

Chapter 179

CURFEW

§ 179-1. Definitions.

Whenever used or referred to in this chapter, the following terms shall have the respective meanings for the purpose of this chapter, unless a different meaning clearly appears from the context:

LOITER — To stand idle, to move slowly about in a small area, to dawdle, to lounge, to hang around, to linger idly or aimlessly, or any combination of them.

PUBLIC PLACE — Every publicly owned building, park, playground and other places of general public gathering, congregation or use.

PUBLIC STREET — Every highway, road, alley or other way that is open to the use of the public for vehicular or pedestrian traffic.

QUASI-PUBLIC PLACE — Every privately owned building or other place of public accommodation or use, or building or other place open to the general public, and all vacant lots or other unsupervised areas within the limits of the Borough not readily under the control or supervision of the owner.

§ 179-2. Curfew established; Halloween.

- A. It shall be unlawful for any minor under the age of 18 years, regardless of his place of residence, to loiter, idle, wander, stroll, play or remain in or upon the public streets, highways, roads, alleys, parks and playgrounds, public places, public buildings, places of amusement and entertainment or places of business conducted for profit to which the public is invited, vacant lots and all public or quasi-public places, either on foot or in any vehicle, within the Borough, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, prevailing time, on all days from Sunday through Thursday, inclusive, and between the hours of 11:00 p.m. and 6:00 a.m. of the following day, prevailing time, on Friday and Saturday; provided, however, that the provisions of this chapter shall not apply to any such minor when accompanied by his or her parent or parents, guardian or other adult person (which adult shall be more than 21 years of age) having the custody, care or control of such minor or where the minor is upon an emergency errand or legitimate business directed, authorized or approved by his parent or guardian or other such adult person having the care or custody of the minor.
- B. Notwithstanding the foregoing, it shall be unlawful for any child under the age of 18 years to be upon the streets, parks, parking lots or other public places or upon any railroad right-of-way after the hour of 9:00 p.m. prevailing time on the 30th day of October and the 31st day of October until 6:00 a.m. the following morning unless said child is accompanied by a parent, guardian or other adult person having the

care, custody or control of said child. In such cases where Halloween and the eve of Halloween are rescheduled to any dates other than those noted above, the curfew shall apply to the rescheduled dates as well.

§ 179-3. Exceptions.

- A. The provisions of this chapter shall not be applicable to any minor under the age of 18 years during the time necessarily required for such minor to travel to his or her residence from any of the following:
- (1) A place of employment at which such minor may be gainfully employed.
 - (2) A school or place of instruction at which such minor may be in bona fide attendance.
 - (3) A place at which a function may be held that shall be or had been sponsored by a religious, school or civic organization.
 - (4) A place at which a bona fide, supervised social meeting, gathering or assemblage shall be held or had taken place.
- B. It shall not be considered a violation of this chapter for any minor under 18 years of age to be in or remain in or upon a public right-of-way within the Borough of Bellmawr during curfew hours when on a sidewalk immediately in front of the minor's residence but not otherwise blocking or obstructing the public way.
- C. Any minor under 18 years of age who continues to be or remains in or upon a public right-of-way within the Borough of Bellmawr within one hour of commencing any travel permitted as an exception in Subsection A during curfew hours or who remains on his sidewalk pursuant to Subsection B for more than one hour during the curfew hours shall be in violation of § 179-2 of this chapter.

§ 179-4. Procedure upon first offense.

Upon the first violation of this chapter by a minor not attaining the age of 18 years, the apprehending officer or official shall first proceed to take the minor into protective custody and make a complete record of the circumstances under which said minor was first seen or discovered in the apparent violation of this chapter. Said minor shall be released in the custody of said minor's custodian or shall be returned to his or her home or place of residence, and the custodian of such minor shall be informed of the violation of this chapter. The Police Department shall subsequently send a notice by certified mail, return receipt requested, to the custodian of such minor charged with a violation of this chapter. Such notice shall contain all the pertinent facts and circumstances of the violation and of the possible penalties and future proceedings that may result from additional violations.

§ 179-5. Procedure upon subsequent offense.

Upon a subsequent violation of this chapter by a minor under the age of 18, a written complaint against said minor shall be filed with the Municipal Court and shall be prosecuted there.

§ 179-6. Summoning of custodian of minor.

In conjunction with § 179-5 above, the custodian of said minor shall be summoned to appear before the Municipal Court of the Borough of Bellmawr for violating the provisions of § 179-7 of this chapter.

§ 179-7. Responsibility of parent or guardian; presumption.

It shall be unlawful for the parent or parents, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit such minor to violate this chapter. If it is established that any minor under the age of 18 years violated this chapter more than once, then it shall be presumed, in the absence of proof to the contrary, that the parents, guardian or other adult person having the care and custody of such minor knowingly permitted such minor to do so.

§ 179-8. Enforcement.

All officers or officials charged with law enforcement within said Borough are hereby authorized, empowered and directed to enforce the provisions of this chapter.

§ 179-9. Violations and penalties.

Upon a determination of a violation of this chapter, the Municipal Court shall impose a sentence of community service and a fine of up to \$1,000. If both a minor and the minor's parent or guardian violate this chapter, they shall be required to perform community service together.

§ 179-10. Posting of notice of regulations.

Notice of the existence of this chapter and the curfew regulations established by it shall be posted in or at such public or quasi-public places as may be determined by the Chief of Police, in order that the public may be constantly informed of the existence of this chapter and its regulations.