

§ 121-1. Title.

This chapter shall be known as the "City of Lancaster Curfew Ordinance."

§ 121-2. Legislative intent.

The Council of the City of Lancaster, recognizing the problem of crimes committed by and committed against juveniles during the nighttime and believing that it can be dealt with more effectively by regulating the hours during which minors less than 18 years of age may remain in public places and certain establishments without adult supervision, and by defining more clearly certain duties and responsibilities upon those who have the custody and responsibility for the care of such minors, hereby enacts this chapter for the purpose of promoting the general welfare and protecting the general public through reduction of juvenile violence and crime within the City of Lancaster, promoting the safety and welfare of the City's citizens under the age of 18 whose youth and inexperience renders them particularly vulnerable to becoming participants in criminal activity and in being victimized by perpetrators of crime, and fostering and strengthening parental responsibility for children.

§ 121-3. Definitions.

In this chapter the following definitions shall apply.

**AFTER HOURS** — The period of time between the hours of 10:00 p.m. and 6:00 a.m. on Sunday through Thursday nights and 12:00 midnight and 6:00 a.m. on Friday and Saturday nights.

**ESTABLISHMENT** — Any privately owned place of business operated for profit, including any place of amusement or entertainment, to which the public is invited.

**EMERGENCY** — Refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disaster, automobile accidents or other similar circumstances.

**MINOR** — Any person less than 18 years of age. For the purpose of this chapter any person shall be deemed to be 18 years of age on the date of his or her 18th birthday and not before this time.

**OPERATOR** — Any individual, firm, association, partnership or corporation owning, operating, managing or conducting any establishment. Whenever used in any provision prescribing a penalty, the word "operator" shall include the members, partners, officers and managers of any firm, association, partnership or corporation.

PARENT — The biological or adoptive parent of a minor; a legal guardian; or an adult person 21 years of age or over and who is authorized by a minor's parent or legal guardian to be responsible, either temporarily or permanently, for the custody or care of any minor or for the control of such minor.

PUBLIC PLACE — Any public street, highway, road, alley, park, playground, vacant lot or any private building, structure or area to which the public is invited or in which the public is allowed to remain.

REMAIN — To be at or stay at a place.

#### § 121-4. Unlawful conduct of minor.

It shall be unlawful for a minor to remain in or upon any public place or to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon an establishment in the City of Lancaster after hours except as follows;:

- A. The minor is accompanied by a parent; or
- B. The minor is involved in an emergency; or
- C. The minor is engaged in an activity, related to his or her employment, or is going to or returning home from such activity, without detour or stop; or
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent; or
- E. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or
- F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; no minor or parent shall falsify the documents described above; or
- G. The minor is involved in interstate travel through or beginning or terminating in the City of Lancaster; or
- H. The minor is 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.

#### § 121-5. Unlawful conduct of parents.

No parent shall knowingly permit any minor to remain in or upon any public place or establishment after hours unless the minor is engaged in an activity permitted under § 121-4 of this chapter. "Knowingly" shall mean knows or has reason to know.

#### § 121-6. Unlawful conduct of operators of establishments.

No operator of an establishment shall knowingly permit any minor to remain upon the premises of such establishment after hours.

§ 121-7. Rules and regulations.

The Chief of Police is hereby authorized, from time to time, to promulgate such rules and regulations, including the extension of hours for special occasions, as in his or her opinion shall be necessary or useful in the enforcement of this chapter. Such rules and regulations shall, however, be subject to the approval of the Council of the City of Lancaster.

§ 121-8. Offenses.

Each violation of the provisions of this chapter shall constitute a separate offense.

§ 121-9. Penalties.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception set forth in § 121-4 applies.

A. Any minor or parent who violates the provisions of this chapter for the first time may be issued a citation. The minor may be taken into temporary custody, in which case his or her parents or other appropriate person shall be notified and the minor shall be released into the custody of the appropriate parent or parents of the minor or to a brother or sister 18 years of age or older. If no such person is available after reasonable efforts have been made to locate such person, then the minor shall be released to such agencies or institutions as are established for juvenile welfare.

B. Any minor or parent who violates any provisions of this chapter is guilty of a summary offense and, upon conviction thereof, shall be subject to fine or imprisonment as follows: [Amended 6-28-2005 by Ord. No. 13-2005]

- (1) First offense: \$50.
- (2) Second offense: \$100 to \$150.
- (3) Third offense: \$150 to \$200.
- (4) Fourth offense: \$200 to \$300. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system.
- (5) Fifth and subsequent offenses: \$300 to \$500. Parents are subject to imprisonment for up to 90 days and minors to referral to the juvenile court system.

C. Any operator convicted of violating the provisions of this chapter for the first time shall be fined \$50 and shall be subject to imprisonment for a term of not to exceed 90 days. Any operator convicted of violating the provisions of this chapter for the second or subsequent time shall be fined \$300 and shall be subject to imprisonment for a term not to exceed 90 days.

§ 121-10. Annual review.

This chapter and the need for it shall be reviewed annually. By November 1, 2001, and each year thereafter, the Mayor and/or the Chief of Police of the City of Lancaster shall review this chapter and report and make recommendations to the Council of the City of Lancaster concerning the effectiveness of and the continuing need for this chapter. The report shall include, but not be limited to, the following information:

- A. The practicality of enforcing the chapter and any problems with enforcement identified by the Bureau of Police of the City of Lancaster.
- B. The impact of this chapter and support programs on juvenile crime statistics.
- C. Number of juveniles taken into custody for curfew violations.

D. Number of official citizen complaints filed regarding the enforcement of this chapter.

§ 121-11. Severability.

The provisions of this chapter are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the Court shall not effect or impair the remaining sections, sentences, clauses, parts or provisions of this chapter. It is hereby declared to be the intent of the Council of the City of Lancaster, Lancaster County, Pennsylvania, that this chapter would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

§ 121-12. Repealer.

Any and all ordinances or parts of ordinances inconsistent herewith shall be and hereby are repealed.

§ 121-13. When effective.

This chapter shall become effective immediately.