

Chapter 140

CURFEW

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift 1-2-1996 by Ord. No. 2-1996. Amendments noted where applicable.]

§ 140-1. Definitions and interpretation.

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

MINOR — Person under the age of 18 years.

PARENT — Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this chapter, "parent" shall mean one or both parents.

PUBLIC PLACE — Any public street, alley, sidewalk, park, playground, public building or vacant lot in the Borough of East Vandergrift.

REMAIN — To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets, for emergencies or ordinary purposes such as mere passage of going home.

B. In this chapter, the singular shall include the plural, the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 140-2. Purpose.

This is a Curfew Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, for the protection of younger children in the Borough of East Vandergrift from each other, and from other persons on the streets during nighttime hours, for the enforcement of parental control and responsibility for their children, for the protection of the public from nocturnal mischief by minors, and for the reduction of the incident of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

§ 140-3. Unlawful conduct; exceptions.

It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough of East Vandergrift, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough of East Vandergrift, between the hours of 10:00 p.m. and 6:00 a.m. on the following day. Exceptions to the above are the following:

A. Minor accompanied by parent, guardian, or other person having legal care or custody of

such minor.

- B. Minor possessing a written statement dated that day and signed by parent, guardian, or other person having the legal care or custody of such minor, which statement specifies the time, place, purpose and necessity of the minor being in a public place contrary to this chapter.
- C. Minor lawfully employed making it necessary to be on or in highways, streets, parks, etc., as stated above, and possessing a current letter certifying the same, and signed by employer, parent or guardian.
- D. Minor on an emergency errand.
- E. Minor travelling to and from church, school or municipal activity with parental permission statement, as in Subsection B above.

§ 140-4. Parental responsibility.

It is hereby made unlawful for any parent, guardian, or the person having the legal custody of a minor to allow or permit such minor to violate any of the provisions of this chapter without legal justification therefor.

§ 140-5. Procedure upon violation.

Any minor found upon the streets, alleys, parks, or public places within the Borough of East Vandergrift in violation of § 140-3 shall be taken into custody by the Borough of East Vandergrift police or legally deputized individual, be delivered to his parent, guardian, or person having the legal custody of said minor, and be given a copy of this chapter. A report shall be filed and kept in a book for that specific purpose. If said parent, guardian or person having the legal custody of said minor shall again allow him to be on the streets, alleys, parks, or public places in violation of § 140-3, said parent, guardian, or person having the legal custody of said minor so offending shall, upon the second offense, be called along with offender, and be so advised once again as to the penalty provisions contained in this chapter. Upon the third violation, said parent, guardian, or person will be remanded to the Magisterial District Judge for disposition.

§ 140-6. Violations and penalties.¹

Any person who shall violate any provision of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Westmoreland County.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 140-7. Procedure for repeated violations.

Any minor who shall violate this chapter more than three times may, at the discretion of the proper Borough of East Vandergrift officials, be reported to a society or organization, the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor, and a like procedure may be taken in cases where the arrest of the parent is not effective, or where for any other reason the provisions of § 140-3 of this chapter cannot be made effective by the imposition of fines and penalties.

§ 140-8. Police discretion in age determination.

The police officers of the Borough of East Vandergrift in taking minors into custody shall use their discretion in determining age, and in doubtful cases may require positive proof of age. Until such proof is furnished, the officer's judgment shall prevail.