



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 060441

Introduced May 18, 2006

Councilmembers Reynolds Brown, DiCicco, Miller, Kenney and Clarke

**Referred to the
Committee on Public Safety**

AN ORDINANCE

Amending Chapter 10-300 of The Philadelphia Code, entitled "Minors," by amending the hours of the curfew for minors; and by amending the enforcement provisions, including, but not limited to, increasing the penalties for minors who violate the provisions of the Chapter and for parents and operators of establishments who knowingly permit minors to violate the Chapter, and by making certain technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-300 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-300. MINORS.

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§10-302. Definitions.

(1) In this Chapter the following definitions apply:

* * *

(h) *School Year. The days of the year not within Summer.*

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(i) *Summer. From Memorial Day through the day before Labor Day.*

(j) *Weekend Day. Friday and Saturday, except that October 30 and October 31 shall never be treated as "Weekend Days" for purposes of this Chapter, but shall always be treated as "Weekdays."*

(k) *Weekday. Any day other than a Weekend Day, and October 30 and October 31, regardless of the day of the week.*

§10-303. Unlawful Conduct of Minors.

(1) No minor shall remain in or upon any public place or any establishment [between the hours of 10:30 P.M. and 6 A.M. of the following day, official City time, except that on Fridays and Saturdays, excluding certain days of the year as specified in paragraph (2) of this section, the hours shall be from 12 midnight to 6 A.M.] *from the Evening Curfew Time indicated in the following chart until 6 A.M. the following day*, unless said minor is accompanied by a parent, is doing an errand or other legitimate business as directed by the minor's parents, or is engaged in gainful lawful employment during the curfew hours or is on active duty in the Armed Service of the United States.

<i>Evening Curfew Time</i>				
	<i>School Year</i>		<i>Summer</i>	
	<i>Weekday</i>	<i>Weekend Day</i>	<i>Weekday</i>	<i>Weekend Day</i>
<i>Minors 13 and older</i>	<i>10:30 PM</i>	<i>midnight</i>	<i>10:30 PM</i>	<i>midnight</i>
<i>Minors under 13</i>	<i>9:00 PM</i>	<i>10:00 PM</i>	<i>9:30 PM</i>	<i>10:00 PM</i>

[(2) No minor shall remain in or upon any public place or any establishment between the hours of 10:30 P.M. and 6 A.M. of the following day, official City time, on the dates of October 30 and October 31 of any calendar year.]

[(3)] (2) No minor shall commit a willful tortious act which results in injury to any person or which results in the theft, destruction or loss of property to another.

§10-304. Unlawful Conduct of Parents.

(1) No parent shall knowingly permit any minor to remain in or upon any public place or any establishment [between the hours of 10:30 P.M. and 6 A.M. of the following day, official City time, except that on Fridays and Saturdays, excluding certain days of the year as specified in paragraph (2) of this section, the hours shall be from 12 midnight to 6 A.M.] *in violation of §10-303.*

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[(2) No parent shall knowingly permit any minor to remain in or upon any public place or any establishment between the hours of 10:30 P.M. and 6 A.M. of the following day, official City time, on the dates of October 30 and October 31 of any calendar year.

(3) The provisions of §10-304(1) shall not apply to any parent who accompanies a minor or to a parent who directs a minor upon an errand or other legitimate business or to any parent of a minor engaged in gainful lawful employment during the curfew hours.]

§10-305. Unlawful Conduct of Owners or Operators of Establishments.

(1) No operator of an establishment or their agents or employees shall knowingly permit any minor to remain upon the premises of said establishment [between the hours of 10:30 P.M. and 6 A.M. of the following day, official City time, except that on Fridays and Saturdays the hours shall be from 12 midnight to 6 A.M.] *in violation of §10-303.*

§10-306. Enforcement and Penalties.

(1) [1.] Any police officer who finds a minor in prima facie violation of the provisions of 10-303(1):

(a) Shall obtain information from such minor as to his or her name and address, age and the identity of the minor's parent, guardian or other custodian.

(b) Shall take any of the following actions which he or she believes necessary to best protect the interest of the minor and the community:

[i. Instruct the minor to proceed to his or her home forthwith; or]

[ii.] (i) Transport the minor to his or her home forthwith; or

[iii.] (ii) Transport the minor to the appropriate district police station, where without unnecessary delay, the officer or a superior officer may issue a citation. The officer shall immediately notify the parent, guardian or other custodian of the minor's whereabouts. When a parent, guardian or other custodian arrives at the station, the minor will be released to the custody of said parent, guardian or other custodian, who shall thereupon be issued written notice that the minor has violated the provisions of 10-303(1). If a parent or guardian or custodian cannot be located within a reasonable time,

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the minor shall be released, unless other action is warranted under and pursuant to the pertinent provisions of the Juvenile Act (42 Pa. C.S.A. 6301, et seq.).

[2.] (2) The information taken from the minor pursuant to [Section 1(a)] §10-306(1)(a) shall be forwarded to the Juvenile Bureau which shall cause a written notice to be mailed to the parent, guardian or custodian advising of the violation and penalties of provision of §10-303(1).

[3.] (3) Any minor who shall violate [10-303(1)] §10-303 shall be [guilty of a summary offense and may be fined not more than one hundred fifty (150) dollars for the first violation, and from two hundred (200) dollars to three hundred (300) dollars for each succeeding violation] *subject to a fine of two hundred fifty dollars (\$250) for a first violation, and from three hundred dollars (\$300) to five hundred dollars (\$500) for each succeeding violation.* If the fine, together with costs is not paid within 10 days, the minor shall be proceeded against under the pertinent provisions of the Juvenile Act (42 Pa. C.S.A. §6301, et seq.). The court may in its discretion suspend the fine if the offender agrees to and does in fact perform such community service as the court deems appropriate.

[(2)] (4) Any parent who shall violate any provision of §10-304 after having received notice of a prior violation shall be fined [fifty (50) dollars, for the first violation, and one hundred (100) dollars to three hundred (300) dollars for each succeeding violation] *one hundred fifty dollars (\$150) for the first violation, and from three hundred dollars (\$300) to five hundred dollars (\$500) for each succeeding violation.*

[(3)] (5) Upon violation of the provisions of §10-303(2), any parent whose child under the age of eighteen (18) years is found liable or is adjudged guilty by a court of competent jurisdiction of a willful tortious act resulting in injury to the person, or theft, destruction or loss of property of another, shall be liable to the person who suffers the injury, theft, destruction or the loss to the extent set forth in Act of General Assembly No. 58, July 27, 1967, pertaining to Parent's Liability.

[(4)] (6) Any operator of an establishment and any agent or employee of any operator who shall violate the provisions of §10-305 shall be fined not less than [150] *two hundred fifty dollars (\$250)* nor more than [300] *four hundred fifty dollars (\$450)* for each violation.

[(5)] (7) Any owner/operator of an establishment regulated under the provisions of §14-1605 of The Philadelphia Code and any agent or employee of said owner/operator who shall violate the provisions of §10-305 shall also be subject to immediate revocation of their business privilege license as provided for in §19-2602 of The Philadelphia Code.

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[(6)] (8) Repeat Offenders. Any person who violates any provision of §10-304 after having received notice of two or more prior violations, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.

[(7)] (9) Repeat Offenders. Any person who violates, on more than one occasion, any provision of §10-305, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.

[(8)] (10) Each violation of the provisions of this Chapter shall constitute a separate offense.

* * *

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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