

# **Philadelphia Curfew Laws**

Philadelphia Code - Effective November 14, 2011

## **§ 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.

<b>Ages</b>	<b>School Year</b>	<b>Summer</b>
16 - 17	10:00 PM	11:00 PM
14 - 15	9:00 PM	10:00 PM
13 & under	8:00 PM	9:00 PM

(2) To the extent the Mayor, pursuant to his emergency powers under Section 10-819, extends or expands these curfew hours, the parental liability provisions of Sections 10-304 and 10-307; the establishment liability provisions of Section 10-305; and the enforcement and penalty provisions of Section 10-306, shall apply to violations of this Section 10-303 and to such extended or expanded curfew .

(3) 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 in violation of § 10-303.

## **§ 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 in violation of § 10-303.

## **§ 10-306. Enforcement and Penalties.**

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

(2) The information taken from the minor pursuant to § 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) Any minor who shall violate § 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.

(4) Any parent who shall violate any provision of § 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.

(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.

(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 two hundred fifty dollars (\$250) nor more than four hundred fifty dollars (\$450) for each violation.

(7) Any owner/operator of an establishment regulated under the provisions of § 14-603(13) 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 commercial activity license as provided for in § 19-2602 of The Philadelphia Code.

(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.

(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.

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

### **10-307. Parental Responsibility for Minor Children.**

(1) The parent, legal guardian or other legally responsible adult of any child under the age of eighteen (18) years who violates any provision of this Chapter 10-300, relating to "Minors", Chapter 10-500 relating to "Property – Damaging, Defacing and Interfering With", Chapter 10-600 relating to "Public Places – Prohibited Conduct", or Chapter 10-700 relating to "Refuse and Littering" shall be in violation of this Section.

(2) Where the underlying violation by the minor was a curfew violation under Section 10-303(1) or (2), the penalty for a violation of this Section may be a fine not to exceed five hundred dollars (\$500). In all other cases, the penalty for a violation of this Section shall be a fine not to exceed three hundred dollars (\$300). Any person authorized to enforce ordinances who becomes aware of a violation by a minor of any provision of Chapter 10-300, 10-500, 10-600 or 10-700 shall attempt to determine the whereabouts of the minor's parent, legal guardian or other legally responsible adult and shall serve upon such adult, by mail or in person, a notice of violation of this Section, pursuant to the provisions of Section 10-718 of this Code. The recipient of such notice of violation may, within thirty (30) 52 days of date of such notice, pay, where the underlying violation by the minor was a curfew violation under Section 10-303(1) or (2), seventy-five dollars (\$75), and otherwise, twenty five dollars (\$25), admit the violation and waive a hearing, all pursuant to the procedures set forth in Section 10-718.

#### Sources

1. Philadelphia Police Department - <http://blog.phillypolice.com/2011/12/up-to-date-curfew-information-for-the-city-of-philadelphia/>
2. American Legal Publishing Corporation - [http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia\\_pa/thephiladelphiacode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia\\_pa](http://www.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/thephiladelphiacode?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa)