

Chapter 62

CURFEW

[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys 7-7-2008 by Ord. No. 2008-3.¹ Amendments noted where applicable.]

§ 62-1. Short title.

This chapter shall be known and may be cited as the "Seven Valleys Borough Curfew Ordinance."

§ 62-2. Legislative findings and purpose.

- A. The York County Curfew Task Force, a subcommittee of the York County Truancy Task Force, has recommended uniformity among municipal curfew ordinances. Seven Valleys Borough adopts the recommendations of the task force by reference, summarized by finding that this chapter is necessary to regulate the conduct of minors during nighttime hours because minors are at a higher risk of becoming victims of crime, engaging in illegal behavior, and being truant.
- B. Seven Valleys Borough also adopts the task force position that parents who are negligent in monitoring their children's whereabouts should also be held accountable, and businesses that encourage or permit unsupervised minors to patronize their establishments during late night hours should also be held accountable.
- C. The purpose of this chapter is to protect the public from nocturnal mischief by minors, for the reduction of incidence of juvenile criminal activity, for furtherance of family responsibility, and promotion of public good, health, safety and welfare of the residents of Seven Valleys Borough.

§ 62-3. Definitions; word usage.

- A. The following words and phrases, when used in this chapter, shall have the following meanings except where the context or language clearly indicates or requires a different meaning:

BOROUGH — The Borough of Seven Valleys, York County, Pennsylvania.

ESTABLISHMENT — Any privately owned place of business carried on for a profit, or any place of amusement or entertainment in which the public is invited.

MINOR — Any person under the age of 18 years of age.

OPERATOR — Any individual, firm, association, partnership, or corporation operating,

1. Editor's Note: This ordinance also repealed former Ch. 62, Curfew, adopted 7-6-1982 by Ord. No. 1982-2.

managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the term "operator," as applied to associations or partnerships, shall include members or partners thereof, and, as applied to corporations, shall include officers thereof. The term "operator" shall also include the manager or any employee in charge of the operation of the establishment.

PARENT — Any natural parent of a minor, as herein defined, or a guardian, or any adult responsible for the care and custody of a minor.

PUBLIC PLACE — Any public street, highway, road, alley, park, playground, sidewalk, vacant lot, or other area generally open to the public, including a parked vehicle and any of the said locations in Seven Valleys Borough.

REMAIN — To stay behind; to stay unnecessarily.

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

§ 62-4. Curfew established.

- A. Unless accompanied by a parent/guardian, it shall be unlawful for any minor to be or remain in or upon any public place between the hours of 11:00 p.m. and 6:00 a.m.
- B. No owner or operator of an establishment shall permit any minor to remain upon the premises of said establishment between the hours of 11:00 p.m. and 6:00 a.m., unless accompanied by a parent.
- C. No parent shall allow or permit a minor to violate the provisions of this chapter without legal justification therefor.
- D. Exceptions.
 - (1) Approved adult chaperones, coaches, mentors, etc. may substitute for a parent/guardian in situations where the minor is attending an activity sponsored by a school, religious, nonprofit, government, athletic, or similar organization.
 - (2) Circumstances wherein minors are legally employed or serving as junior firefighters or ambulance personnel shall constitute exemptions from § 62-4A and/or § 62-4B above.
 - (3) Minors possessing a senior driver's license and legally operating a vehicle for the purposes of § 62-4A and/or § 62-4B above shall be exempt from § 62-4A above.
 - (4) Minors possessing a written document, dated that same day and signed by a parent/guardian, specifying the starting/ending times, place(s), purpose, and necessity of the minor being in a public place shall constitute exemption from § 62-4A and/or § 62-4B above.

§ 62-5. Police discretion in age determination.

Police Officers shall use their discretion when taking minors into custody in determining age. In any doubtful case, police may require positive proof of age, and until such proof is furnished, the

judgment of the police officer shall prevail.

§ 62-6. Violations and penalties.

- A. Minors and/or negligent parents/guardians who shall violate this chapter shall, upon conviction thereof, pay a fine as follows:
 - (1) First offense: not more than \$100.
 - (2) Second or subsequent offenses: not more than \$300.
- B. Operators and/or owners of establishments who knowingly or negligently violate § 62-4B above, shall, upon conviction, pay a fine of not more than \$300 for each minor found to be upon their premises in violation of § 62-4A above.
- C. All offenders who are convicted under this chapter shall also pay the costs of prosecution, and, in default of said payment of fines and costs, shall undergo imprisonment for a period not to exceed 30 days, or the period provided by law for summary offenses, whichever is less.
- D. The court may authorize diversionary and/or other alternative penalties (community service, counseling, educational classes, etc.) in lieu of imposed fines for minors, parents/guardians, or business operators.