

Chapter 64

CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 10-25-67 as Ord. No. 133, approved 10-25-67. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 85.

§ 64-1. 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 Alburdis to direct or control; hence the need for the succeeding sections of this chapter.

§ 64-2. Determination of need for curfew; declaration.

At such times as the Police Department of the Borough of Alburdis shall discover and report unusual or alarming frequency

of activities of persons described in § 64-1, 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 chapter to be effective and a curfew to become effective at 8:30 p.m. of the day following such declaration.

§ 64-3. Duration of curfew; extension; hours.

Whenever a curfew is declared under the provisions of this chapter, 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 and each day during the fifteen-day interval of duration.

§ 64-4. 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 or 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 chapter.

§ 64-5. 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 chapter 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 said 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.

§ 64-6. Report of violation; second offense; penalty.

- A. Any child found to be in violation of the curfew provisions of this chapter 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 report made immediately thereof to the Mayor or other person designated by Borough Council for said purpose.
- B. 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 chapter, said parent, guardian or person having the legal custody of said child so offending shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of twenty-five dollars (\$25.) and costs of suit or, on failure of the payment thereof, to be imprisoned in the county jail for a period not to exceed five (5) days at the discretion of the said District Justice.

§ 64-7. Liability for injury to person or property.

In any proceeding against a parent under the provisions of this chapter, 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 chapter; 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 the Act of July 27, 1967, Act No. 58,¹ to impose liability upon parents for acts of children causing injury to the person or loss of property of another.

¹ Editor's Note: See 11 P.S. § 2001 et seq.