

Chapter 36

CURFEW

§ 36-1. Findings.

§ 36-2. Definitions.

§ 36-3. Unlawful conduct of minors.

§ 36-4. Unlawful conduct of parents.

§ 36-5. Unlawful conduct of owners or operators of establishments.

§ 36-6. Enforcement; violations and penalties.

§ 36-7. Authority of Town Commissioners.

§ 36-8. When effective.

[HISTORY: Adopted by the Town Commissioners of the Town of Perryville during codification 3-1-83 as Ord. No. 83-1; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

§ 36-1. Findings.

The Town Commissioners find that:

- A. An emergency has been created by a substantial increase in the number and in the seriousness of crimes committed by minors against persons and property within the Town and that this has created a menace to the preservation of public peace, safety, health, morals and welfare.
- B. The increase in juvenile delinquency has been caused in part by the large number of minors who are permitted to remain in public places and in certain establishments during night hours without adult supervision.
- C. Education is the foundation of success and a productive life. The County of Cecil provides the educational system and its staff, but the cooperation of students and their parents determines the productivity of the educational system. Late evening activity by certain of our youth prevents them from concentrating in class or, even worse, causes their absence from class. The rate

of absenteeism has risen alarmingly in recent years while the achievement rate has rapidly decreased. The end result is an increase in failures and dropouts, frustration, malcontentment and, for many, a future without promise.

- D. The problem of juvenile delinquency can be reduced by regulating the hours during which minors may remain in public places and in certain establishments without adult supervision and by imposing certain duties and responsible upon the parents or other adult persons who have care and custody of minors.

§ 36-2. Definitions.

In this chapter, the following definitions apply:

ESTABLISHMENT- Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

MINOR - Any person under the age of eighteen (18).

OPERATOR - Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the term “operator” as applied to associations or partnership shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

PARENT - Any natural parent of a minor, a guardian or any person twenty-one (21) years of age or over responsible for the care and custody of a minor.

PUBLIC PLACE - Any public street, highway, road, alley, park, playground, wharf, dock, public building and vacant lot, as well as church, church ground, library and other such privately owned property used for public purposes.

REMAIN - To loiter, lounge, idle, wander, stroll or play in or upon.

§ 36-3. Unlawful conduct of minors.

- A. No minor shall remain in or upon any public place or any establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday, nor between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday, official Maryland time, nor between the hours of 9:00 p.m. and 6:00 a.m. of the following day or any other day of the week.
- B. The provisions of this section shall not apply to any minor accompanied by a parent or other person over the age of thirty (30) years, nor to a minor upon an errand directed by such minor’s parents, nor to a minor attending a cultural,

scholastic, athletic, or recreational activity supervised by a bona fide organization, nor to any minor who is engaged in gainful, lawful employment during the curfew hours. **[Amended 12-7-1999 by Ord. No. 99-07]**

§ 36-4. Unlawful conduct of parents.

No parent shall knowingly permit any minor not exempt under § 36-3B to remain in any public place or any establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday, official Maryland time, or between the hours of 9:00 p.m. and 6:00 a.m. of the following day or any other day of the week.

§ 36-5. Unlawful conduct of owners or operators of establishments.

No operator of an establishment or his agents or employees shall knowingly permit any minor to remain upon the premises of said establishment between the hours of 10:00 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 10:00 p.m. Saturday and 6:00 a.m. Sunday, official time, or between the hours of 9:00 p.m. and 6:00 a.m. of the following day or any other day of the week.

§ 36-6. Enforcement; violations and penalties.

- A. Any police officer who finds a minor violating any provisions of this chapter shall obtain information from such minor as to his name and address, age and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be reported to the Police Department, which shall cause a written notice to be mailed to the parent or parents of the minor, advising of the violation of this chapter.
- B. Any parent who shall violate any provision of this chapter after having received notice of a prior violation occurring within the preceding twelve (12) months shall be deemed to have committed a municipal infraction the penalty for which shall be twenty-five dollars (\$25) for each offense and fifty dollars (\$50) for each repeat offense.
- C. Notice is presumed to be received by a parent if it is deposited in a depository for mailing United States Mail, properly addressed and with the proper first-class postage paid. Such mailing may be shown by the records of the sending agency made in the regular course of its business.

- D. Any minor found guilty of violating any provision of this chapter shall be found guilty of a misdemeanor and may be reported to juvenile services.
- E. Violation of this chapter by the operator of an establishment and any agents and employees of any operator is declared to be an infraction, the penalty for which shall be twenty-five dollars (\$25) for each initial offense.
- F. Each violation of the provisions of this chapter shall constitute a separate offense.

§ 36-7. Authority of the Town Commissioners

The Board of Commissioners of the Town of Perryville shall have the authority to suspend or amend the hours of the curfew in this chapter from time to time as it sees fit.

§ 36-8. When Effective.

This chapter will be effective twenty-one (21) days from the date of enactment.