

ORDINANCE NO. 10

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, COUNTY OF BERKS AND STATE OF PENNSYLVANIA, ESTABLISHING A CURFEW FOR CHILDREN SEVENTEEN YEARS OF AGE AND UNDER

BE IT ENACTED AND ORDAINED by the Township of Centre, and it is hereby enacted and ordained:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as "Centre Township Curfew Ordinance."

SECTION 2. SAVING CLAUSE.

If any section of this Ordinance shall be found to be invalid, the other sections of the Ordinance shall not be affected thereby.

SECTION 3. DEFINITIONS.

A. "Establishment" means any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

B. "Minor" means any person seventeen (17) years of age or under.

C. "Official Township Time" means Eastern Standard Time except from the last Sunday in April to the last Sunday in October, when it shall be Eastern Daylight Saving Time.

D. "Operator" means 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 partnerships shall include the members or partners thereof and as applied in corporations shall include the officers thereof.

E. "Parent" means any natural parent of a minor, a guardian, or any adult person twenty-one (21) years of age or over, responsible for the care and custody of a minor.

F. "Public Place" means any public street, highway, road, alley, park, playground, public building, or vacant lot.

G. "Remain" means to be present, idle, wander, stroll or play in or upon.

H. "School-sponsored Activity" means any dance, class, game, or club activity under the supervision of the Schuylkill Valley School District or any of its teachers.

I. "Returning" means the direct route home for a person who has attended or participated in a School-Sponsored Activity as herein provided.

SECTION 4. Unlawful Conduct of Minors.

A. It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day, Official Township Time.

B. The provisions of this section shall not apply to any minor accompanied by a parent, or to a minor upon an errand or other legitimate business directed by such minor's parent, or to any minor who is engaged in gainful lawful employment during the curfew hours.

C. Each violation of the provisions of this section shall constitute a separate offense.

SECTION 5. UNLAWFUL CONDUCT OF PARENTS.

A. It shall be unlawful for any parent knowingly to permit any minor to remain in or upon any public place or any establishments between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day, Official Township Time, while this curfew is in effect.

B. The provisions of this section shall not apply to any parent who accompanies a minor or to a parent who directs a minor upon an errand or other legitimate business or to any parent of a minor engaged in gainful lawful employment during the curfew hours, or any parent of a minor who is returning from a School-Sponsored Activity.

C. Each violation of the provisions of this section shall constitute a separate offense.

SECTION 6. UNLAWFUL CONDUCT OF OWNERS OR OPERATORS OF ESTABLISHMENTS.

A. It shall be unlawful for any operator of any establishment or their agents or employees knowingly to permit any minor to remain upon the premises of said establishment between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day, Official Township Time, while the curfew is in effect.

B. Each violation of the provisions of this section shall constitute a separate offense.

SECTION 7. ENFORCEMENT AND PENALTIES.

A. Any Police Officer who finds a minor violating the provisions of this Ordinance shall obtain information from such minor as to his name and address, age, and the name and address of his parent, parents, or guardian. The minor shall thereupon be instructed to proceed to his home forthwith and if possible, shall be accompanied by the Police Officer. The Police Officer shall ascertain, if possible, if the parent, parents or guardian are at home and if so, notify them verbally of the violation of both the parent and the child. If the parent, parents or guardian are not found at home, the Police Officer shall make such report to his superior officer. In all cases, whether or not verbal notice has been given, a written notice shall also be mailed to the parent, parents or guardian of the minor advising them of the violation of this Ordinance.

B. Any parent who shall permit a minor to violate the provisions of this Ordinance after having received notice of a prior violation shall be fined not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) for each violation, together with judgment of imprisonment not exceeding ten (10) days if any fine is imposed, together with costs, if not paid within ten (10) days of the date of imposition thereof. Prosecutions shall be before the Justice of the Peace whose jurisdiction includes Centre Township and all fines imposed and collected shall be paid into the Township Treasury for the use of the Township.

C. Any operator of any establishment and any agents or employees of any operator who shall violate the provisions of this Ordinance shall be fined not less than Five Dollars (\$5.00) or more than One Hundred Dollars (\$100.00) for each violation, together with judgment of imprisonment, not exceeding thirty (30) days if any fine is imposed, together with costs, if not paid within ten (10) days of the date of imposition thereof. Prosecutions shall be before the Justice of the Peace whose jurisdiction includes Centre Township and all fines imposed and collected shall be paid into the Township Treasury for the use of the Township.

SECTION 8. SPECIAL EVENTS.

Where there are special events, programs or functions by properly organized and supervised organizations to advance legitimate recreation, character development, religious training and school activities in the building of good citizenship in young people, the Centre Township Supervisors will grant special consideration in such cases upon receipt of notice thereof and the children will be permitted to proceed directly from the event to their homes without incident.

SECTION 9.

All Ordinances or parts of ordinances to the extent that they are inconsistent with this ordinance are hereby repealed

ENACTED AND ORDAINED this 13th day of December, 19

Attest:

George C. Saifit, Sec.

Wm. E. Spatz
Chairman

Raymond T. Murrell

David C. Spurr

Supervisors of the Township of
Centre, Berks County, Penna.