

## **Council is Considering A Curfew Ordinance....and Your Public Commentary Is Welcomed**

Nazareth Borough Council is considering passage of a Curfew Ordinance and invites public commentary on the issue through the Questions and Comments portion of the website or the Police Department Facebook page. Council also welcomes additional commentary in person, at the November 26, 2019 Workshop Meeting and/or the December Business Meeting on December 2, 2019 at 6:00 pm both nights at Council Chambers, 159 West Center Street. The ordinance, if passed, would affect minors under the age of 18 and prohibit their presence on the streets and in all public places or in vehicles, within the confines of the Borough, after 11:00 pm Sunday through Thursday and after 12:00 am (midnight) on Fridays and Saturdays and in each case until 5:00 am in the morning. ***Here is some of what is contained in the actual proposed wording of the ordinance and there are exceptions as follows:***

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 Borough AFTER HOURS, except as follows:

- A. The minor is accompanied by a parent.
- B. The minor is involved in an emergency.
- C. The minor is engaged in an activity related to his or her employment or his going to or returning home from such activity without detour or stop.
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.
- 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.
- F. Errands:
  - (1) The minor is on an errand at the direction of a parent and the minor has in his or her possession a written statement signed by the parent .
- G. The minor is involved in interstate travel through or beginning or terminating in the Borough.
- 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.

Feel free to comment here, on Facebook or come to either of the upcoming meetings. ***Here is the complete "proposed" ordinance...the entire "proposed" ordinance follows:***

**BOROUGH OF NAZARETH  
NORTHAMPTON COUNTY, PENNSYLVANIA  
ORDINANCE NO. 857 (proposed)**

**AN ORDINANCE AMENDING CHAPTER 6, "CONDUCT", OF THE CODE OF ORDINANCES OF THE BOROUGH OF NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA TO ESTABLISH A CURFEW FOR MINORS IN THE BOROUGH OF NAZARETH.**

**SECTION I: BE IT ORDAINED AND ENACTED** by the Borough of Nazareth, in Borough Council assembled, and it is hereby ordained and enacted by the authority of the same, that Chapter 6, of the Code of Ordinances of the Borough of Nazareth, Northampton County, Pennsylvania, is hereby amended to add the following Part:

**Part 7  
Curfew**

**§701. Purpose.** The Council of the Borough of Nazareth, recognizing the problem of crimes committed by and 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 defining more clearly certain duties and responsibilities upon those who have the custody and responsibility for the care of such minors, hereby enacts this Part for the purpose of promoting the general welfare and protecting the general public through reduction of juvenile violence and crime within the Borough of Nazareth, promoting the safety and welfare of the Borough'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.

**§702. Definitions.** In this chapter, the following definitions shall apply:

**AFTER HOURS** – The period of time between the hours of 11:00 p.m. and 5:00 a.m. on Sunday through Thursday nights and 12:00 a.m. and 5:00 a.m. on Friday and Saturday nights.

**BOROUGH** – The Borough of Nazareth, Northampton County, Pennsylvania.

**EMERGENCY** – 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 disasters, automobile accidents or other similar circumstances.

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

**MINOR** – Any person less than 18 years of age. For the purpose of this Part, any person shall be deemed to be 18 years of age on the date of their 18<sup>th</sup> 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 employees, members, partners, officers and managers of any firm, association, partnership or corporation.

**PARENT** – The biological or adoptive parent of a minor, a legal guardian, custodian or an adult person 21 years of age or over and who is authorized by a minor's parent, legal guardian or custodian 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, 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.

**§703. Conduct of minors.** 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 Borough AFTER HOURS, except as follows:

- A. The minor is accompanied by a parent.
- B. The minor is involved in an emergency.
- C. The minor is engaged in an activity related to his or her employment or his going to or returning home from such activity without detour or stop.
- D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.
- 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.
- F. Errands:
  - (1) The minor is on an errand at the direction of a parent and the minor has in his or her possession a written statement signed by the parent containing the following information:
    - (a) The name, signature, address and telephone number of the parent authorizing the errand.
    - (b) The telephone number where the parent may be reached during the errand.
    - (c) The name of the minor.
    - (d) A brief description of the errand.
    - (e) The minor's destination(s) and the hours the minor is authorized to be engaged in the errand.
  - (2) No minor or parent shall falsify the documents described above.
- G. The minor is involved in interstate travel through or beginning or terminating in the Borough.
- 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.

**§704. 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 activity permitted in §703 of this Part. "Knowing" shall mean knows or has reason to know.

**§705. 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. It shall be a defense to prosecution under this Section if the operator promptly notified the police department that a minor was present at the establishment and refused to leave after a request to leave by the operator.

**§706. Rules and Regulations.** The Mayor is hereby authorized, from time to time, to promulgate such rules and regulations, including the extension of hours for special occasions, as in the Mayor's opinion shall be necessary or useful in the enforcement of this Part. Such rules and regulations shall, however, be subject to the approval of the Borough Council.

**§707. Offenses.** Each violation of the provisions of this Part shall constitute a separate offense.

**§708. Enforcement Procedures and Penalties.**

A. Any police officer, upon finding an initial or first violation by a minor of this Part, shall ascertain the name and address of such minor and verbally warn the minor that they are in violation of the Borough's curfew ordinance. The police officer shall direct the minor to immediately proceed to their home or usual place of abode. The police officer shall document the verbal warning and as soon as practicable issue a follow-up letter to the minor's parent notifying them of the violation.

B. If any minor refuses to heed such warning or direction issued by a police officer or refuses to give such police officer their correct name and address, or if the minor has been verbally warned on a previous occasion of a curfew violation, the violation shall constitute a summary offense, and a citation shall be issued.

C. An initial or first violation of this Part by a parent or operator shall result in a written warning. A subsequent violation shall constitute summary offense, and a citation shall be issued.

D. Any subsequent violations of this Part by any minor, parent or operator shall be penalized as follows:

(1) Second offense: up to \$25.00 plus court costs;

(2) Third offense: up to \$50.00 plus court costs;

(3) Fourth offense: up to \$100.00 plus court costs;

(4) Fifth offense: up to \$200.00 plus court costs;

(5) Sixth offense: up to \$600.00 plus court costs. Parents are subject to imprisonment of up to 90 days and minors to referral to the juvenile court system.

E. In addition to the above procedures and penalties, if a police officer has a reasonable belief that a minor in violation of this Part poses a safety risk to themselves or others, the minor may be taken into temporary custody, in which case the minor's parent or other appropriate person shall be notified, and the minor shall be released into the custody of the appropriate parent 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.

**§709. Annual review.**

This Part and the need for it shall be reviewed annually. By March 1<sup>st</sup> of each year, the Chief of Police shall report and make recommendations to the Borough Council concerning the effectiveness of and the continuing need for this curfew ordinance. The report shall include, but not be limited to, the following information:

A. The practicality of enforcing this Part and any problems with enforcement identified by the Borough Police Department.

B. The impact of this Part and support programs on juvenile crime statistics in the Borough.

C. The number of juveniles cited and/or taken into custody for curfew violations.

D. The number of official citizen complaints filed regarding the enforcement of this Part.

**SECTION II:** All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

**SECTION III:** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION IV:** The effective date of this Ordinance shall be the date of the Mayor's approval of this Ordinance.