

CHAPTER 638

Curfew

638.01	Legislative Findings and Intent.	638.06	Rules and Regulations.
638.02	Definitions.	638.07	Enforcement.
638.03	Unlawful Conduct of Minor.	638.08	Report to Council.
638.04	Unlawful Conduct of Parents.	638.09	Severability.
638.05	Unlawful Conduct of Operators of Establishments.	638.10	Penalties.

(Adopted 5-3-2010, Ord. No. 785)

638.01 LEGISLATIVE FINDINGS AND INTENT.

a. Cambridge Springs Borough highly values the health, safety and general welfare of our minors, and has a vested interest in preserving and nurturing them as a valuable asset and investment in the Borough's future. Persons under the age of eighteen (18) are vulnerable to pressure to participate in violent unlawful activities and to be victims of perpetrators of violent crimes due to their general lack of maturity and experience. Minors who are present in public places during the late night and early morning hours are particularly vulnerable to being victimized and abused.

b. The Council of the Borough of Cambridge Springs recognizing the problem of crimes committed by and committed against minors during the late night and early morning hours and believing that it can be dealt with more effectively by regulating the hours during which minors may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have custody and responsibility for the care of such minors, hereby enacts this Chapter with the intent of promoting the general welfare and protection of the general public through the reduction of juvenile violence and crime within the Borough, promoting the safety and welfare of the Borough's minors whose youth and inexperience renders them particularly vulnerable to becoming participants in criminal activity and victims of perpetrators of crime, and fostering and strengthening parental responsibility for children.

638.02 DEFINITIONS.

The following words and phrases, whenever used in this Chapter, shall be construed and defined as follows:

a. "Emergency" shall refer to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb, or property. The term includes, but is not limited to, fires, natural disaster, automobile accidents or similar circumstances.

b. "Establishment" shall mean any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.

c. "Hours of Curfew" shall mean the period of time between the hours of 11:00 p.m. and 6:00 a.m. on Sunday through Thursday nights, and 12:00 midnight and 6:00 a.m. on Friday and Saturday nights, being Saturday and Sunday morning hours.

d. "Knowingly" shall mean knows or has reason to know.

e. "Minor" shall mean any person less than 18 years of age and does not include any person who is married or who is emancipated. For the purpose of this Chapter, any person shall be deemed to be 18 years of age on the date of his or her 18th birthday.

f. "Operator" shall mean any individual, firm, association, partnership or corporation owning, operating, managing or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers and managers of any firm, association, partnership or corporation.

g. "Parent" shall mean the biological or adoptive parent of a minor; a legal guardian; or an adult person 21 years of age or older and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.

h. "Public Place" shall mean any public street, highway, road, alley, park, playground or parking lot, or any private building, structure or establishment to which the public is invited or in which the public is allowed to remain.

i. "Remain" shall mean to be at or stay at a place.

683.03 UNLAWFUL CONDUCT OF MINOR.

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment in the Borough during the hours of curfew, except as follows:

a. The minor is accompanied by a parent;

b. The minor is involved in an emergency;

c. The minor is engaged in an activity related to his or her employment, or is going to or returning home from such activity, without detour or stop;

d. The minor is on the sidewalk directly abutting a place where he or she resides with a parent, or the minor is on the property or the sidewalk of an adult next-door neighbor with that neighbor's permission;

e. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such activity without detour or stop;

f. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; no minor or parent shall falsify the document described above;

g. The minor is involved in interstate travel through or beginning or terminating in the Borough;

h. The minor is at a public place or establishment for an activity or event not otherwise covered by this Chapter where Borough Council has provided authorization.

638.04 UNLAWFUL CONDUCT OF PARENTS.

No parent shall knowingly permit any minor to remain in or upon any public place or establishment during the hours of curfew, unless the minor is engaged in an activity permitted under Section 638.03.

638.05 UNLAWFUL CONDUCT OF OPERATORS OF ESTABLISHMENTS.

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment during the hours of curfew.

638.06 RULES AND REGULATIONS.

The Chief of Police, or his or her designee, is hereby authorized, from time to time, to promulgate such rules and regulations, including the extension of hours for special occasions, as necessary or useful in the enforcement of this Chapter. Such rules and regulations shall, however, be subject to the approval of the Borough Council.

638.07 ENFORCEMENT.

a. Before taking any enforcement action under this Chapter, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in Section 638.03 applies. The officer may issue a citation against the minor and/or the parent.

b. The minor may be taken into temporary custody, in which case his or her parents or other appropriate person shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister 18 years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then arrangements shall be made for the minor's return to home or other appropriate place, or the minor may be released to such agencies or institutions as are established for juvenile welfare. A referral to supportive services shall be made where appropriate.

638.08 REPORT TO COUNCIL.

At the end of each calendar year, the Chief of Police, or his designee, shall prepare and present a report to Borough Council concerning the curfew regulations. The report shall include, but not be limited to, the following information:

- a. The practicality of enforcing the regulations and any problems with enforcement identified by the Police and the Borough.
- b. The impact of these regulations and support programs on juvenile crime statistics.
- c. Number of curfew violations investigated, juveniles detained for release to parental or agency control and citations issued to juveniles and parents and operators for curfew violations.
- d. The number of official citizen complaints filed regarding the enforcement of this Chapter.

638.09 SEVERABILITY.

If any provisions, sentence, clause, section or part of this Chapter or application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Chapter. It is hereby declared as the intent of the Borough Council that this Chapter would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

638.10 PENALTIES.

a. Any minor or parent who violates any provision of this Chapter is guilty of a summary offense and, upon conviction thereof, shall be subject to fine or imprisonment as follows:

1. First offense: Written warning with referral to supportive services where appropriate.
2. Second offense: Fifty dollars (\$50) with referral to supportive services where appropriate.
3. Third offense: One hundred dollars (\$100) to one hundred fifty dollars (\$150) with referral to supportive services where appropriate.
4. Fourth offense: One hundred fifty dollars (\$150) to two hundred dollars (\$200) with referral to supportive services where appropriate.
5. Fifth offense: Two hundred dollars (\$200) to three hundred dollars (\$300). Parents are subject to imprisonment for up to 30 days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.
6. Sixth and subsequent offenses: Three hundred dollars (\$300) to five hundred dollars (\$500). Parents are subject to imprisonment for up to 30

days and minors to referral to the juvenile court system. The Court may also refer the offender(s) to supportive services where appropriate.

b. Any operator convicted of violating the provisions of this Chapter for the first time shall be fined fifty dollars (\$50) and shall be subject to imprisonment for a term not to exceed 10 days. Any operator convicted of violating the provisions of this Chapter for the second or subsequent time shall be fined three hundred dollars (\$300) and shall be subject to imprisonment for a term not to exceed 30 days.

c. Each violation of the provisions of this Chapter shall constitute a separate offense.