

- § 94-1. Definitions.
 - § 94-2. Curfew for minors.
 - § 94-3. Exceptions.
 - § 94-4. Parental responsibility.
 - § 94-5. Police procedures.
 - § 94-6. Violations and penalties.
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§ 94-1. Definitions.

- For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

ADULT -- Any person 21 years of age or older.

MINOR -- Any person under the age of 18 or, in equivalent phrasing often herein employed, any person 17 or fewer years of age.

PARENT -- Any person having legal custody of a minor:

- **A.** As a natural or adoptive parent;
- **B.** As a legal guardian;
- **C.** As a person who stands in loco parentis; or
- **D.** As a person to whom legal custody has been given by order of court.

PUBLIC PROPERTY -- Any park or other property owned by the township or the Central Dauphin School District.

STREET -- A way or place, of whatever nature, open to the use of the public for purposes of vehicular travel or, in the case of a sidewalk thereof, for pedestrian travel. The term "street" includes a legal right-of-way, including but not limited to the cartway of traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term "street" also applies, for curfew purposes, to ways the public is privileged to use over private property so long as the owner permits, including sidewalks and grass plots similarly open at the time to public use, and to parking areas of any type (residential, municipal or commercial) open to public use or from such street or any type of street. The term "street" applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise, or whether it is maintained by the township and irrespective of whether it is open to the use of the public as a matter of right.

TIME OF NIGHT -- Based upon the prevailing standard of time, whether Eastern standard time or Eastern daylight saving time, generally observed at that hour by the public in the township.

TOWNSHIP -- The Township of Lower Paxton, Dauphin County, Pennsylvania, with administrative offices at 75 South Houcks Road, Harrisburg, PA 17109.

YEAR OF AGE -- Continues from one birthday, such as the 17th, to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or fewer years of age is herein treated as equivalent to the phrase "under 18 year of age."

§ 94-2. Curfew for minors.

- It shall be unlawful for any person 17 or fewer years of age (under 18) to be or remain in or upon the streets or public properties within the township at night during the period ending at 5:00 a.m. and beginning at 12:00 midnight. .

§ 94-3. Exceptions.

- In the following exceptional cases, a minor on a street or public property within the township during the nocturnal hours for which this chapter is intended to provide the maximum limits of regulation (and a clear general guide for parents and their fellow citizens) shall not, however, be considered in violation of this chapter:
 - **A.** When accompanied by a parent of such minor.
 - **B.** When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
 - **C.** When 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 and when such activities have been scheduled with the township.
 - **D.** In case of reasonable necessity, but only after such minor's parent has communicated to the township police personnel the facts establishing such reasonable necessity, relating to specified streets at a designated time for a described purpose, including points of origin and destination.
 - **E.** When the minor is on the sidewalk of the place where such minor resides.
 - **F.** When returning home, by a direct route from (and within 30 minutes of) the termination of a school activity or an activity of a religious or other voluntary association.
 - **G.** When the minor is involved in bona fide employment, as documented by duly certified working papers or work permit.

- **H.** When the minor is, with parental consent, in a motor vehicle, for the purpose of normal travel.

§ 94-4. Parental responsibility.

- It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon any street or public property within the township under circumstances not constituting an exception to or otherwise beyond the scope of this chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

§ 94-5. Police procedures.

- **A.** Police officers shall obtain the name, address and telephone number of all minors in prima facie violation of this chapter, as well as the name, address and telephone number of the minor's parent, guardian or other adult person having legal care or custody of said minor.
- **B.** A police officer of the township, upon finding or having attention called to any minor on a street or public property in prima facie violation of this chapter, normally shall take the minor to the police station, where a parent shall immediately be notified to come for such minor. In the absence of convincing evidence, such as a birth certificate, a police officer on the street shall use his best judgment in determining age.
- **C.** A police officer may deliver to a parent thereof a minor under appropriate circumstances, for example, a minor of tender age near home whose identify and address may readily be ascertained or are known.
- **D.** When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent.

§ 94-6. Violations and penalties.

- **A.** Any parent, guardian or legal custodian of a child under the age of 18 years violating any of the provisions of this article, after notice thereof as provided in C.O. 132-7, shall, upon conviction thereof before a District Justice, be fined not less than \$10 nor more than \$100 and costs of suit and, in default of the payment and the costs of suit, shall be imprisoned in the Dauphin County Jail for a period not exceeding 10 days.
- **B.** Any minor who shall violate any of the provisions of this chapter may be reported by the Public Safety Director to a society or organization whose purpose it is to take charge of incorrigibles and delinquents, and proceedings shall then be taken, under the Juvenile Act, 42 Pa.C.S.A. §

6301 et seq., before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.