

Chapter 65

CURFEW

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry 12-14-1993 by Ord. No. 97 (Ch. 55 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 96.

§ 65-1. Short title.

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

§ 65-2. Definitions.

The following words or phrases, when used in this chapter, shall have the following definitions:

MINOR — Any person under the age of eighteen (18), or in equivalent phrasing often herein employed, any person seventeen (17) years or less years of age.

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

STREET — A way or place, of whatsoever 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 thereof, for pedestrian travel. The term "street" includes 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.

TOWNSHIP — The governmental jurisdiction and legal entity of North Londonderry Township, Lebanon County, Pennsylvania.

§ 65-3. Curfew for minors.

It shall be unlawful for any person seventeen (17) or less years of age [under eighteen (18) years of age] to be or remain in or upon the streets within North Londonderry Township at night during the prevailing time period beginning at 11:30 p.m. and ending at 6:00 a.m.

§ 65-4. Exceptions.

In the following exceptional cases, a minor on a Township street during the hours which § 65-3 specifies, to provide the maximum limits of regulation, shall not be considered in violation of the Curfew Chapter:

A. When accompanied by a parent of such minor or an adult authorized by a parent of such

minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

- B. In case of reasonable necessity, but only after such minor's parent has communicated to North Londonderry Township Police personnel the facts establishing such reasonable necessity, relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of such communication with an appropriate notation of the time it was received, and the names and address of such parent and minor, shall be admissible evidence.
- C. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of any abutting contiguous property, when the owner of such property is not communicating an objection to the police officer.
- D. When returning home, by a direct route from [and within thirty (30) minutes of the termination of] a school activity or an activity of a religious or other voluntary association.
- E. When the minor carries a certified card of employment, signed by his or her employer, which briefly identifies the minor, the minor's place of employment, the minor's home address and the hours of employment.

§ 65-5. Parental responsibility.

It shall be unlawful for a parent having legal custody of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any Township street under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

§ 65-6. Police procedures.

- A. A police officer of North Londonderry Township, upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Chapter, normally shall take the minor to the Township police station, where a parent shall immediately be notified to come for such minor, whereupon the parent and/or parents shall be interviewed.
- B. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that, in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- C. In the case of the first violation by a minor, the Chief of Police shall send to a parent written notice of said violation with a warning that any subsequent violation may result in full enforcement of the Curfew Chapter, including enforcement of parental responsibility

and of applicable penalties. [Amended 6-20-2011 by Ord. No. 161]

§ 65-7. Violations and penalties.

- A. If after the warning notice pursuant to § 65-6 (Police procedures) of a first violation by a minor, a parent violates § 65-5 (Parental responsibility) in connection with a second violation by said minor, this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined twenty-five dollars (\$25), and for each subsequent offense by a parent, the fine shall be increased by an additional twenty-five dollars (\$25), e.g., fifty dollars (\$50) for the second and seventy-five dollars (\$75) for the third offense. The Magisterial District Judge, upon finding a parent in violation, shall require the parent to pay such fine and court costs. [Amended 6-11-1996 by Ord. No. 108]
- B. Any minor who shall violate any of the provisions of the Curfew Chapter more than three (3) times shall be reported by the Chief of Police to the appropriate juvenile authorities.
- C. A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective or where for any reason the provisions of the Curfew Chapter cannot be made effective by the imposing of penalties under this section.