

ORDINANCE # 315

Note: Additions to the chapter are denoted by *italics* and deletions are designated by brackets [].

Chapter 56

CURFEW

The purpose of this Chapter is to promote the general welfare and protect the general public through the reduction of juvenile crime and victimization within the borough; to promote the safety and well being of persons under the age of eighteen (18) "children, whose inexperience renders them vulnerable to becoming participants in unlawful activities and to being victimized by older perpetrators of crime; and to foster and strengthen parental responsibility for children.

§ 56-1. *General Curfew for Minors*

It shall be unlawful for boys and girls under eighteen (18) years of age, such persons being defined for the purposes of this chapter as "children," to be or remain in or on any of the streets, alleys, parks or public places in the Borough of Matamoras at night after the time of 11:00 p.m. and until 6:00 a.m. during the period from November 3, to September 30, inclusive, unless such person is accompanied by any parent, guardian or other person having the legal custody of such child. After the time of 11:00 p.m. each evening and until 6:00 a.m. the following morning, and during the period hereinabove specified, all such children shall be required to be at home or out of the streets, alleys, parks and public places in the borough herein provided for.

Curfew for minors during Halloween period.

It shall be unlawful for boys and girls under eighteen (18) years of age, such persons being defined for the purposes of this chapter as "children," to be or remain in or on any of the streets, alleys, parks or public places in the Borough of Matamoras at night after the time of 8:00 p.m. during the period from October 1 to November 2, inclusive, of each year, unless such person is accompanied by any parent, guardian or other person having the legal custody of such child. After the time of 8:00 p.m. each evening and until 6:00 a.m. the following morning, and during the period hereinabove specified, all such children shall be required to be at home or out of the streets, alleys, parks and public places in the borough herein provided for.

§ 56-2. **Parents and guardians not to permit violations.**

It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any of the children of the age above designated to allow or permit any such child, ward or any person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, parks or public places in said borough after the time and during the periods prohibited in § 56-1 of this chapter, except as herein provided.

§ 56-3. **Violations and penalties. [Amended 9-6-1988 by Ord. No. 217]**

Any child as above designated found upon the borough streets, alleys, parks or public places within the borough in violation of 56-1 of this chapter [shall] *may* be taken into custody by [the

borough] police and delivered to his or her parents, guardian or person having the legal custody of said child. A written notice of warning shall be given to said parent, guardian or person having the legal custody of said child at the time of such delivery. If said parent, guardian or person having the legal custody of said child shall again allow him or her to be on said streets, alleys, parks or public places in violation of § 56-1 of this chapter, said parent, guardian or person having legal custody of said child so offending *may thereafter be charged with an offense under this chapter at the discretion of the police*, and shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.00) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days.

§ 56-4. Time restricted for trick or treat.

It is hereby made unlawful for any minor or adult to trick or treat upon any of the streets, alleys, parks or public places in said borough after the time and during the period prohibited in § 56-1 of this chapter, except as therein provided.

§ 56-5. Discretion of police officers in age determination.

The police officers [of the borough], in taking children into custody under this chapter, shall use their discretion in determining age, and in doubtful cases, the police officers may require positive proof, and until such proof is furnished, the officer's judgment shall prevail.


§ 56-6. Exceptions

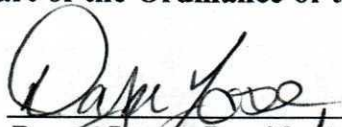

The following circumstances shall be exceptions to the general restrictions found above:

- 1. The child is involved in an emergency.*
- 2. The child is engaged in employment, or is going to or returning from such employment without detour or stop.*
- 3. The child is attending an activity sponsored by the school, religious or civic organization or agency, which activity is supervised by adults, or is going to or returning from such activity without detour or stop.*
- 4. The child is on an errand at the direction of the parent and is in possession of a note signed by the parent which specifically references the nature, date and time of the errand.*
- 5. The child is involved in the exercise of First Amendment rights protected by the United States Constitution.*

This Ordinance shall be incorporated into and be part of the Ordinance of the Borough of Matamoras effective immediately.

Approved this 7th day of June, 2011


Nancy Buchanan, Secretary


Dayne Losee, President

Richard Gassmann, Mayor