

EXETER TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 366

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, PROHIBITING MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE 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 OF ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

ARTICLE I. SHORT TITLE

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

ARTICLE II. DEFINITIONS

For the purpose of this Ordinance, the following terms shall be defined as set forth below, unless a different meaning is plainly required by the context:

2.01 "MINOR" shall mean any person under the age of eighteen (18) years.

2.02 "PERSON CHARGED WITH CONTROL" shall mean A parent, guardian or person having lawful custody or control of a minor.

2.03 "TOWNSHIP" shall mean Exeter Township, Berks County, Pennsylvania.

2.04 "PUBLIC PLACE" shall mean any place to which the public or any substantial group thereof has access.

2.05 When any of the foregoing terms are used in this Ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter.

ARTICLE III. VIOLATION BY MINORS

3.01 It shall be unlawful for any Minor to be or remain in or upon any of the streets, alleys, parks or public places in the Township of Exeter between the hours of 12:00 midnight and 5:00 A.M., official prevailing time, unless accompanied by a parent or person charged with control after an event or activity which ended between the limiting hours, except while traveling home from such an event or activity, and additionally exempting the minor while in front of their immediate home, or unless such minor is in lawful employment making it necessary to be in such places between said hours; or unless there exists a reasonable necessity therefore, which would include an errand for a parent.

ARTICLE IV. SETTING OF TIME

4.01 The time prescribed in Article 3 aforesaid may be changed by the Board of Supervisors of Exeter Township by Resolution for specific periods of time by reason of special occasions, holiday seasons or emergencies, as may be determined at the sole discretion of said Board of Supervisors.

ARTICLE V. PERMITTING MINOR TO VIOLATE CURFEW

5.01 It shall be unlawful for any person charged with control of any minor to allow or permit such minor to violate the provisions of Article 3 of this Ordinance.

ARTICLE VI. TAKING MINOR INTO CUSTODY

6.01 If any minor is suspected of violating Article 3 of this Ordinance, he or she may be taken into custody by the Township police who may deliver said minor to the person charged with control of said minor if said minor is a Township resident or resides in an adjacent municipality to the Township. In all other cases, the said Township police are authorized to detain any such minor until the person charged with control shall take such minor into custody; but such Township police shall immediately, upon taking custody of the minor, communicate with such person charged with control. The police officers of the Township 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 eighteen (18) years of age or older, the officer's judgment shall prevail.

ARTICLE VII. PENALTIES

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7.01 Any person violating the provisions of this Ordinance shall, upon conviction, be fined not more than Three Hundred Dollars (\$300.00) and not less than Twenty Five Dollars (\$25.00) and upon default in payment of the fine and costs shall be imprisoned in the Berks County Prison for not more than ninety (90) days. Juveniles under the age of 18 upon default in payment of the fine and costs shall be referred to the Berks County Juvenile Authority.

ARTICLE VIII. SEVERANCE CLAUSE

8.01 Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

ARTICLE IX. REPEALER CLAUSE

9.01 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this 19th day of September, 1994.

EXETER TOWNSHIP
BOARD OF SUPERVISORS

Linda K. Buler
Chairman

Attest:

Doist. Concordia
Secretary