Amending Chapter 10-300, entitled “Minors,” to revise the evening curfew hours, modify the provisions for enforcement and penalties, and make technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-300. MINORS

* * *

10.302. Definitions

(1) In this Chapter the following definitions apply:

* * *

[(j) School Year. The days of the year not within Summer.]

[(k) Summer. From Memorial Day through the day before Labor Day.]

[(l) 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".]

[(m) 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 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.

[Evening Curfew Time]		
	[School Year]	[Summer]

	[Weekday] *Evening Curfew Time*	[Weekend Day]	[Weekday]	[Weekend Day]
[Minors 13 and older] *Minors 14 and older*	[10:30 p.m.] *midnight*	[midnight]	[10:30 p.m.]	[midnight]
Minors aged 14 15	*10:00 pm*			
[Minors under 1 *Minors 13 and under*	[9:00 p.m.] *9:30 pm*	[10:00 p.m.]	[9:30 p.m.]	[10:00 p.m.]

* * *

10-306. Enforcement and Penalties

(1) Any police officer who finds a minor in prima facie violation of the provisions of subsection 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:

(.1) Transport the minor to his or her home forthwith; or

(.2) 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] *such location as the Administration deems appropriate and* 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, 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. §§ 6301 et seq.).]

* * *

(3) [Any minor who shall violate Section 10-303 shall be 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. §§ 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.] *Reserved.*

(4) [Any parent who shall violate any provision of Section 10-304 after having received notice of a prior violation shall be fined one hundred fifty dollars ($150) for the first violation, and from three hundred

dollars ($300) to five hundred dollars ($500) for each succeeding violation.] *Reserved.*

* * *

(6) [Any operator of an establishment and any agent or employee of any operator who shall violate the provisions of Section 10-305 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-198726> shall be fined not less than two hundred fifty dollars ($250) nor more than four hundred fifty dollars ($450) for each violation.] *Reserved.*

(7) [Any owner/operator of an establishment regulated under the provisions of subsection 14-603 (13) <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-208644> of The Philadelphia Code and any agent or employee of said owner/operator who shall violate the provisions of Section 10-305 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-198726> shall also be subject to immediate revocation of their commercial activity license as provided for in Section 19-2602 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-214963> of The Philadelphia Code.] *Reserved.*

(8) [Repeat Offenders. Any person who violates any provision of Section 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 dollars ($300), 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.] *Reserved.*

(9) [Repeat Offenders. Any person who violates, on more than one occasion, any provision of Section 10-305 <https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-198726>, 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 dollars ($300), 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.] *Reserved.*

SECTION 2. This Ordinance shall take effect immediately.

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Explanation:
[brackets] indicate matter deleted.
Italics indicate new matter added.

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