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TOWNSHIP OF BETHEL ORDINANCE NO. 2605-03

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, PROHIBITING CERTAIN CHILDREN FROM BEING OR REMAINING IN OR UPON ANY OF THE STREETS, ALLEYS, PARKS OR PUBLIC PLACES IN THE TOWNSHIP OF BETHEL AT NIGHT AFTER SPECIFIED HOURS UNLESS ACCOMPANIED AS HEREIN PROVIDED; PRESCRIBING THE MANNER OF ENFORCEMENT; AND FIXING THE PENALTY FOR VIOLATION OF THE ORDINANCE

The Township of Bethel, Berks County Pennsylvania, hereby ordains as follows:

Section 1. It shall be unlawful for boys and girls under the age of sixteen (16) years (such persons being defined for the purpose of this Ordinance as "child" or "children") to be or remain in or upon any of the streets, alleys, parks or public places in the Township of Bethel at night after the hours of 10:00 o'clock P.M., and before 6:00 o'clock A.M., unless such child is accompanied by any parent, guardian or other person having the legal custody of such child. It shall be unlawful for boys and girls between the ages of sixteen (16) years and eighteen (18) years (such persons being also defined for the purpose of this Ordinance as "child" or "children") to be or remain in or upon any of the streets, alleys, parks or public places in the Township of Bethel at night after the hour of midnight (12:00 o'clock P.M.) and before 6:00 o'clock A.M. unless such child is accompanied by any parent, guardian or other person having the legal custody of such child. The provisions of this Section shall not apply to any of such children going directly to or returning directly from work or scheduled church or school functions.

Section 2. It shall be unlawful for any parent, guardian or other person having the legal care or custody of any of the children of the ages described above to allow or permit any such child, ward or other person under such ages while in such legal custody to go or

be in or upon any of the streets, alleys, parks or public places in said Township after the times prohibited in Section 1 of this Ordinance, except as therein provided.

Section 3. Any child or children found upon the streets, alleys, parks or public places within the Township in violation of Section 1 of this Ordinance shall be taken into custody by the Township Police and delivered to his or her parent, guardian or person having the legal custody of said child and report thereof made immediately to the Township Secretary, who shall make a record thereof in a book to be kept for that purpose. If any child or children shall thereafter be in violation of this Ordinance, then the parent, guardian or person having legal custody of said child or children shall also be in violation of the Ordinance.

Section 4. Any child who shall be in violation of this Ordinance more than three (3) times shall in addition to any other penalty for violations herein be reported to Berks County Juvenile Court and proceedings shall then be taken in the Court of Common Pleas or Juvenile Court for their permanent welfare and a like procedure shall be taken in cases where the arrest of the parent, guardian or legal custodian shall not be effective or where, for any other reason, the provisions of Section 1 of this Ordinance cannot be made effective by the fines and penalties imposed hereunder.

Section 5. Violation of this Ordinance is a summary offense and shall be administered in accordance with Section 1601(c.1)(2) of the Second Class Township Code and punishable by a Fifty Dollar (\$50.00) fine for a first offense and a Two Hundred Dollar (\$200.00) fine for second and subsequent offenses and by imprisonment of not more than ninety (90) days or both.

Section 6. The police officers of the Township in taking Children into custody under this Ordinance shall use their discretion in determining age and in doubtful cases may require positive proof and until such proof is furnished, the officers' judgment shall prevail.

Section 7. Any Ordinance or part of any Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

ENACTED and ORDAINED by the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania, in public session duly convened, this 21 day of March, 2005.

TOWNSHIP OF BETHEL
Berks County, Pennsylvania

By: Randall G. Haag
Randall G. Haag, Chairman

Steven Henning
Steven Henning, Supervisor

Kenneth Norton
Kenneth Norton, Supervisor

Attest:

Jayne Seifrit
Jayne Seifrit, Township Secretary