

Chapter 98

CURFEW

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[**HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 2-5-1981 by Ord. No. 81-1. Amendments noted where applicable.**]

GENERAL REFERENCES

Disorderly conduct — See Ch. 102.

Loitering — See Ch. 126.

§ 98-1. Short title.

This chapter shall be known and may be cited as the "North Middleton Township Curfew Ordinance."

§ 98-2. Definitions.

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

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

KNOWINGLY — Includes actual knowledge and knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody.

MINOR — Any person under the age of 18 years.

OFFICIAL TOWNSHIP TIME — Eastern standard time and Eastern daylight saving time when the commonwealth adopts or uses such time.

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

PARENT — Any person having legal custody of a minor under the following circumstances: as a natural or adoptive parent; as a legal guardian; as a person who stands in loco parentis; or as a person to whom legal custody has been given by order of court.

PUBLIC PLACE — Any public street, highway, road, alley, park, playground, public building, parking lot, vacant lot or other place open to the public.

REMAIN — To be on, in or about or to loiter, idle, wander, stroll or play in or upon.

§ 98-3. Unlawful conduct of minors; exceptions.

- A. It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, official township time.
- B. The provisions of this section shall not apply under the following conditions:
- (1) When the minor is accompanied by a parent.
 - (2) When the minor is upon an errand or legitimate purpose or business directed by such minor's parent.
 - (3) When the minor is engaged in lawful employment.
 - (4) When the minor is attending or going directly to or returning from a juvenile activity of a charitable, educational, religious, social, or civic activity supervised by at least one adult and with the express verbal or written consent of the parent.
 - (5) When the minor is in the company of any adult over the age of 18 with the express verbal or written consent of the parent.
 - (6) When the minor is exercising First Amendment rights protected by the United States Constitution and the Constitution of the Commonwealth of Pennsylvania, such as the free exercise of religion, freedom of speech and the right of assembly.
 - (7) When the minor is excused by reason of the action of the Board of Supervisors of North Middleton Township. The Board of Supervisors may, by written declaration upon application or upon the Board's own decision by motion and resolution, declare special events, programs, or functions by properly organized and supervised organizations advancing legitimate recreation, charitable, educational, religious, social or civic, or organizations advancing recreation, character development, or training in the aforementioned areas, and promoting the building of good citizenship in young people, and the attendance and movement directly to and from such events by minors, exempt from the provisions of this chapter.
- C. Each violation of this section shall constitute a separate offense.

§ 98-4. Unlawful conduct of parents.

- A. It shall be unlawful for any parent knowingly to allow or permit or, having reason to know, to allow or permit any minor to remain in or upon any public place or any establishment between the hours set forth in this chapter.
- B. The provisions of this section shall not apply where the minor's activity is excepted under the provisions of § 98-3B of this chapter.
- C. Each violation of the provisions of this section shall constitute a separate offense.

§ 98-5. Unlawful conduct of owners or operators of establishments.

- A. It shall be unlawful for any operator of any establishment or his or her agents or employees knowingly to allow or permit or, having reason to know, to allow or permit any minor to remain upon the premises of such establishment between the hours set forth in this chapter.
- B. The provisions of this section shall not apply where the minor's activity is excepted under § 98-3B of this chapter.
- C. Each violation of the provisions of this section shall constitute a separate violation.

§ 98-6. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.