

Chapter 53

CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 88-4, as amended through 2000. Subsequent amendments noted where applicable.]

§ 53-1. Purpose.

The purpose of this chapter is to regulate the presence of minors and the use of bicycles off/by minor persons under the age of 17 years in public places and/or private establishments between certain hours without parental supervision. This chapter defines duties and responsibilities of such minors, parents and proprietors of establishments and further provides penalties for violators.

§ 53-2. Definitions.

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

BICYCLE — A wheeled vehicle with a human source of power for propulsion.

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

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

MINOR — Any person under the age of 17 years.

MOPED — A wheeled vehicle utilizing motorized assistance in its propulsion with the capability of being assisted by or exclusively powered by a human source of power.

OFFICIAL BOROUGH TIME — The official time recognized within the Commonwealth of Pennsylvania.

PARENT — Any natural parent of a minor, a 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 and highway, road, alley, park, playground, public building or vacant lot.

REMAIN — To loiter, idle, wander, stroll or play in or upon.

§ 53-3. Unlawful conduct of minors.

- A. In order to exercise the borough's policing power to protect minor persons within the borough who are not under parental supervision, the Borough of Delmont passes this chapter to protect the health, safety and welfare of its community and residents in particular. Pursuant to the terms of this chapter, it shall be unlawful for any minor to do the following:
- (1) To remain in or upon any public place or any establishment without parental supervision between the hours of 11:00 p.m. and 6:00 a.m. the following day, official borough time.
 - (2) To operate a bicycle or a moped during dusk or darkness until 11:00 p.m. without the following safety equipment: reflectors on the back of the bicycle, on the pedals, and on the wheel spokes; reflective or bright upper body wear; and headlight and rear lighting systems. The lighting system must be firmly attached to the bicycle and functioning.
- B. The provisions of this section shall not apply to any minor under the direct supervision of a parent 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.

§ 53-4. Unlawful conduct of parents.

- A. It shall be unlawful for any parent knowingly and intentionally to permit a minor to do the following:
- (1) To remain in or upon any public place or any establishment without parental supervision between the hours of 11:00 p.m. and 6:00 a.m. the following day, official borough time.
 - (2) To operate a bicycle or a moped during dusk or darkness until 11:00 p.m. without the following safety equipment: reflectors on the back of the bicycle, on the pedals, and on the wheel spokes; reflective or bright upper body wear; headlight and rear lighting systems. The lighting system must be firmly attached to the bicycle and functioning.
- B. The provisions of this section shall not apply to any parent who supervises a minor or to any parent 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.

§ 53-5. Unlawful conduct of owners or operators of establishments.

- A. It shall be unlawful for any operator of any establishment or their agents or employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of 11:00 p.m. and 6:00 a.m. of the following day, official borough time.
- B. Each violation of the provisions of this section shall constitute a separate offense.

§ 53-6. Enforcement; violations and penalties.

- A. Any police officer who finds a minor violating the provisions of this chapter shall retain the minor in order to obtain information from said minor person relating to his name, address, age, name and address of his parents. Then the police officer shall do the following:
 - (1) Instruct the minor person to proceed home forthwith or accompany the minor person to his place of residence where there is parental supervision.
 - (2) Retain the minor person's bicycle for 24 hours until the parents who should be supervising the actions of the minor person make arrangements to acquire said bicycle.
 - (3) Notify parents of the violation. Whereupon the parent may come to the place of detention to receive said minor person and/or to place the minor child who cannot be placed in the custody or supervision of a parental person or person of majority who assumes custody shall transfer said child to the appropriate state and county agencies for temporary supervision and custody.
- B. The minor violating this chapter may be detained at the Westmoreland County Detention Center when circumstances so require for the proper handling of the case.
- C. Any parent who shall permit a minor to violate the provisions of this chapter after having received notice of a prior violation shall be fined not less \$15 and not more than \$200 for each violation, together with judgment of imprisonment not exceeding 20 days. Prosecutions shall be before any District Justice, and all fines imposed and collected shall be paid into the borough treasury for the use of the borough.
- D. Any operator of any establishment and any agents or employees of any operator who shall be fined not less than \$15 nor more than \$200 for each violation, together with judgment of imprisonment, not exceeding 30 days if any fine is imposed, together with costs, if not paid within 10 days of the date of imposition thereof. Prosecution shall be before any District Justice, and all fines imposed and collected shall be paid into the borough treasury for the use of the borough.

§ 53-7. Exceptions.

Where there are special community or school programs or functions that are properly organized and supervised by parental persons, minor persons shall be permitted to proceed directly from said event to their homes where there is parental supervision and control without violation of this chapter.