

## **Chapter 111**

### **CURFEW**

**[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]**



ARTICLE I  
**Evening Curfew**  
[Adopted 9-10-1996 by Ord. No. 2-96]

**§ 111-1. Curfew established.**

It shall be unlawful for any person under 18 years of age to be or remain in or upon any of the public highways or streets of the Borough of Port Carbon at night after the hour of 10:00 p.m. and before the hour of 5:00 a.m. of the following days, Sunday through Thursday each week, and after the hour of 11:00 p.m. and before the hour of 5:00 a.m. Friday and Saturday, unless such person is accompanied by a parent, guardian or other person having the legal custody of said minor person or said minor person is in the performance of an errand directed by said parent, guardian or other person having the care or custody of said minor person, or such person's employment makes it necessary to be upon said public highway or street during the nighttime after said specified hours, provided that this exception shall not apply when the person under age shall be playing or unnecessarily loitering in or upon said public streets, whether alone or accompanied by a parent, guardian, or other person or persons whatsoever.

**§ 111-2. Duty of parent or guardian.**

It shall be unlawful for any parent, guardian or other person having the legal care or custody of any person under 18 years of age to allow or permit any such child, ward or other person under such age, while in said legal custody, to go or be in or upon any of the public highways or streets of the Borough of Port Carbon within the time prohibited in § 111-1 of this article unless reasonable necessity thereof exists.

**§ 111-3. Duty of police; prosecution.**

The policemen shall take any child violating § 111-1 of this article to the home of the parent, guardian or other person having the legal care of such child, and the parent, guardian or other person aforesaid shall be proceeded against. The police shall have the authority to prosecute any violations under this article.

**§ 111-4. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]**

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.



ARTICLE II  
**Daytime Curfew**  
**[Adopted by Ord. No. 4-96]**

**§ 111-5. Foreword.**

The Borough of Port Carbon adopted Ordinance No. 2-96 on September 10, 1996, which established the hours of an evening curfew for minor children. Ordinance No. 4-96 shall set forth a separate article for the establishment of a daytime curfew for school-age children.

**§ 111-6. Daytime curfew.**

It shall be unlawful for any child of compulsory school age enrolled in any elementary or secondary school to be or remain in or upon any public street, alley, highway, park or other public place or in any enclosure or vehicle which is on or in close proximity to any such street, alley, highway, park or public area in the Borough of Port Carbon between the hours of 9:00 a.m. and 2:30 p.m. on any day for which school is in session, unless such child is on a scheduled vacation or holiday observed by the school in which the child is enrolled or that child has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child educated through a home school program pursuant to the Pennsylvania Code, Section 1327.1, a parent shall be deemed to be an authorized official.

**§ 111-7. Parents, guardians and accomplices.**

- A. It shall be unlawful for any parent, guardian or person in parental relation having control or charge of any child of compulsory school age to permit such child to be or remain in or upon any public street, alley, highway, park or other public place or in an enclosure or vehicle which is on or in close proximity to any such street, alley, highway, park or public place in the Borough of Port Carbon between the hours of 9:00 a.m. and 2:30 p.m. on any day for which school is in session, unless such child is on a scheduled vacation or holiday observed by the school in which the child is enrolled or that child has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child educated through a home school program as set forth above, the parent shall be deemed to be the authorized school official.
- B. It shall be unlawful for any person to act as an accomplice in violating any of the provisions of this article. A person is an accomplice of the child in violation of any provisions of this article if, with intent of promoting or facilitating the commission of the offense, that person solicits the child committed or aids or agrees or attempts to aid such person in planning or committing it.

**§ 111-8. Duty of police; prosecution; violations and penalties.**

- A. Offense of the child. Any child who shall fail to comply with the provisions of this article relating to daytime curfew, on a first offense, shall be arrested or apprehended, taken into custody and transported to police headquarters for proper identification. After identification has been properly ascertained it shall be entered

into a record kept by the Borough. The arresting or apprehending officer shall properly notify the parents, guardian or person in parental relation to the child and, unless requested by such parent, guardian or person in parental relation to the child to place the said child in a school other than the public school, the arresting officer shall place the said child in the public school in which the child is or should be enrolled, subject to the appropriate disciplinary action, including but not limited to in-school suspension.

- B. Second offense of the child. Any child who shall fail to comply with the provisions of this article relating to daytime curfew, on a second or succeeding offense, shall, upon summary conviction thereof, be sentenced to pay a fine not to exceed \$600 for each offense, together with costs, and in default of payment of such fine and costs shall be referred by the Magisterial District Judge to the Juvenile Court pursuant to the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq. In lieu of a fine, community service may be assigned by a Magisterial District Judge at the Judge's discretion.
- C. Offense of the parent. Any parent, guardian, or person in parental relation having control or charge of any child of compulsory school age who shall fail to comply with the provisions of the daytime curfew section of this article shall, upon summary conviction, be sentenced to pay a fine not exceeding \$600 for each offense, together with costs, and in default of payment of such fine and costs shall be sentenced to imprisonment not to exceed 30 days. In lieu of a fine, community service may be assigned by a Magisterial District Judge at the Judge's discretion. The parental violation is separate and apart from any violation of the child.
- D. Accomplices. Any person found to be an accomplice shall, on summary conviction thereof, be sentenced to pay a fine not exceeding \$600 for each offense, together with costs, and in default of payment of such fine and costs shall be sentenced to imprisonment not to exceed 30 days. Where the accomplice is a juvenile, the Magisterial District Judge may, in default of payment, refer the matter to the Juvenile Court pursuant to the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq. In lieu of a fine, community service may be assigned by a Magisterial District Judge at the Judge's discretion.