

## Chapter 86

### CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown 1-27-1993 by Ord. No. 1993-2 as Part 8, Ch. 1, Art. C, of the 1993 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Peace and good order — See Ch. 150.

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#### § 86-1. Definitions and interpretations.

- 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, playground, public building or vacant lot in the Borough of McSherrystown.

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. <sup>1</sup>

- 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.

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

**§ 86-2. Purposes.**

This chapter 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 McSherrystown 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 incidents of juvenile criminal activity, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

**§ 86-3. Curfew hours established; 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, or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough between the hours of 11:00 p.m. and 6:00 a.m., on the following day. Exceptions to the above are as follows:

- 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 traveling to and from church, school or municipal activity with parental permission statement as in Subsection B above; or with a written statement dated that day and signed by the adult having charge of the activity, which specifies the time, place and nature of the activity and the time the minor was released from the activity.

**§ 86-4. Parents not to permit violation. <sup>2</sup>**

It is hereby made unlawful for any parent, guardian or the person having the legal care or custody of a minor to allow or permit such minor to violate any of the provisions of this chapter.

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

**§ 86-5. Procedure upon violation.**<sup>3</sup>

Any minor found upon the streets, alleys, parks or public places within the Borough in violation of § 86-3 shall be taken into custody by the Borough police or legally deputized individual then be delivered to his/her parent, guardian or person having the legal custody of said minor. A report shall be filed and kept in the Borough Police Department. If said parent, guardian or person having the legal custody of said minor shall again allow him/her to be on the streets, alleys, parks or public places in violation of § 86-3, 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 cited for the violation.

**§ 86-6. Repeat violations; procedure for guarding welfare of minor.**

Any minor who shall violate this chapter more than three times may, at the discretion of the proper Borough 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 § 86-3 cannot be made effective by the imposition of fines and penalties.

**§ 86-7. Police discretion in age determination.**

The police officers of the Borough, 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.

**§ 86-8. Violations and penalties.**<sup>4</sup>

Any person who shall violate any section of this chapter shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, and, in default thereof, to imprisonment for a term not to exceed 30 days.

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

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