

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 977**

**AN ORDINANCE REGULATING THE PRESENCE AND CONDUCT
OF MINORS ON STREETS AND PUBLIC PLACES, ESTABLISHING
A CURFEW, PRESCRIBING PENALTIES FOR VIOLATION
THEREOF, REPEALING ALL INCONSISTENT ORDINANCES, AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, after discussion Borough Council determined it is necessary to adopt this Ordinance to govern the conduct of minors in the Borough, to alleviate the possibility of juvenile delinquency and that it is in the public interest to reduce noise and disturbance at late hours,

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Definitions and Word Usage

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOROUGH

The Borough of Bangor.

CUSTODIAN

Any person, other than a parent, who has legal guardianship of a minor.

GUARDIAN

Any person, other than a parent, who has legal guardianship of a minor.

MINOR

Any person under the age of 18.

PARENT

The natural guardian or adoptive parent of a minor.

PUBLIC PLACE

Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to reside for business, entertainment or other lawful purpose.

A "public place" shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, café, theater, drugstore, poolroom, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Section 2. Curfew for Minors Under Age 18

- A. It shall be unlawful for any minor to remain idle, wander, stroll or play in any public place on foot or to drive or cruise without a set destination in any vehicle in, about or upon any public place in the Borough between the hours of curfew as set forth in this Ordinance.
- B. Hours of curfew shall be as follows: between Sunday 11:00 p.m. and Monday 5:00 a.m.; between Monday 11:00 p.m. and Tuesday 5:00 a.m.; between Tuesday 11 p.m. and Wednesday 5:00 a.m.; between Wednesday 11:00 p.m. and Thursday 5:00 a.m.; between Thursday 11:00 p.m. and Friday 5:00 a.m.; between Saturday 12:00 a.m. and Saturday 5:00 a.m.; and between Sunday 12:00 a.m. and Sunday 5:00 a.m. Notwithstanding anything in this subsection to the contrary, in the event that the day prior to a national holiday shall fall on a Sunday, Monday, Tuesday, Wednesday or Thursday, the beginning of the curfew hours for that day prior to a national holiday shall be set back from 11:00 p.m. of that day to 12:00 a.m. of the national holiday.

Section 3. Responsibility of Owners of Public Places

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours of curfew as set forth in paragraph B of the previous Section.

Section 4. Parents' Responsibility

It shall be unlawful for the parent, guardian, custodian or other adult person having custody or control of any minor under the age of 18 to suffer or permit by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the Borough between the hours of curfew as set forth.

Section 5. Exceptions

Any minor found in apparent violation of this Ordinance, meeting any one of the following listed exceptions, shall be exempt from the curfew provisions:

- A. Any time when the minor is accompanied by a parent, guardian or custodian.
- B. During any emergency activity and/or errand authorized by parent, guardian or custodian of said minor (provided the minor is able to provide a written authorization stating the date, time and reason for the emergency activity).

- C. When engaged in employment activities by said minor (provided the minor provides an authorization from the employer and/or parent, guardian or custodian).
- D. When engaged in special activities or functions of any school, church, club or event sanctioned by the Borough or other organization (provided the school, church, club or organization provides advance notice to the Borough Police Department in writing stating the time and location of said activity, function or event and the hour it will end. All minors who attend the events shall be required to be in their homes within ½ hour after the function has ended).

Section 6. Enforcement Procedures

- A. Any police officer, upon finding a minor in violation of this Ordinance, shall ascertain the name and address of such minor and warn the minor that he 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 oral warning to the minor may or will be logged in Borough Police Department records, and a follow-up warning letter will be forwarded to the minor's parent, guardian or custodian.
- B. If any minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, the violation shall constitute a summary offense, and a citation will be issued.
- C. Any parent, guardian or custodian's initial violation shall result in a written warning. A subsequent violation will constitute a summary offense, and a citation will be issued.
- D. Any owner or operator of a public place found in violation of this Ordinance shall be issued a warning with the first violation. A subsequent violation shall constitute a summary offense, and a citation will be issued.

Section 7. Determination of Age by Police Officer

- A. Any police officer enforcing any provision of this Ordinance may require positive proof of age by any person in apparent violation of this Ordinance.
- B. Any police officer enforcing any provisions of this Ordinance, where positive proof of age has not been furnished by any alleged violator, shall use his/her discretion in determining age; and until positive proof has been furnished, the officer's judgement/discretion shall prevail.

Section 8. Violations and Penalties

Any person violating any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than \$50.00 and not more than \$1,000.00 and costs of prosecution and, in default of payment of such fine and costs, to incarceration in the County prison for not more than 30 days.

Section 9. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing Ordinance #164, enacted March 20, 1911 and Ordinance #671, enacted August 7, 1978.

Section 10. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 11. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 13 day of June, 2018.

Borough Council of the Borough of Bangor

BY: James W Kresge
James Kresge, President

ATTEST: Janelle Hauff
Janelle Hauff, Secretary

APPROVED by the Mayor this _____ day of _____, 2018.

BY: Brooke Kerzner
Brooke Kerzner, Mayor