

Amended Bill No. 15, Ordinance No. 14 of Session 2019

ARTICLE 737
Minors Curfew

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CROSS REFERENCES

Dance curfew - see 3rd Class §2638 (53 P.S. §37638J)
Offenses involving minors - see Crimes Code §6301 et seq. (18 Pa. S. §6301 et seq.)
Curfew during civil emergencies - see GEN. OFF. 709.01

737.00 PURPOSE.

The minors curfew is not intended to infringe upon the freedoms of resident youth, but rather to assure that minors have adequate parental/guardian supervision during focal times of the day, and to offer support to minors and parents/guardians experiencing curfew concerns. (Ord. 11-2008. Passed 3-18-08.)

737.01 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings herein given:

- (a) "Minor" means any person under the age of eighteen years of age.
- (b) "Public place" means any public street, highway, road, alley, park, playground, sidewalk, vacant lot, or other area generally open to the public.
- (c) "Establishment" means any organization or place of business carried on for profit or for non-profit purposes, or any place of amusement or entertainment in which the public is invited.
- (d) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, conducting or working for 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 as well as employees or agents thereof, and as applied to corporations, shall include officers of the corporation thereof, and, in the case of any business or other entity operating under a fictitious name, shall include the owner, and his or her employees or other agents.
- (e) "Court" means any Magisterial District Justice Office or the York County Court of Common Pleas.
(Ord. 11-2008. Passed 3-18-08.)
- (f) "Guardian" means an individual eighteen years of age or older, authorized by law or by written statement by a parent or legal guardian, to oversee a minor. Written statements must include name of parent or legal guardian, name of minor, name of assigned guardian, and phone number of parent or legal guardian.**

737.02 CURFEW.

- (a) Unless accompanied by a parent/guardian, it shall be unlawful for any minor to be at or remain in or upon any public place between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m.

(b) No operator of any establishment shall permit any minor to remain upon the premises of said establishment between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. unless the minor is accompanied by a parent/guardian. Additionally, all operators of such establishments within the boundaries of the City of York must post notice in a readily readable size and location within their establishment stating that all patrons under the age of eighteen who are not accompanied by a parent/guardian must vacate the premises at 10:30 p.m. Furthermore, all operators of such establishments must make a verbal announcement at 10:30 p.m. stating that all patrons under the age of eighteen who are not accompanied by a parent/guardian must vacate the premises immediately. (Ord. 11-2008. Passed 3-18-08.)

737.03 EXCEPTIONS.

The provisions of this article shall not apply to:

- (a) Any minor attending an activity sponsored by school, religious, non-profit, governmental, or similar organization in which the activity is supervised by adults.
 - (b) Any minor or operator of an establishment in which the minor is employed in lawful employment during curfew hours.
 - (c) A minor operating a vehicle during nighttime curfew hours, if the minor possesses a valid senior driver's license.
 - (d) Any minor traveling directly from their lawful place of employment to their home after working past curfew hours, or who is immediately traveling from an activity described in subsection (a) hereof, which occurred past curfew hours, and is not engaged in any other activity.
 - (e) Any minor on active duty in the United States Armed Forces.
- (Ord. 11-2008. Passed 3-18-08.)

737.99 PENALTY.

(a) A minor and/or parent/guardian may be cited if the minor is found in violation of curfew. The fine for the first offense shall be up to fifty dollars (\$50.00) and the costs of prosecution. Upon second violation of this article (including situations wherein the first violation had occurred in another jurisdiction), the fine shall be a minimum of fifty dollars (\$50.00) and a maximum of two hundred dollars (\$200.00) and the costs of prosecution. Upon the third or subsequent violations of this article (including situations wherein the first or second violation had occurred in other jurisdictions), the fine shall be a minimum of one hundred dollars (\$100.00) and a maximum of one thousand dollars (\$1,000) and the costs of prosecution.

(b) The court is encouraged, when appropriate, to consider counseling and/or community service or other diversionary programs as an alternative sentence to the penalties prescribed above.

(c) The court is encouraged to refer unpaid curfew fines and/or sentences to Juvenile Probation.

(d) Any operator of an establishment knowingly allowing minors to be upon their premises between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m., or failing to post notice/make an announcement per Section 737.02(b), shall pay a fine not exceeding one thousand dollars (\$1,000), or be subject to a term of imprisonment not exceeding ninety days, or both for each minor found to be in violation of curfew upon the establishment and/or for each day not in compliance with the posting notice/making verbal announcement stipulation. (Ord. 11-2008. Passed 3-18-08.)