

Chapter 93

CURFEW

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[HISTORY: Adopted by the Borough Council of the Borough of Bechtelsville 7-9-1979 by Ord. No. 135. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 147.

§ 93-1. Curfew established.

It shall be unlawful for any person under the age of 18 years to be on or present in any public street, avenue, alley, park or other public place in the Borough of Bechtelsville between the hours of 10:00 p.m. and 5:00 a.m. of the following day on Sunday, Monday, Tuesday, Wednesday, and Thursday nights and from 11:00 p.m. to 5:00 a.m. of the following day on Friday and Saturday nights, prevailing time, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any street, alley or public place after 10:00 p.m. or before 5:00 a.m. of the following day on Sunday, Monday, Tuesday, Wednesday, and Thursday nights or after 11:00 p.m. or before 5:00 a.m. of the following day on Friday and Saturday nights, shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor as provided in § 93-3 hereof; provided, however, during the period from October 20 through October 31 of such year, the curfew hour shall be extended to 9:30 p.m. each night.

§ 93-2. Violation of curfew in public places; police procedures; parental responsibility; penalties.

Any child as above designated found upon the Borough streets, alleys, parks, or public places within the Borough, in violation of § 93-1 of this chapter, shall be taken into custody by the Borough police and delivered to his or her parents, guardian, or person having the legal care or custody of such child, and report thereof made immediately to the Police Department who shall make a record thereof in a book to be kept by the Police Department for that purpose. If the said parent, guardian, or person having the legal care of custody of said child shall again allow him or her to be on said streets, alleys, parks, or public places in violation of § 93-1 of

this chapter, said parent, guardian or person having the legal care or custody of said child so offending shall, upon summary conviction thereof before a District Justice, be sentenced to pay a fine of not less than \$25 nor more than \$600 and costs of prosecution, and, in default of payment thereof, to imprisonment in the Berks County Prison for not more than 30 days, and a like fine or imprisonment shall be imposed on any person aiding or abetting in the violation of the intent and purpose of this chapter.

§ 93-3. Criteria for reasonable excuse.

"Reasonable excuse" as applied to §§ 93-1 and 93-2 hereof shall include the following:

- A. Medical or other similar emergency.
- B. Junior firemen going to or from fire calls.
- C. Going to or from work.
- D. Going home after such school functions, such as athletic contests or practice, band contests and practice, rehearsals and the like within one hour after the conclusion thereof.

§ 93-4. Motor vehicle provisions.

Driving or riding in a motor vehicle on the public streets or the alleys in the Borough shall constitute violation of §§ 93-1 and 93-2, except as provided in § 93-3 hereof.

§ 93-5. Violation of curfew in public places and/or motor vehicles; police procedures; parental responsibility; penalties.

Any child as above designated found upon the Borough streets, alleys, parks, or public places within the Borough, in violation of § 93-1 of this chapter and/or § 93-4 of this chapter, shall be taken into custody by the Borough police and delivered to his or her parents, guardian, or person having the legal care or custody of such child, and report thereof made immediately to the Police Department who shall make a record thereof in a book to be kept for that purpose. If said parent, guardian, or person having the legal care or custody of said child shall again allow him or her to be on said streets, alleys, parks or public places in violation of § 93-1 of this chapter and/or § 93-4 of this chapter, said parent, guardian or person having the legal care or custody of said child so offending shall, upon summary conviction thereof before a District Justice, be sentenced to pay a fine of not less than \$25 nor more than \$600 and costs of prosecution, and, in default of payment thereof, to imprisonment in the Berks County Prison for not more than 30 days, and a like fine or imprisonment shall be imposed on any person aiding or abetting in the violation of the intent and purpose of this chapter.

§ 93-6. Repeated violations.

Any child who shall violate this chapter more than three times shall be reported to the Juvenile Probation Officers of Berks County and such proceedings shall be initiated in the Court of Common Pleas of Berks County exercising jurisdiction as the Juvenile Court as may be deemed necessary by said Juvenile Probation Officers and by any citizen who is a resident

of Berks County, and the parent, guardian or person having the legal care or custody of said child shall likewise be reported to said Juvenile Probation Officers and a like procedure followed as in the case of said child.

§ 93-7. Police discretion in age determination.

The police officers of the Borough in taking children into custody 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.

