

## Chapter 71

### CURFEW FOR MINORS

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[**HISTORY: Adopted by the Borough Council of the Borough of South Greensburg by Ord. No. 2009-03 on 2-9-2009, effective 2-9-2009.**]

#### **§71-1. Definitions and interpretations.**

For the purposes of this Article, the following words shall have the meanings hereby respectively ascribed thereto:

- (1) **"Child"** shall mean any person under the age of eighteen (18) years.
- (2) **"Establishment"** shall mean any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- (3) **"Operator"** shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any establishment and any employee or agent of the foregoing. Whenever used in any section prescribing a penalty, the term "operator" as applied to associations or partnerships shall include the members or partners thereof, and as applied to corporations shall include the officers thereof, and in all cases shall apply to employees or agents.
- (4) **"Parent"** shall mean any natural parent of a child as herein defined, or a guardian or any adult person responsible for the care and custody of a minor. When used in this Article, the term "parent" shall mean parent or parents.
- (5) **"Public place"** shall mean any public street, alley, sidewalk, park, playground, public building or vacant lot.
- (6) **"Remain"** shall mean to loiter, idle, wander, stroll or play in or upon.

In this Article, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

#### **§ 71-2. Curfew established for children under eighteen years of age.**

It shall be unlawful for any child under eighteen (18) years of age to be or remain in or upon any of the streets, alleys, parks or public places in the Borough of South Greensburg at night after the hour of 10:00 p.m. unless said child is accompanied by a parent or guardian.

**§ 71-3. Unlawful for parent to allow child to violate curfew provisions.**

It shall be unlawful for any parent to allow a child to remain in or upon any public place or private establishment in violation of this Article.

**§71-4. Unlawful for operator of private establishment to permit child to remain therein in violation of curfew provisions.**

It shall be unlawful for the operator of any private establishment to permit a child to remain in or upon the premises of such private establishment in violation of this Article.

**§ 71-5. Enforcement and penalties.**

- (a) Any child found in or upon any public place or private establishment in violation of this Article shall be taken into custody by the borough police and delivered to his parent immediately. If such parent cannot be located, the police shall retain custody of such child until the parent is located and shall then immediately deliver such child to such parent, provided that the borough police officers shall use their discretion in determining age and in doubtful cases, may require proof, and until such proof is furnished, the officer's judgment shall prevail.
- (b) Any parent who violates Section 71-3 of this Article shall, for the first such violation, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and costs of prosecution. In the event of a subsequent conviction thereof, for every such violation that constitutes the same offense, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs of prosecution and to imprisonment for not more than ten (10) days. Each violation of any such provision shall constitute a separate violation.
- (c) Any operator who violates Section 71-4 of this Article shall, for each and every such violation upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and costs of prosecution, and in the event of a subsequent conviction thereof, for every such violation that constitutes the same offense, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution and to imprisonment for more than thirty (30) days.

**§ 71-6. Procedure in case of repeated violations or of other factors preventing effective curfew.**

Any child who violates this Article more than three (3) times may, at the discretion of the proper borough officials, be reported to a society or organization whose purpose it is to take charge of incorrigibles or delinquents, and proceedings shall then be taken in the Court of Common Pleas or Juvenile Court for the permanent welfare of such child, 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 Section 71-2 of this Article cannot be made effective by the imposition of fines and penalties.