

ARTICLE 721
Minors' Curfew

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CROSS REFERENCES

Dance curfew - see 3rd Class §2638 (53 P.S. §37638)

721.01 DEFINITIONS.

Certain words as used in this article are defined as follows:

- (a) "Establishment" means any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- (b) "Minor" means any person under the age of eighteen years.
- (c) "Official City time" means Eastern Standard Time except from the last Sunday in April to the last Sunday in October when it means Eastern Daylight Saving Time.
- (d) "Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. When used in any clause prescribing a penalty, the term "operator" as applied to association or partnership includes the members or partners thereof and as applied to corporation, includes the officers thereof.
- (e) "Parent" means any natural parent of a minor, a guardian or any adult person, twenty-one years of age or over, responsible for the care and custody of a minor.
- (f) "Public place" means any public street, highway, road, alley, park, playground, wharf, dock, public building or vacant lot.
(Ord. 12-1966 §1. Passed 3-15-66.)
- (g) "Remain" means to loiter, idle, wander, stroll or play in or upon any establishment or public place.
- (h) "Excused absences from school" means an absence that shall be excluded from:
 - (1) Counting toward the accrual of days that deny students the privilege of attending the secondary summer school program; and
 - (2) Counting toward the accrual of days that lead to court action or dropping the student from the school register.

Examples of excused absences are: illness, death in the family, and religious holidays, and approved college visitation for High School seniors.
(Ord. 31-1996 §1. Passed 9-26-96.)

721.02 NIGHT CURFEW WITH EXCEPTIONS.

(a) Night Curfew Between the Dates of September 1st through May 31st Each Year. Between the dates of September 1st through May 31st of any year, no minor shall remain in or upon any public place or any establishment between the hours of 9:30 p.m. and 6:00 a.m. of the following day, official City time; except on Fridays and Saturdays, the hours shall be from 11:00 p.m. to 6:00 a.m.

(b) Night Curfew Between the Dates of June 1st through August 31st Each Year. No minor shall remain in or upon any public place or any establishment between the hours of 9:00 p.m. and 6:00 a.m. of the following day, official City time, from June 1st through August 31st in any year.

(c) Exceptions. In the following cases, a minor shall not be considered in violation of this section:

- (1) When going to or returning home from a school activity or an organized religious activity.
- (2) When going to or returning home from a place of employment.
- (3) When engaged in interstate travel beginning or ending in the City.
- (4) When accompanied by a parent. (Ord. 9-2010. Passed 7-14-10.)

721.03 UNLAWFUL CONDUCT OF PARENTS.

(a) No parent shall knowingly permit any minor to remain in or upon any public place or establishment during the hours prohibited by Section 721.02(a) or (b). (Ord. 9-2010. Passed 7-14-10.)

(b) The provisions of this section shall not apply to any parent who accompanies a minor, or to a parent who directs a minor upon an errand or other legitimate business, or to any parent of a minor engaged in gainful, lawful employment during the curfew hours.

(c) No parent, as defined in this chapter, of any children over the age of five years and under the age of eighteen years shall permit such child to remain in or upon any public place or establishment outside any school grounds between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year. (Ord. 31-1996 §3. Passed 9-26-96.)

721.04 OPERATORS NOT TO ALLOW UNACCOMPANIED MINORS IN ESTABLISHMENTS.

(a) No operator, as defined in this article, or his agents or employees shall knowingly permit any child under the age of eighteen years to remain upon the premises of their establishment between the curfew hours set forth in Section 721.02(a) and (b) unless accompanied by an adult or unless the child is an employee engaged in employment activities or present as part of a school sponsored program. (Ord. 9-2010. Passed 7-14-10.)

(b) No operators, as defined in this chapter or his agents or employees shall knowingly permit any child over the age of five years and under the age of eighteen to remain upon the premises of his establishment between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year, unless the child is an employee engaged in employment activities, or the child is present as part of a school sponsored program. (Ord. 31-1996 §4. Passed 9-26-96.)

721.05 SCHOOL TIME DAY CURFEW.

(a) No minor over the age of five years and under the age of eighteen years shall remain in or upon any public place or establishment outside any school grounds between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year.

(b) Exceptions. In the following cases, a minor shall not be considered in violation of this section:

- (1) During an excused absence.
- (2) During an approved early dismissal from school.
- (3) When the student is enrolled in an approved work-experience program.
- (4) When the student is officially removed from the school register.
- (5) Parochial and private school students who have different school hours or different holiday and vacation schedules during time while those schools are not in session.

(Ord. 31-1996 §5. Passed 9-26-96.)

721.99 PENALTY.

(a) Any minor who is found guilty of violating Section 721.02 or Section 721.05 shall be fined not more than three hundred dollars (\$300.00) and costs for each offense, and in default of payment thereof shall be referred to juvenile court for adjudication.

(b) Any parent who violates any provision of Section 721.03 shall be fined not more than six hundred dollars (\$600.00) and costs for each violation and in default of payment thereafter. Shall be imprisoned not more than ninety days.
(Ord. 12-1997. Passed 8-14-97.)

(c) Any operator of an establishment and any agent or employee thereof who violates any provision of Section 721.04 shall be fined not more than six hundred dollars (\$600.00) and costs for each violation and, in default of payment thereof, shall be imprisoned not more than ninety days.
(Ord. 4-1990 §3. Passed 6-6-90.)

(d) Any violation of any provision of this article shall constitute a separate offense.
(Ord. 12-1966 §5. Passed 3-15-66.)