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## Chapter 77 — Curfew

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### Article I — Occasional Short-Term Curfew For Youth

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## Article I — Occasional Short-Term Curfew For Youth

### § 77-101 Legislative Declaration.

As a consequence of the increasing mobility and affluence of suburban society, young people under the age of nineteen (19) years of age are discovered with increasing frequency to be inclined to congregate and move about aimlessly, yet subject at times to whim, fancy, and destructive impulses beyond the scope of the police of the Borough of Alburty to direct or control; hence the need for this Article.

### § 77-102 Determination of Need For Curfew; Declaration.

At such times as the Police Department of the Borough of Alburty shall discover and report unusual or alarming frequency of activities of persons described in § 77-101, either the Mayor or the President of Borough Council shall have, with the consent of the other official if available, discretion to declare the provisions of this Article to be effective and a curfew to become effective at 8:30 P.M. of the day following such declaration.

**§ 77-103 Duration of Curfew; Extension; Hours.**

Whenever a curfew is declared under the provisions of this Article, the same shall continue only for a period of fifteen (15) days unless successively renewed by repeated declaration at fifteen-day intervals until such time as the need therefor is no longer deemed to exist. A condition of curfew shall exist between the hours of 8:30 P.M. and 5:00 A.M. of the following day for each day during the fifteen-day interval of duration.

**§ 77-104 Violations of Curfew; Warning Bell or Siren.**

It shall be unlawful for persons under nineteen (19) years of age to be or remain in or upon the streets, alleys, parks, or public places in the Borough of Alburdis after the hour of 8:30 P.M. and until the hour of 5:00 A.M. the following day on any day during which a curfew shall be in effect in the Borough of Alburdis, except as hereafter provided. At the discretion of Borough Council, the hour of curfew may be made known, daily, by a warning bell or siren sounded fifteen (15) minutes before the time when the curfew shall become effective. In no event shall the failure to sound a warning or the impossibility of hearing such warning sound be a defense to proceedings under this Article.

**§ 77-105 Violations by Parent or Guardian.**

It is hereby declared to be unlawful for any parent, guardian, or other person having the legal care or custody of any of the children affected by this Article to allow or permit any such child, ward, or other person under nineteen (19) years of age, while in such care or custody, to go or be in or upon any streets, alleys, parks, or public places in the Borough during the time prohibited, except in case of emergency directly involving said child or a member of the family of said child or if the child be returning to his home after attendance at a legitimate function of a school he attends or a religious function of a church of which he or someone in his family is a member.

**§ 77-106 Violations and Penalties.**

**(a) First Violation.** Any child found to be in violation of the curfew provisions of this Article shall be taken into custody by the Borough police and delivered to his or her parents, guardian, or person having the legal custody of said child, and a report of the incident shall be made immediately to the Mayor or other person designed by Borough Council for said purpose.

**(b) Subsequent Violations.** If said parent, guardian, or person having the legal custody of said child shall again allow him or her to be on said street, alleys, parks, or public places in violation of the provisions of this Article, said parent, guardian, or person having the legal custody of said child so offending shall be subject to prosecution before a magisterial district judge in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, shall be sentenced to pay a criminal fine of

Twenty-five Dollars (\$25.00) plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

### § 77-107 Liability for Injury to Person or Property.

In any proceeding against a parent under the provisions of this Article, it shall be the duty of the District Justice in whose court the case shall be heard to first determine whether the alleged offending child did willfully and deliberately act in defiance and violation of this Article. He shall next determine whether or not said child did also by said act cause injury to the person or loss of property of another person. He shall thereafter determine whether or not to apply the provisions of 23 PA. CONS. STAT. § 5501 *et seq.*, to impose liability upon parents for acts of children causing injury to the person or loss of property of another.

## Appendix

### ¶ 77-A Disposition of Ordinance 133.

<u>Ordinance 133</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 64-1	§ 77-101
§ II	§ 64-2	§ 77-102
§ III	§ 64-3	§ 77-103
§ IV	§ 64-4	§ 77-104
§ V	§ 64-5	§ 77-105
§ VI	§ 64-6	§ 77-106
§ VII	§ 64-7	§ 77-107

### ¶ 77-B Disposition of 1981 Code, Chapter 64.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 64-x	§ 77-10x

### ¶ 77-C Source Ordinances.

Ordinance 133	10-25-1967
Ordinance 215	11-11-1981
Ordinance 415	10-29-2003
Ordinance 518	03-12-2014