

ORDINANCE NO. 84-3

AN ORDINANCE PROHIBITING CHILDREN UNDER EIGHTEEN YEARS OF AGE TO BE OR REMAIN IN OR UPON ANY OF THE STREETS, ALLEYS, OR PUBLIC PLACES IN SCHUYLKILL TOWNSHIP, SCHUYLKILL COUNTY, AT NIGHT AFTER THE HOUR OF TEN (10:00) O'CLOCK P.M. ON WEEKDAYS AND ELEVEN (11:00) O'CLOCK P.M. ON WEEKENDS UNLESS ACCOMPANIED AS HEREIN PROVIDED; PRESCRIBING THE MANNER OF ENFORCEMENT AND FIXING THE PENALTY FOR VIOLATION OF THIS ORDINANCE

BE IT ORDAINED by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, as follows:

SECTION 1. It shall be unlawful for boys and girls under eighteen (18) years of age (such persons being defined for the purpose of this ordinance as children) to be or remain in or upon any of the streets, alleys, or public places in the Township of Schuylkill at night, after the hour of ten (10:00) o'clock p.m. on weekdays, and after the hour of eleven (11:00) o'clock p.m. on weekends, unless such child is accompanied by a parent, guardian, or other adult person having the legal custody of such child.

For purposes of this ordinance, weekdays shall be defined as Sunday, Monday, Tuesday, Wednesday, Thursday; for purposes of this ordinance, weekends shall be defined as Friday and Saturday.

SECTION 2. It is hereby made unlawful for any parent, guardian, or other person having the legal care or custody of any of the children of the age above designated, to allow or permit any such child, ward, or other person under such

age, while in such legal custody to go or be in or upon any of the streets, alleys, or public places in said Township after the time prohibited in Section 1 of this ordinance, except as therein provided.

SECTION 3. Any child as above designated found upon the Township streets, alleys, or public places within the Township, in violation of Section 1 of this ordinance shall be taken into custody by the police and delivered to his or her parents, guardian, or person having legal custody of said child. If said parent, guardian, or person having the legal custody of said child shall again allow him or her to be on said streets, alleys, or public places in violation of Section 1 of this ordinance, said parent, guardian, or person having the legal custody of said child so offending shall be guilty of a summary offense punishable by a fine of not more than Five (\$5.00) Dollars nor less than One (\$1.00) Dollar and costs, and, in default of payment of such fines and costs, to be imprisoned in the county jail for not more than five (5) days at the discretion of the magistrate, and a like fine or imprisonment shall be imposed upon any person aiding or abetting in the violation of the intent and purpose of this ordinance.

SECTION 4. Any child or children who shall violate this ordinance more than three (3) times shall be reported to a society or organization whose purpose is to take charge of incorrigibles and delinquents and proceedings be then taken in the Juvenile Court for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent, guardian, or person having the legal custody of said child shall not be effective, or where for any other reason the provisions of Section 1 of this ordinance cannot be made effective

by fines and penalties imposed thereunder.

SECTION 5. The police 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 officer's judgment shall prevail.

ENACTED AND ORDAINED this 5 day of SEPT., 1984.

ATTEST:

Thomas P. Zeleny Jr.
Secretary

Joseph A. Zeleny
Chairman

Joseph J. Rudy

John B. Buehler
Supervisors, Schuylkill Township