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ARTICLE 705  
Curfew

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705.01 SHORT TITLE

This Article shall be known and may be cited as the "Curfew for Minors Code." (Ord. 8 of 1979, Sect. 1, Passed 8-20-79)

705.02 DEFINITIONS

For the purposes of this Code, the following words and phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section:

- a.) "Establishment" shall mean and include any place of business to which the general public has access and a right to resort for business, entertainment or other lawful purpose. An establishment shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theatre, drug store, pool room or shopping center.
- b.) "Minor" shall mean and include any unmarried person under the age of eighteen (18) years.
- c.) "Operator" shall mean and include any individual, firm, association, partnership or corporation operating, managing, conducting or having charge of any establishment; and whenever used in any section prescribing a penalty, the term "operator" as applied to firms, associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.
- d.) "Parent" shall mean and include the natural or adoptive parent of a minor, or any person over the age of twenty-one (21) years who stands in loco parentis to a minor, or any person to whom legal custody of a minor has been granted by an order of court. (Ord. 4 of 2001, Sect. 1, Passed 10-01-01)
- e.) "Guardian" shall mean and include any person other than a parent who has legal guardianship of the person of a minor.

- f.) "Custodian" shall mean and include any person over the age of twenty-one (21) years to whom the care or supervision of a minor has been temporarily and lawfully delegated or assigned by the parent or guardian of the minor. (Ord. 4 of 2001, Sect. 2, Passed 10-01-01)
- g.) "Public Place" shall mean and include any street, roadway, alley, public sidewalk, park, playground, public building, or public parking area within the corporate limits of the City of Franklin, Pennsylvania.
- h.) "Vehicle" shall mean and include every device in, upon or by which any person or property is or may be transported. (Ord. 8 of 1979, Sect. 3, Passed 8-20-79)

#### 705.03 CURFEW FOR MINORS

- a.) It shall be unlawful for any minor to be in or on any public place or establishment either on foot or in or on any vehicle between the hours of 12:01 a.m. and 5:00 a.m., prevailing time, both times inclusive.
- b.) The provisions of Paragraph a.) of this Section shall not apply to any minor accompanied by a parent, guardian or custodian.
- c.) The provisions of Paragraph a.) of this Section shall not apply to any minor who is in or on a public place or establishment during the prohibited hours due to the requirements of said minor's employment or public or charitable service, provided that said minor is carrying an affidavit signed by the minor's said employer or supervisor indicating the probable schedule of the minor's said employment, public or charitable activities. Upon termination of the activity or employment, the minor shall surrender the affidavit to the employer or supervisor; and, if the minor shall fail to surrender said affidavit, the employer or supervisor shall, within ten (10) days of the termination of the activity or employment, notify in writing the Public Safety Director of the City of Franklin, Pennsylvania. (Ord. 8 of 1979, Sect. 6, Passed 8-20-79; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)
- d.) The provisions of Paragraph (a) of this Section shall not apply to a minor who has the written consent of the parent or guardian of said minor, said consent to be carried on the person of the minor, that grants the minor permission to be in or on a public place or establishment for a designated period of time and a specific event; provided, however, that this exemption shall only apply on Saturday or Sunday, and shall not apply beyond 2:00 a.m., prevailing time. (Ord. 4 of 2001, Sect. 3, Passed 10-01-01)

#### 705.04 DUTIES OF OPERATORS OF ESTABLISHMENTS

It shall be unlawful for any operator of an establishment or any person having control over or charge of an establishment to knowingly permit or suffer any minor to be upon the premises of such establishment in violation of the provisions of Section 705.03(a) of this

Code; provided, however, that this Section shall not apply if a minor is exempt from the provisions of Section 705.03(a) of this Code by reason of Sections 705.03(b), 705.03(c), 705.03(d), or 705.06 of this Code. (Ord. 4 of 2001, Sect. 4, Passed 10-01-01)

#### 705.05 DUTIES OF PARENTS, GUARDIANS AND CUSTODIANS

- a.) It shall be unlawful for any parent, guardian or custodian of any minor to suffer or permit or by insufficient control to allow such minor to be in or on any public place or establishment between the hours of 12:01 a.m. and 5:00 a.m., prevailing time, both times inclusive, such as would constitute a violation by the minor of the provisions of Section 705.03 hereof.
- b.) The provisions of Paragraph a.) of this Section shall not apply when said minor is accompanied by a parent, guardian or custodian or if a parent, guardian or custodian has made a missing person notification to the Police Department of the City of Franklin, Pennsylvania, in regard to said minor.
- c.) The provisions of Paragraph a.) of this Section shall not apply to a parent, guardian or custodian of a minor, if said minor is exempt from the provisions of Section 705.03 hereof by reason of Section 705.06 hereof. (Ord. 8 of 1979, Sect. 6, Passed 8-20-79)

