

**BOROUGH OF RIDLEY PARK
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 8-2024

AN ORDINANCE OF THE BOROUGH OF RIDLEY PARK, DELAWARE COUNTY, PENNSYLVANIA AMENDING CHAPTER 83, THE BOROUGH CODE - ENTITLED "CURFEW."

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Ridley Park, County of Delaware, Commonwealth of Pennsylvania, under authority of the Borough Code (8 Pa. C.S. § 101 et seq.), the Pennsylvania Municipalities Code (53 P.S. § 10101 et seq.) and the Code of the Borough of Ridley Park, as follows:

Section 1: The Code of the Borough of Ridley Park, Chapter 83 entitled "Curfew," is hereby amended to read as follows:

CHAPTER 83
Curfew

§ 83-1 Title.

This Chapter shall be known and may be cited as the "Curfew Ordinance."

§ 83-2 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms or phrases shall have the following meanings:

A. Borough:

The Borough of Ridley Park, Delaware County, Pennsylvania

B. Minor:

Any person under the age of 18.

C. Parent:

Any person having legal custody of a minor:

- i. As a natural or adoptive parent;
- ii. As a grandparent;
- iii. As a legal guardian;
- iv. As a person who stands in loco parentis; or
- v. As a person to whom legal custody has been given by order of court.

D. Public Place:

Any public street, sidewalk, highway, road, alley, public building or vacant lot.

E. Prevailing time:

Eastern standard time or eastern daylight savings time, whichever is used by custom, rule, regulation or law.

§ 83-3 Curfew for minors established.

It shall be unlawful for any minor person (under the age of 18) to be or remain in or upon any public place in the Borough of Ridley Park between the hours of:

- A. 10:30 p.m. and 6:00 a.m., prevailing time, on Monday, Tuesday, Wednesday, Thursday and Sunday, or;
- B. 11:00 p.m. and 6:00 a.m., prevailing time, on Friday and Saturday.
- C. The provision of this section shall not apply if any of the exceptions stated in § 83-4 of this chapter exist.

§ 83-4 Exceptions.

In the following cases, a minor in a public place within the Borough of Ridley Park during the nocturnal hours for which § 81-3 is intended to provide the maximum limits of regulation shall not be considered in violation of this chapter:

- A. When accompanied by a parent of such minor.
- B. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When a minor is found in apparent violation of this chapter while carrying written permission of the parent, stating the date, time and reason to exempt said minor from the provisions of this chapter.
- D. When a minor is found in apparent violation of this chapter while carrying actual written authorization from an employer, or other person as authorized by any federal/state/local statute or ordinance, indicating that said minor is necessary to the function of that business during the time frame regulated by this chapter.
- E. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion or of the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to personnel at the Borough Police office, a written communication signed by such minor and

countersigned, if practicable, by a parent of such minor, with their home address and telephone number, specifying when, where, and in what manner said minor will be in a public place, during the hours when this chapter is otherwise applicable, in the exercise of a First Amendment right specified in such communication.

- F. When the minor is on the sidewalk of the place where such minor resides or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- G. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity or event sponsored by school authorities, an activity of a religious institution, or an activity of a Borough civic association.
- H. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. This exempts bona fide interstate movement through the Borough. This also exempts travel beginning or ending in the Borough.
- I. When a minor is found in apparent violation of this chapter during any declared national, state, or local state of emergency when said minor is supporting relief efforts of the state of emergency.

§ 83-5 Parental responsibility.

- A. It shall be unlawful for a parent having legal custody of a minor to knowingly permit, or by inefficient control to allow, such minor to remain upon any public place within the Borough under circumstances not constituting an exception to or otherwise beyond the scope of this chapter.
- B. Under § 83-5 of this chapter, the term “knowingly” shall include knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent’s legal custody.
- C. The provisions of this section shall not apply if any of the exception stated in § 83-4 exist.
- D. It shall be the responsibility of the parent to immediately take custody of his or her child upon notice of violation by the Ridley Park Borough Police.

§ 83-6 Police Procedures.

A police officer enforcing any provision of this chapter shall employ any or all of the following provisions of this section.

- A. A police officer shall stop and identify any person(s) suspected of violating any provision of this chapter.
- B. A police officer shall detain and identify any minor found in violation of any provision of this chapter.

- C. A police department representative shall, either by oral or written communication, notify the parent of said minor found in violation of any provision of this chapter.
- D. When a parent has come to take charge of the minor and the appropriate information has been recorded, the minor will be released to the custody of such parent.
- E. If a parent cannot be located, or fails to take charge of the minor, then the minor will be released to the juvenile authorities, except to the extent that, in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability or arrival of a parent.
- F. A record of any violation by any person of any provision of this chapter will be maintained by the Ridley Park Borough Police Department.
- G. In the case of a first violation by a minor, the Chief of Police shall, by certified mail, send to a parent written notice of said violation, with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties.

§ 83-7 Violations and Penalties.

Notwithstanding the provisions of § 83-6 of this chapter, the following penalty, as appropriate shall be imposed for any violation of any provision of this chapter:

- A. A minor offender's first violation shall result in a written warning.
- B. A minor offender's second and subsequent violation shall constitute a summary offense, and a minimum fine of \$10 up to a maximum fine of \$600 plus court costs may be imposed.
- C. A parent's first violation shall result in a written warning.
- D. A parent's second and subsequent violation shall constitute a summary offense, and a minimum fine of \$10 up to a maximum of \$600 plus court costs may be imposed.
- E. Upon default of payment of fine and costs, a minor and/or parent may be imprisoned for a period not to exceed 30 days.

Section 2. Effective Date.

This Ordinance shall become effective within 30 days of its approval.

Section 3. Severability.

Should any section, subsection, paragraph, sentence, laws or phrase of this Ordinance shall be

declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 4. General Repealer.

All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict. The Borough of Ridley Park reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

ORDAINED AND ENACTED into an Ordinance and passed by Borough Council for the Borough of Ridley Park on the _____ day of _____, 2024.

BY: _____

Dane Collins
Borough Council President

Attest: _____

(SEAL)

Approved this _____ day of _____, 2024.

Hank Eberle
Mayor