

## **Chapter 6**

### **Conduct**

#### **Part 1 Curfew**

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**Part 1****Curfew****§6-101. Title.**

This Part shall be known as the “Old Lycoming Township Curfew Ordinance.”  
(*Ord. 226, 12/11/2007, §1*)

**§6-102. Purpose.**

Old Lycoming Township recognizes that there is a health, safety and welfare concern relating to crimes committed against and by minors during nighttime hours. The Township believes that this problem can be effectively dealt with by regulating the hours during which minors are permitted to remain in public areas and establishments without direct supervision of an adult, and also by defining the duties and responsibilities of those who have custody, control or care of such minors.

(*Ord. 226, 12/11/2007, §2*)

**§6-103. Definitions.**

*Emergency* - unforeseen circumstances, or the status or condition resulting there from, requiring immediate action to safeguard life or property.

*Establishment* - any privately owned place of business operated for profit to which the public is invited. With respect to such establishment, the term “operator” shall mean any person, firm association, partnership, corporation, and the like, conducting the business of or managing that establishment.

*Minor* - any person under 18 years of age who has not been emancipated as an adult under Pennsylvania law.

*Parent* - any adult person who is:

- A. A minor's biological or adoptive parent who has legal and/or physical custody of a minor.
- B. A minor's court appointed guardian.
- C. An adult who is authorized by a parent or court appointed guardian to have custody and/or care of a minor.

*Public place* - any place to which the public or a group of the public has access including, but not limited to, streets, highways, roads, sidewalks, alleys, avenues, parks, stores, shops, office buildings, apartments, hospitals, common areas of school and transportation facilities.

*Remain* - refers to the following actions:

- A. To linger or to stay at or upon a place.
- B. To fail to leave a place when requested to do so by a law enforcement officer, by an owner, an operator or other person in control of that place.

*Street* - a way or place, of whatever nature, open to use by the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk, for pedestrian travel. This includes the legal right-of-way, curb way, traffic lanes, curbs, paved or

unpaved and any and all other plots or grounds found within the legal right-of-way. The term "street" is included irrespective of what it is called such as alley, avenue, court, road, drive, or otherwise.

(*Ord. 226, 12/11/2007, §3*)

#### **§6-104. Curfew Offenses.**

1. It shall be unlawful for any minor to be or remain upon any public place, street or establishment between the hours of 11 p.m. and 5 a.m.

2. It shall be unlawful for a parent, guardian or custodian of a minor to allow or permit said minor to remain in or upon any public place, street or any establishment in violation of this Section herein.

3. It shall be unlawful for an operator, of an establishment to allow or permit a minor to remain in or upon any public place or establishment in violation of this Section herein.

4. It shall be unlawful for a person who is an owner or operator of any motor vehicle to knowingly permit or allow a violation of this Section herein.

(*Ord. 226, 12/11/2007, §4*)

#### **§6-105. Exceptions.**

Curfew exceptions are as follows:

A. Minor is accompanied by a parent or guardian.

B. Minor is involved in an emergency.

C. Minor is engaged in an employment activity, or is traveling to or from work, without detour or stopping.

D. Minor is on the sidewalk directly abutting a place where he or she resides with a parent.

E. Minor is attending an official, civic, sport, cultural, school or religious activity, or is going to or from such activity without detour or stopping.

F. Minor is engaged in interstate travel through, beginning, or terminating in the Township.

G. Minor is exercising first amendment rights protected by the United States Constitution.

H. Minor is on an errand, at the direction of a parent, and the minor has in his/her possession a written statement dated that day and signed by the parent containing the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, a brief description of the errand and the hours the minor is authorized to be engaged in the errand.

(*Ord. 226, 12/11/2007, §5*)

#### **§6-106. Penalties.**

Any person, establishment, operator and the like, who violates this Part shall be sentenced, upon conviction, to pay a fine of not less than \$25 and not more than \$1,000

for each violation plus costs of prosecution. Default in payment may result in imprisonment as permitted by law for the punishment of a summary offense.

*(Ord. 226, 12/11/2007, §6)*

**§6-107. Procedures for Violation.**

1. Any minor found in the Township who appears to be in violation of this Part shall be taken into custody by the Old Lycoming Township Police Department or other authorized law enforcement officer.

2. Upon determination of a violation, a minor in possession of valid photo identification, or when a parent or guardian has verified the minor's name, date of birth and address, may be issued a summary citation. The minor may be released from the scene of detention either into the custody of a parent or guardian or to return directly home.

3. A minor detained for whom no identification can be verified may be taken into custody and transported to Old Lycoming Township Police Headquarters. Once identified, said minor may be issued a summary citation and released to a parent, guardian or the like. If no one takes custody of the minor, the police officer may contact Lycoming County Children and Youth Services for intervention.

*(Ord. 226, 12/11/2007, §7)*

**§6-108. Police Discretion in Age.**

The police officers of Old Lycoming Township and other authorized law enforcement officers, in taking minors into custody, shall use their discretion on determining age and in doubtful cases may require proof of age. Until such proof is furnished, the officer's judgment shall prevail.

*(Ord. 226, 12/11/2007, §8)*

