

## Chapter 73

### CURFEW

§ 73-1. Curfew established.

§ 73-5. Violations and penalties.

§ 73-2. Parental responsibility.

§ 73-6. Default of payment by minor.

§ 73-3. Evidence of parental permission.

§ 73-7. General default of payment.

§ 73-4. Public areas.

[HISTORY: Adopted by the Borough Council of the Borough of Westfield 9-11-1991 by Ord. No. 247. Amendments noted where applicable.]

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#### § 73-1. Curfew established.

From and after legal publication of this chapter it shall be unlawful for any minor age 15, 16 or 17 to be upon the streets of Westfield or about the public areas of Westfield Borough between the hours of 10 p.m. and 6 a.m. unless accompanied by his or her parent or guardian or person standing in loco parentis to said child. The guardian and loco parentis must be officially recognized by the President Judge of Tioga County or the President Judge of another county.

#### § 73-2. Parental responsibility.

From and after the legal publication of this chapter it shall be unlawful for any person that being a parent or guardian of or standing in loco parentis to any child under the age of 15, to wit, i.e., 14, 13, 12, etc., to permit said child to be on or about the streets or public areas of the Borough of Westfield between the hours of 10:00 p.m. and 6:00 a.m., unless said child is accompanied by the parent, guardian or person standing in loco parentis to said child.

#### § 73-3. Evidence of parental permission.

The presence of any such child on or about the streets between the hours of 10:00 p.m. and 6:00 a.m. as per § 73-2 unaccompanied by his or her parent or guardian or person standing in loco parentis to said child shall be presumptive evidence that such child is on or about the streets with the permission of his or her parents or guardian or such person standing in loco parentis to said child.

#### § 73-4. Public areas.

Public areas and streets shall be defined herein as the following areas:

- A. Any public street or sidewalk open to the free use of the general public.
- B. Any area such as parking lots or other areas similar that are open to the general public.

- C. The areas in and around businesses that are closed for business at the appointed time of 10:00 p.m.
- D. Private property of another not related to the minor nor where the minor is staying or visiting as a guest.

**§ 73-5. Violations and penalties.**

- A. Any minor found to be violating § 73-1 of this chapter shall be, upon conviction of a summary offense before any District Magistrate, sentenced to pay a fine as follows:
  - (1) First offense: a fine of \$10, plus the cost of prosecution.
  - (2) Second offense: a fine of \$25, plus the cost of prosecution.
  - (3) Third and subsequent offenses: a fine of not less than \$50 and the cost of prosecution nor more than \$100 and the cost of prosecution.
- B. Any person found to be violating § 73-2 of this chapter shall be, upon a summary conviction before any District Magistrate, sentenced to pay a fine as follows:
  - (1) First offense: a fine of \$25, plus the cost of prosecution.
  - (2) Second offense: a fine of \$50, plus the cost of prosecution.
  - (3) Third and subsequent offenses: a fine of not less than \$100 nor more than \$300, plus the cost of prosecution.

**§ 73-6. Default of payment by minor.**

Any minor found to be in default in the payment of any fine shall be remanded to the county juvenile authorities for official action. This shall pertain only to § 73-1.

**§ 73-7. General default of payment.**

Any person found to be in default in the payment of any fine or costs shall be sentenced to the county jail for a period not to exceed five days up to and including the second offense. Any person found to be in default in the payment of any fine or costs on a third and subsequent offense shall be committed to the county jail for a period not to exceed 30 days.