

Chapter 71

CURFEW

§ 71-1. Purpose.

§ 71-2. Definitions.

§ 71-3. Unlawful conduct of minors.

§ 71-4. Unlawful conduct of parents.

§ 71-5. Unlawful conduct of owners or operators of establishments.

§ 71-6. Enforcement.

§ 71-7. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of Upper Merion Township 2-21-2008 by Ord. No. 2008-768. Amendments noted where applicable.]

§ 71-1. Purpose.

Purpose: this curfew chapter prescribing, in accordance with prevailing community standards, regulations for the conduct of minors in Upper Merion Township at night, for the protection of younger children from each other and other persons on the streets during the nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief and nuisances by minors and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

§ 71-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ESTABLISHMENT — Any privately owned place or business carried on for a profit or any place to which the public is invited.

MINOR — Any person under the age of 18 years.

OFFICIAL TOWNSHIP TIME — Eastern standard time, except when daylight saving time is the prevailing time in this commonwealth.

OPERATOR — Any individual, firm, association, partnership, or corporation, managing or conducting any establishment, and whenever used in any clause prescribing a penalty, the term "operator" as applied to the associations or partnerships shall include the members or partners thereof, and applied to corporations, shall include the officers thereof.

PARENT — Any natural parent of a minor, guardian, or any adult person 21 years of age or over responsible for the care and custody of a minor.

PUBLIC PLACE — Any public street, highway, road, alley, park, parking lot, playground, wharf, dock, public building or vacant lot in the Upper Merion Township.

REASONABLE EXCUSE — Medical or other similar emergency, activities of junior firefighters, employment, school functions, written reasonable permission of parents or guardian.

REMAIN — To loiter, idle, wander, stroll, stay behind, tarry or stay unnecessarily.

§ 71-3. Unlawful conduct of minors.

- A. It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of 10:30 p.m. and 6:00 a.m. of the following day, Township time, except that on Friday and Saturday evenings the commencement hour shall be extended to 12:00 midnight.
- B. The provisions of this section shall not apply to any minor accompanied by a parent and/or legal guardian, to a minor upon errand or other legitimate business directed by such minor's parent and/or legal guardian, or to any minor who is engaged in gainful lawful employment during the curfew hours.
- C. Each violation of the provisions of this section shall constitute a separate offense.

§ 71-4. Unlawful conduct of parents.

- A. It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place or any establishment between the hours of 10:30 p.m. and 6:00 a.m. of the following day, official Township time, except that on Friday and Saturday evenings the commencement hour shall be extended to 12:00 midnight.
- B. The provisions of this section shall not apply to any parent who accompanies a minor or to a parent and/or legal guardian of a minor upon an errand or other legitimate business or to any parent and/or legal guardian of a minor engaged in gainful lawful employment during the curfew hours.
- C. Each violation of the provisions of this section shall constitute a separate offense.

§ 71-5. Unlawful conduct of owners or operators of establishments.

- A. It shall be unlawful for any operator of any establishment or his agents, servants and employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of 10:30 p.m. and 6:00 a.m. of the following day, Township time, except that on Friday and Saturday evenings the commencement hour shall be extended to 12:00 midnight.
- B. Each violation of the provisions of this section shall constitute a separate offense.

§ 71-6. Enforcement.

Any police officer who finds a minor violating the provisions of this chapter shall obtain from the minor his or her name, address, age, phone number, names of parents and/or legal guardian. The minor shall thereupon be instructed to proceed to his or her home forthwith and, if necessary, shall be accompanied by the police officer. The officer shall ascertain, wherever practicable, whether the parents and/or legal guardians are at home and, if so, to notify them orally of the violation of the minor and, if applicable, the violation of the parent. If neither of the parents and/or legal guardian is at home, the police officer shall take measures to contact the parent or legal guardian to determine a course of action to insure the minor's safety. Such actions shall be included in his official report. In all cases, whether or not oral notice has been given, a written notice shall also be mailed to the parents and/or legal guardian of the minor advising them of the violation of this chapter.

§ 71-7. Violations and penalties.

- A. Any minor, parent, or legal guardian, and/or operator of an establishment or any of his agents, servants or employees, who shall violate the provisions of this chapter shall, for the first offense, at the discretion of the police officer, be given a verbal warning and/or be fined not more than \$50 plus cost of prosecution; second violation, shall be fined not more than \$150 plus cost of prosecution; third and subsequent violations, shall pay a fine not to exceed \$300 plus cost of prosecution. Prosecution shall be conducted before a District Justice assigned to cover the Upper Merion Township, and all fines imposed and collected shall be paid to the Township for the use of the latter.
- B. Any parent, legal guardian, and/or operator of an establishment or any of his agents, servants or employees who default shall thereof undergo imprisonment not exceeding 10 days; provided, however, that each day's violations of any of the provisions involved shall constitute a separate offense.