

ORDINANCE NO. 138 -2011

AN ORDINANCE OF THE TOWNSHIP OF CENTRE,  
BERKS COUNTY, PENNSYLVANIA ESTABLISHING  
REGULATIONS GOVERNING CURFEW HOURS FOR  
MINORS, PENALTIES FOR MINORS AND PENALTIES  
TO PARENTS, GUARDIANS AND LAWFUL  
CUSTODIANS FOR MINORS VIOLATING CURFEWS

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the "Curfew for Minors Ordinance".

Section 2. Definitions. In this Ordinance, the following definitions shall apply:

(a) 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.

(b) Minor. Any person under the age of eighteen (18) years.

(c) 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 partnerships, shall include the members or partners thereof, and as applied to corporations shall include the officers thereof.

(d) Parent. Any natural or adoptive 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.

(e) Public Place. Any public street, highway, road, alley, park, playground, public building, public area, vacant lot, bridge, railroad track and adjacent areas.

(f) Remain. To be present, loiter, idle, wander, stroll or play in or upon.

(g) Returning. The direct route home for a person who has attended or participated in a school-sponsored activity as herein provided.

(h) Roadway. The definition of this term is as defined in 75 Pa. C.S. §102, The Vehicle Code of the Commonwealth of Pennsylvania.

(i) School-Sponsored Activity. Any dance, class, game or club activity under the supervision of any agents or teachers of any school district.

(k) Weekday. Sunday, Monday, Tuesday, Wednesday and Thursday, excluding therefrom Friday and Saturday.

(l) Weekend Day. Friday and Saturday, excluding therefrom Sunday, Monday, Tuesday, Wednesday and Thursday.

Section 3. Unlawful Conduct of Minors.

(a) Weekdays. It shall be unlawful for any minor to remain in or upon any public place or any establishment on any weekday between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. of the following day, prevailing time.

(b) Weekends. It shall be unlawful for any minor to remain in or upon any public place or any establishment on any weekend day between the hours of 11:00 pm. and six o'clock (6:00) a.m. of the following day, prevailing time.

(c) Exceptions. The provisions of this section shall not apply to: (1) any minor accompanied by a parent or guardian; (2) to any minor who is engaged in gainful lawful employment during the curfew hours, provided, however, such minor shall produce written evidence of such gainful lawful employment, (3) to any minor who is returning from a school sponsored activity; or (4) to any minor who is on active duty in the Armed Service of the United States.

(d) Willful Tortuous Act. No minor shall commit a willful tortuous act which results in injury to any person or which results in theft, destruction or loss of property to another.

Section 4. Unlawful Conduct of Parents. No parent shall knowingly, neglectfully or negligently permit any minor to remain in or upon any public place or any establishment in violation of Section 3 of this Ordinance.

Section 5. Unlawful Conduct of Owners or Operators of Establishments. 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 Section 3 of this Ordinance.

Section 6. Enforcement and Penalties.

(a) Procedure for Violation by Minor. Any Police Officer or any duly authorized representative of the Township who finds a minor violating the provisions of this Ordinance:

(1) shall obtain information from such minor as to his or her name, address and age, and the name and address of his or her parent, guardian or other custodian, and

(2) may take any action which he or she believes necessary to best protect the interest of the minor and the community, including but not limited to transporting the minor to the Township offices, to a police station or to the minor's residence, where without unnecessary delay the police officer, a superior police officer or the duly authorized Township representative may issue a citation.

(3) The police officer or a duly authorized Township representative shall immediately notify the parent, guardian or other custodian of the minor's whereabouts. When a parent, guardian or other custodian arrives at the Township offices, at a police station or at the minor's residence, the minor shall be released to the custody of said parent, guardian or other custodian, who shall within ten (10) days thereafter be issued written notice that the minor has violated the provisions of Subsection 3(a), 3(b), 3(c) or 3(d), as applicable, of this Ordinance. If a parent, 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.).

(b) Notice. The police officer, a superior police officer or the duly authorized Township representative shall notify the designated official of the Township of each violation of this Ordinance within ten (10) days of such violation. The designated official of the Township may cause a written notice to be mailed to the parent, guardian or custodian advising of the violation and penalties of provision of Section 3 of this Ordinance. The police officer, a superior police officer, the duly authorized Township representative and the designated official of the Township are authorized to issue citations for violations of this Ordinance.

(c) Violation by Minor. Any minor who shall violate Section 3 of this Ordinance shall be guilty of a summary offense and shall be subject to a fine of not

more than Two Hundred Fifty Dollars (\$250.00) for a first violation, and not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00) for each succeeding violation. If the fine, together with costs, is not paid within ten (10) days of the issuance of such fine, the minor shall be subject to 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.

(d) Violation by Parent. Any parent or guardian who shall violate any provision of Section 4 of this Ordinance after having received notice of a prior violation shall be guilty of a summary offense and shall be subject to a fine of not more than One Hundred Fifty Dollars (\$150.00) for the first violation. Any person who violates, on more than one occasion, any provision of Section 5 of this Ordinance shall be guilty of a separate summary offense of repeat violation, and for each such repeat violation, shall be subject to a fine of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a repeat violation, regardless of 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.

(e) Commitment of Willful Tortuous Act. Upon violation of the provisions of Section 3(d) of this Ordinance, 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 tortuous 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 the 23 Pa. C.S. §5501, et seq., pertaining to Parent's Liability. Any violation of Section 3(d) of this Ordinance shall be the responsibility of the minor AND the minor's parent or guardian, and the responsibility of the parent or guardian shall not relieve the minor or otherwise limit or preclude the applicability of other violations or remedies.

(f) Violation by Establishment. of Any operator of an establishment and any agent or employee of any operator who shall violate the provisions of Section 5 of this Ordinance shall be guilty of a summary offense and shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Four Hundred Dollars (\$400.00) for each violation. Any operator of an establishment and any agent or employee of any operator who shall violate, on more than one occasion, any provision of Section 5 of this Ordinance shall be guilty of a separate summary offense of repeat violation, and for each such repeat violation, shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Four Hundred Dollars (\$400.00), or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a repeat violation regardless of 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.

(g) Revocation of Business Privilege License. Any owner or operator of an establishment and any agent or employee of said owner or operator who shall violate the provisions of Section 5 of this Ordinance shall also be subject to immediate revocation of its business privilege license.

(h) Separate Offense. Each violation of the provisions of this Ordinance shall constitute a separate offense.

Section 7. 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 shall grant special consideration in such cases upon receipt of notice thereof and minors shall be permitted to proceed directly from the event to their homes without incident.

Section 8. Severability. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.


Section 9. Repealer. All ordinances or parts of ordinances which are in consistence herewith are hereby repealed insofar as they are inconsistent with the provisions hereof.

Section 10. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment hereof.

DULY ENACTED AND ORDAINED this 12th day of September, 2011.

TOWNSHIP OF CENTRE,  
BERKS COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Supervisor

  
\_\_\_\_\_  
Supervisor

Attest:

  
\_\_\_\_\_  
Secretary

SEAL