

CHAPTER 6

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Part 1
Curfew For Minors

§6-101. Purpose.

The purpose of this Part is to:

- A. Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough.
- B. Promote the safety and well being of the Borough's youngest citizens, persons under the age of 18, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities and to being victimized by older perpetrators of crime.
- C. Foster and strengthen parental responsibility for children.

(Ord. 428, 7/2/2001)

§6-102. Definitions.

As used within this Section, the following words and phrases shall have the meanings ascribed to them below;

CURFEW HOURS - refers to between the hours of 10 p.m. from Sunday through Thursday, and 11:00 p.m. on Friday and Saturday through sunrise unless accompanied by his or her parent, guardian or other person having legal care or custody.

EMERGENCY - any unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property and also including, but not limited to, fires, natural disasters, automobile accidents or other similar circumstances.

ESTABLISHMENT - any privately-owned place of business within the Borough operated for a profit, to which the public is invited including, but not limited to, any place of amusement or entertainment. With respect to such establishment, the term "operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that establishment.

MINOR - any person under 18 years of age.

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OFFICER - a police or other law enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Pennsylvania and /or the ordinances of the Borough of Rutledge.

PARENT - refers to:

- A. A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including wither parent, is custody is shared under a court order or agreement).
- B. A person who is the biological or adoptive parent with whom a minor regularly resides.
- C. A person judicially appointed as a legal guardian of the minor.
- D. A person 18 years of age or older standing in loco parentis (as indicated by the authorization of an individual listed subsections (A), (B) or (C), above, of the definition, for the person to assume the care or physical custody of the child, or as indicated by any other circumstances).

PERSON - any individual, not to any association, corporation or any other legal entity.

PUBLIC PLACE - any place to which the public or a substantial group of the public has access including, but not limited to, streets, highways, roads, sidewalks, alleys, avenues, parks and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

REMAIN - refers to the following actions:

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

TEMPORARY CARE FACILITY - a nonlocked, nonrestrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parents. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

(Ord. 428, 7/2/2001)

§6-103. Prohibited Acts; Exception.

It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the Borough, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the Borough unless:

- A. The minor is accompanied by a parent.
- B. The minor is involved in an emergency.
- C. The minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop.
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.
- E. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adult, and/or the minor is going to or returning from such an activity without detour or stop.
- F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: name, address and telephone number of the parent authorizing the errand; telephone number where the parent may be reached during the errand; name of the minor and a brief description of the errand; minor's destination(s) and the hours the minor is authorized to be engaged in the errand.
- G. The minor is involved in interstate travel through or beginning or terminating in the Borough of Rutledge.
- H. The minor is exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(Ord. 428, 7/2/2001)

§6-104. Parental Responsibility.

It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate any provision of this Part.

(Ord. 428, 7/2/2001)

§6-105. Motor Vehicle Operator/Owner Responsibility.

It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of any provision of this Part.

(Ord. 428, 7/2/2001)

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§6-106. Establishment Operator Responsibility.

It shall be unlawful for the operator of the establishment, or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this Section that the operator or employee of an establishment promptly notify the Police Department that a minor was present at the establishment after curfew hours, and refused to leave.

(Ord. 428, 7/2/2001)

§6-107. False Information Prohibited.

It shall be unlawful for any person (including any minor) to give a false name, address or telephone number to any officer investigating a possible violation of this Part.

(Ord. 428, 7/2/2001)

§6-108. Enforcement.

1. **Minors.** Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor is in a public place, motor vehicle and/or establishment within the Borough during curfew hours.
 - A. If such investigation reveals that the presence of such minor is in violation of this Part, then:
 - (1) If the minor has not been previously issued a warning for such violation, then the officer shall issue a verbal warning to the minor which shall be followed by a written warning mailed by the Police Department to the minor and his or her parent(s).
 - (2) If the minor has previously been issued a warning for any such violation, then the officer shall charge the minor with a violation of this Part and shall issue a summons requiring the minor to appear in court.
 - B. As soon as practicable, the officer shall:
 - (1) Release the minor to his or her parent(s).
 - (2) Place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor.

- (3) If a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.
2. **Others.** If an investigation of an officer reveals that a person has violated this Part, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the Police Department to the person; however, if any such warning has previously been issued to that person, then the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

(Ord. 428, 7/2/2001)

§6-109. Penalties.

Any person or persons, violating any provision of this Part, or causing or helping others to violate it shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 428, 7/2/2001)

Part 2

Injury to Public Property

§6-201. Tampering with Public Property Prohibited.

No person shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Rutledge, or any grass, walk, lamp, ornamental work, building, street light, fire hydrant or water or gas stop box on any of the streets, terraces, parks or other public grounds in the Borough.

(Ord. 321, 8/24/1976, §308.1)

§6-202. Tampering with Stakes, Posts and Monuments Prohibited.

No person shall in any manner interfere with or meddle with or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Rutledge, made, placed or set or hereafter made, placed or set, or caused to be done by the authorities of said Borough in any survey of or in any street, terrace or public ground in the Borough to evidence the elevation, line, grade, location, corner, gutter, sewer or other public work, matter or thing.

(Ord. 321, 8/24/1976, §308.2)

§6-203. Tampering with Warning Lamps Prohibited.

No person shall wilfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person doing work by permission of the authorities of the Borough on any street, terrace, sidewalk or bridge in the Borough, as a warning of danger.

(Ord. 321, 8/24/1976, §308.3)

§6-204. Taking of Material Prohibited.

No person shall take any earth, stone or other material from any of the streets, terraces, parks or other public ground in the Borough.

(Ord. 321, 8/24/1976, §308.4)

§6-205. Exceptions.

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This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, terraces, sidewalks and public grounds and the structures and fixtures located thereon, nor to incidental results of work thereon or therein upon permit from or authority of the Borough.

(Ord. 321, 8/24/1976, §308.6)

§6-206. Penalties.

Any person or persons violating any provision of this Part or causing or helping others to violate it shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 321, 8/24/1976, §308.7; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)

Part 3

Throwing of Missiles

§6-301. Prohibited Acts.

The throwing of any snowball, stone or other missile of any kind upon or onto any public street, terrace, sidewalk, in the Borough is hereby prohibited.

(Ord. 321, 8/24/1976, §311.1)

§6-302. Penalties.

Any person or persons, violating any provision of this Part or causing or helping others to violate it shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 321, 8/24/1976, §311.2; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)