#### 705.06 FUNCTIONS OF CHURCHES, SCHOOLS, CLUBS OR OTHER ORGANIZATIONS

Any minors attending a function or entertainment of any church, school, club or other organization that requires such minor to be away from their homes or usual places of abode between the hours of 12:01 a.m. and 5:00 a.m., prevailing time, both times inclusive, shall be exempt from the provisions of Section 705.03 hereof, while attending or participating in such function or entertainment and for one-half hour before the commencement of such function or entertainment and for one-half hour after said function or entertainment is ended; provided that the church, school, club or other organization shall have registered in advance with the Public Safety Director of the City of Franklin, Pennsylvania, or his designate, to have the minors be away from their homes or usual places of abode during all or a portion of the prohibited hours and stating the times that the said function or entertainment shall begin and end. (Ord. 8 of 1979, Sect. 7, Passed 8-20-79; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

#### 705.07 SEVERABILITY

The provisions of this Code are severable and, if any provision shall be held illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not effect or impair any of the remaining provisions hereof. It is hereby declared to be the intent of the Council of the City of Franklin, Pennsylvania, that this Code would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein. (Ord. 8 of 1979, Sect. 9, Passed 8-20-79)

#### 705.08 EFFECTIVE DATE AND EXPIRATION

- a.) This Ordinance shall become effective on the earliest date permitted by law. (Ord. 8 of 1979, Sect. 10, Passed 8-20-79)
- b.) This Code, as from time to time amended, shall remain in full force and effect from the effective date hereof until and including December 31, 1981, unless sooner repealed by the Council of the City of Franklin, Pennsylvania. From and after January 1, 1982, this Code shall have no further force and effect and shall be deemed to have been repealed absolutely as of January 1, 1982, unless prior to said date the said Council shall enact an ordinance repealing this Section, in which event this Code, as from time to time amended, shall continue in full force and effect unless and until specifically repealed by said Council. (Ord. 8 of 1979, Sect. 10, Passed 8-20-79; Repealed by Ord. 2 of 1982, Sect. 1, Passed 1-04-82)

#### 705.99 ENFORCEMENT AND PENALTIES

- a.) Any police officer upon reasonable cause to believe a minor to be in violation of any provision of Section 705.03 of this Code shall ascertain the name and address of such minor and the name or names of said minor's parents, guardian or custodian, and shall warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the Public Safety Director of the City of Franklin, Pennsylvania, or his designated, who, in turn, shall cause a written notice to be mailed to the parents, guardian or custodian of said minor advising of the violation of this Code. (Ord. 6 of 1986, Sect. 2, Passed 8-18-86)
- b.) If such minor refuses to comply with the aforesaid direction by the police officer or refuses to give the police officer his correct name and address, or if said minor has been warned on a previous occasion within the preceding twelve (12) months that he or she is in violation of curfew, he or she shall be presumed to have run away from his parents, guardian or custodian, and shall be taken to police headquarters, and a parent, guardian or custodian or such minor shall be notified as soon as practicable of the violation and required to report to police headquarters for the purpose of accompanying the said minor to his or her home. If, within a reasonable time, the parent, guardian or custodian cannot be located or fails to come and take charge of the minor, the minor shall be released into the custody of the appropriate juvenile authorities pursuant to all applicable laws and rules of Court.
- c.) Any minor who violates any provision of Section 705.03 of this Code and who has been warned on one or more previous occasions within the immediately preceding twelve (12) month period that he or she is in violation of curfew, shall, upon conviction thereof in a summary proceeding before any District Justice having jurisdiction of such offense, be sentenced to pay a fine of not less than Ten (\$10.00) Dollars, nor more than Three Hundred (\$300.00)

Dollars. Nothing contained herein shall prohibit or prevent the institution of appropriate proceedings under and pursuant to the Juvenile Act, Act of July 9, 1976, P.L. 586, No. 142 (42 Pa.C.S., Section 6301, et seq.) and any amendments or supplements thereto.

- d.) Any parent, guardian or custodian who shall violate any provision of Section 705.05 of this Code and who has been notified pursuant to Paragraph a.) of 705.99 hereof on one or more previous occasions within the immediately preceding twelve (12) month period of violation of this Code by the said minor, shall, upon conviction thereof in a summary proceeding before any District Justice having jurisdiction of such offense, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or undergo imprisonment not exceeding ninety (90) days, or both, in the discretion of the District Justice.
- e.) Any operator of an establishment or other person having control over or charge of any such establishment who shall violate any provision of this Code shall, upon conviction thereof in a summary proceeding before any District Justice having jurisdiction of such offense, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or undergo imprisonment not exceeding ninety (90) days, or both, in the discretion of the District Justice.
- f.) Any other individuals, firms, associations, partnerships or corporations, including the members or partners of such firms, associations and partnerships and the officers of such corporations, who shall violate, or aid, assist or abet the violation of, any provision of this Code shall, upon conviction thereof in a summary offense, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or undergo imprisonment not exceeding ninety (90) days, or both, in the discretion of the District Justice.
- g.) Each violation of any provision of this Code shall constitute a separate offense. (Ord. 8 of 1979, Sect. 8, Passed 8-20-79)