

Chapter 73

CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of Mansfield 8-20-1968 by Ord. No. 218. Amendments noted where applicable.]

§ 73-1. Curfew established for certain children. [Amended 12-1-1987 by Ord. No. 333; 8-9-1988 by Ord. No. 341]

It shall be unlawful for any person under 16 years of age (such persons being defined, for the purpose of this chapter, as "children") to be or remain in or upon any of the streets, alleys, parks or public places in the Borough of Mansfield at night between the hours of 10:00 p.m. and 5:00 a.m., Eastern standard time or Eastern daylight saving time, whichever may be in effect at the time, unless such child is accompanied by his or her parent, guardian or other person having the legal custody of such child. As a warning, a whistle or siren, to be known as the "curfew whistle," shall be sounded at 9:45 p.m. each evening, warning the children that they shall be required to be at home or out of the streets, alleys, parks and public places in the Borough within 15 minutes.

§ 73-2. Duty of parents or guardians.

It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any child under the age of 16 years to allow or permit such child to go or be in or upon any of the streets, alleys, parks or public places in the Borough after the time provided in § 73-1 of this chapter, except as therein provided.

§ 73-3. Violations and penalties.

- A. Any child, as above designated, found by any member of the Borough Police in or upon any of the streets, alleys, parks or public places within the Borough in violation of § 73-1 of this chapter shall, in the discretion of such member of the Borough Police, be either ordered out of the streets, alleys, parks or public places within the Borough or taken into custody by such member of the Borough Police and delivered to his or her parents, guardian or the person having the legal custody of such child.
- B. A report shall be made of any child found on the streets, alleys, parks or public places in violation of § 73-1 of this chapter to the Borough Secretary, who shall make a record thereof in a book to be kept for the purpose and who shall send written notice to the parent, guardian or other person having the legal custody of such child that the child violated this chapter.

- C. If the child of such parent, guardian or other person having the legal custody of such child shall again be found on the streets, alleys, parks or public places within the Borough in violation of § 73-1 of this chapter, such parent, guardian or person having the legal custody of such child so offending shall, upon conviction thereof before any District Justice having jurisdiction, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and a like fine shall be imposed upon any person aiding or abetting in a violation of the intent or purpose of this chapter. **[Amended 12-3-1975 by Ord. No. 276]**

§ 73-4. Reports to Juvenile Court and Court of Quarter Sessions.

Any child who shall violate any of the provisions of this chapter more than two times shall be reported by the Mayor or Borough Secretary to the Juvenile Court of Tioga County, which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the Juvenile Court for the permanent welfare of such child, and in cases where the arrest of the parents, guardian or legal custodian or an aider or abettor shall not be effective or where for any other reason the provisions of this chapter cannot be made effective by fines or penalties imposed hereunder, such person shall be reported to the Court of Quarter Sessions of Tioga County.

§ 73-5. Exceptions.

Children returning from scheduled school, church or civic functions shall be excluded from the operation of this chapter for a period of 30 minutes from the end of such function.

§ 73-6. Determination of age.

A member of the Borough Police in taking a child into custody under this chapter shall use his discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the police officer's judgment shall prevail.