

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, PROHIBITING UNMARRIED MINORS SEVENTEEN (17) YEARS OF AGE OR YOUNGER TO BE OR REMAIN IN OR UPON ANY OF THE STREETS, ALLEYS, PARKS OR PUBLIC PLACES IN SAID TOWNSHIP BETWEEN CERTAIN HOURS AND UNDER CERTAIN CIRCUMSTANCES; PRESCRIBING THE MANNER OR ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby ENACTED and ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, as follows:

SECTION 1. It shall be unlawful for any unmarried person seventeen (17) years of age or younger, hereinafter referred to and defined for this Ordinance as a "minor", to be or remain in or upon any of the streets, alleys, parks or public places in the Township of South Heidelberg, Berks County, Pennsylvania, hereinafter called the "Township", between the hours of 9:30 P.M. and 6:00 A.M. of the following day, official prevailing time, unless accompanied by his or her parent, guardian or person having lawful custody or loco parentis control of his or her person, or unless said minor is returning directly to the home of his or her parent, guardian or person having lawful custody or loco parentis control of his or her person after an event or activity which ended between the limiting hours, or unless there exists a reasonable necessity therefore. The fact that a minor, unaccompanied as aforesaid, is found in any of the aforesaid places within the Township during said time period shall be prima facie evidence that said minor is there unlawfully and that no reasonable necessity or compelling reason exists therefore.

SECTION 2. It shall be unlawful for any parent, guardian or person having lawful custody or loco parentis control of any minor of the age above designated, to allow or permit such minor to violate the provisions of Section 1 of this Ordinance.

SECTION 3. If any minor is suspected of violating Section 1 of this Ordinance he or she may be taken into custody of the Township Police who shall deliver said minor to his or her parents, guardian or person having lawful custody or loco parentis control of said minor if said minor is a Township resident or resides in an adjacent municipality to the Township. The police officers of the Township in taking minors into custody under this Ordinance shall use their discretion in determining age, and in doubtful cases may require positive proof of age of a presumed minor, and until such proof is furnished that said individual is over seventeen (17) years of age, the officer's judgment shall prevail.

SECTION 4. Any person violating the provisions of Section 1 or 2 of this Ordinance shall upon conviction be fined

not more than One Hundred Dollars (\$100.00) and not less than Ten Dollars (\$10.00) and upon default in payment of the fine and costs shall be imprisoned in the Berks County Prison for not more than five (5) days.

SECTION 5. The Chief of Police of the Township shall keep a record of all convictions under this Ordinance in a bound book kept for this purpose. If any minor or his or her parents, guardian or person having lawful custody or loco parentis control are convicted three or more times as the result of separate violations of this Ordinance, the Township police may institute appropriate proceedings with respect to said minor in the Juvenile Court of Berks County, Pennsylvania.

SECTION 6. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 7. If any section, clause, sentence, or part of this Ordinance is for any reason judicially determined to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining sections, clauses, sentences or parts hereof; and it is hereby declared to be the intent of the Board of Supervisors of the Township of South Heidelberg that this Ordinance would have been adopted even if such unconstitutional, illegal or invalid portions had not been included herein.

SECTION 8. This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED as an Ordinance this 12th day of October, 1978.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SOUTH HEIDELBERG

By Earl L. Werner
Earl L. Werner, Chairman

Attest:

Richard E. Hummel
Secretary