Responsibility:**

600.10 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 Ordinance.

**700.00 Administration:**

700.10 This Ordinance shall be administered by Pennsylvania law enforcement officers with jurisdiction in Saegertown Borough and any other enforcement officer specially designated by the Borough Council.

700.11 For purposes of this Ordinance, the law enforcement officers and Borough designated enforcement officer(s) shall be referred to collectively as “enforcement officers.”

**800.00 Enforcement:**

800.10 If an enforcement officer reasonably believes that a juvenile is in a public place in violation of the Ordinance, the officer shall notify the juvenile of the curfew and order the juvenile to go promptly home.

800.11 A failure to promptly return home or to another appropriate place, that is not a public place, shall constitute a violation of this Ordinance.

800.12 The enforcement officer shall cause a written warning to be forwarded to the parent, guardian or responsible adult.

800.20 The enforcement officer shall use his discretion in determining age, and in doubtful causes may require positive proof of age in which case the juvenile shall provide information about name, age, address, and telephone number.

800.21 Until such proof is furnished, the judgment of the enforcement officer shall prevail.

800.22 A failure to provide such information shall also constitute a violation of this Ordinance.

800.30 In the event of a second violation, the enforcement officer shall direct the person to his or her home immediately or the parent, guardian or responsible adult shall be called to pick them up.

800.31 Appropriate process will be filed with the District Magistrate, and upon conviction, said person and/or the parent, guardian or responsible adult, shall be sentenced to pay a Class E fine set by resolution of Council.

800.40 For any third or subsequent violation, the enforcement officer shall direct the person to go immediately to his or her home or the parent, guardian or responsible adult shall be called to pick them up.

800.41 Appropriate process shall be filed with the District Magistrate, and upon conviction, said person and/or the parent, guardian and/or responsible adult, shall be sentenced to pay a Class E fine set by resolution of Council.

**900.00 Penalties:**

900.10 In default of payment of such fine and costs, as referenced above, the convicted parent, guardian or responsible person shall be sentenced to jail for a period not to exceed five (5) days, or a period set by resolution of Council.

900.20 Every day in violation of this chapter shall be considered a separate offense.

**1000.00 Juvenile Act Proceedings:**

1000.10 In addition an enforcement officer may initiate proceedings under the Juvenile Act, 42 Pa. C.S.A., Section 6301, et. Seq., as amended from time to time, against offending juveniles when appropriate under the Act.

**1100.00 Repealer:**

1100.10 Any Ordinance or part of any Ordinance which is inconsistent herewithin is hereby repealed.

**1200.00 Severability:**

1200.10 If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part of this Ordinance.

1200.20 It is hereby declared as the intent of the Borough Council of Saegertown Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein.

**1300.00 Effective Date:**

1300.10 This Ordinance shall become effective five (5) days after enactment as provided by law.

**1400.00**      **Enacted:**

1400.10      Enacted and ordained this 10<sup>th</sup> day of December, 2001