

7-11 CURFEW FOR PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS.

7-11.1 Purpose.

The Borough of Avalon finds and declares that it is in the best interests of residents and visitors to the Borough to establish a curfew for individuals under the age of eighteen (18) years to be in public places identified herein between the hours of midnight and 6:00 a.m. (Ord. No. 599-2008 § 1)

7-11.2 Definitions.

As used in this section:

Guardian shall mean a person, other than a parent, to whom legal custody of the juvenile has been granted by court order or who is acting in place of and with authority of the parent or is responsible for the care and welfare of the juvenile.

Juvenile shall mean an individual who is under the age of eighteen (18) years of age.

Public Place shall mean any street, highway, road, alley, thoroughfare, sidewalk, bridge, plaza, recreation or shopping area, public transportation facility, vehicle used for public transportations, park, playground, public building, place of amusement or entertainment, wharf, dock, marina, pier, beach, jetty, place of business to which the public is invited, vacant lots or buildings.
(Ord. No. 599-2008 § 2)

7-11.3 Curfew Established.

It shall be unlawful for any juvenile to loiter, idle, wander, stroll, park in a car or other vehicle, be on a bicycle or other form of transportation, or play in, remain in or be upon a public place within the territorial limits of the Borough between the hours of midnight and 6:00 a.m. Sunday through Saturday. (Ord. No. 599-2008 § 3)

7-11.4 Responsibility of Parents.

It shall be unlawful for any parent, guardian or adult person having legal custody and control of any juvenile to allow, suffer, or permit any such juvenile to loiter, idle, wander, stroll, park in a car or other vehicle, be on a bicycle or other form of transportation, or play in, remain in or be upon a public place within the territorial limits of the Borough between the hours of midnight and 6:00 a.m. Sunday through Saturday, unless accompanied by a parent, guardian or other person or persons who shall have legal custody and control of such juvenile. (Ord. No. 599-2008 § 4)

7-11.5 Exceptions.

The provisions of this section shall not be applicable to a juvenile during the time necessarily required for such juvenile to travel to or from:

- a. A place of employment at which such juvenile may be gainfully employed; or
- b. A school or place of instruction at which such juvenile may be in bona fide attendance; or
- c. A place at which a function may be held that shall be, or had been sponsored by a religious, school, civic, or other properly supervised event or program; or
- d. A place at which a bond fide, supervised social meeting, gathering or assemblage had taken place; or

e. Such place, be by the most direct route from such place to the juvenile's residence, as may be necessitated in the carrying out of an errand of an emergency nature, to his residence. (Ord. No. 599-2008 § 5)

7-11.6 Responsibility of Owners or Operators of Certain Establishments.

It shall be unlawful for any owner or operator of any business or commercial establishment located in the Borough to suffer or permit a juvenile to loiter, idle, wander, stroll, or park in a car or other vehicle on the property of such business or commercial establishment between the hours of midnight and 6:00 a.m. Sunday through Saturday, subject to the provisions of this section. (Ord. No. 599-2008 § 6)

7-11.7 Mischief Night.

It shall be unlawful for any juvenile to be present upon the public streets, highways, roads, alleys, parks, playgrounds, any business or commercial establishment between the hours of 7:00 p.m. of the night before the celebration of the day known as Halloween and 6:00 a.m. of Halloween day. (Ord. No. 599-2008 § 7)

7-11.8 Violations and Penalties.

Upon conviction for violating any provision of this section by such juvenile, or by said parent, guardian or person having the legal care and custody of said juvenile, or by a business or commercial establishment, said violator shall be punishable by serving up to ninety (90) hours of community service, by a fine not in excess of one thousand (\$1,000.00) dollars, or both. (Ord. No. 599-2008 § 8)