

City of Philadelphia



(Bill No. 080750)

AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by amending Chapter 10-300, entitled “Minors,” by providing for the establishment of a daytime curfew for minors of compulsory school age on days when such minors are required to be in school, providing for penalties, adding definitions and making certain 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 hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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CHAPTER 10-300. MINORS.

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§ 10-302. Definitions.

(1) In this Chapter the following definitions apply:

(a) *Compulsory School Age.* The period of a child’s life during which the child is required to attend school as established by the Philadelphia School Reform Commission pursuant to 24 P.S. § 21-2103(8), unless the provisions of 24 P.S. § 13-1326 are otherwise applicable.

[(a)] (b) * * *

[(b)] (c) * * *

[(c)] (d) * * *

[(d)] (e) * * *

[(e)] (f) * * *

[(f)] (g) * * *

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[(g)] (h)	*	*	*
[(h)] (i)	*	*	*
[(i)] (j)	*	*	*
[(j)] (k)	*	*	*
[(k)] (l)	*	*	*
[(l)] (m)	*	*	*

§10-309. Daytime Curfew.

(1) Unlawful Conduct of Minors. Except as provided in subsection (2) of this Section, no minor of compulsory school age shall remain in or upon any public place or establishment between the hours of 9:00 AM and 1:00 PM on any day during which such minor’s school is in session.

(2) Exceptions. The provisions of this Section shall not apply:

(a) To a minor who has written permission, in his or her possession from school authorities, excusing his or her attendance at school and allowing such minor to be in a public place or establishment at that particular time;

(b) To a minor enrolled in a home education program, in accordance with the provisions of 24 P.S. § 13-1327.1 who has written permission, in his or her possession from his or her supervisor as defined in that Section, allowing such minor to be in a public place or establishment at that particular time;

(c) To a minor who is directly going to or coming from such minor’s place of employment or a medical appointment;

(d) To a minor who is accompanied by a parent; or

(e) To a minor otherwise exempt under state law from attending school and who can verify such exemption.

(3) Parental Responsibility. The parent of any minor in violation of the provisions of this Section shall be in violation of this Section.

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(4) Penalties. The penalty for a violation of this Section shall be a fine of not more than three hundred (300) dollars.

(5) Enforcement.

(a) Any law enforcement officer who finds a minor to be in violation of the provisions of this Section shall obtain the minor's name, address and age and the name and address of the minor's parent and shall serve upon the minor a notice of violation. The foregoing information shall be transmitted to the Bureau of Administrative Adjudication which shall cause the notice of violation to be served, by first class mail, on the parent of the minor.

(b) Notices of violation shall be issued pursuant to the procedures set forth in Section 1-112 of this Code. Any person to whom a notice of violation is issued, may, within ten (10) days of receipt, pay twenty-five (25) dollars in lieu of contesting the violation and in lieu of any other fines or penalties. The notice of violation shall contain an appropriate notice to the recipient of his or her right not to contest the violation and appropriate instructions and procedures for payment, as prescribed by the Director of Finance.

(6) Non-exclusivity. The penalties and remedies contained herein shall be in addition to any other penalties or remedies available under state law and regulations.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 26, 2009. The Bill was Signed by the Mayor on April 1, 2009.



Patricia Rafferty
Chief Clerk of the City Council