

ORDINANCE NO. 1999- 2

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING CURFEW REGULATIONS; PRESCRIBING THE MANNER OF ENFORCEMENT AND FIXING THE PENALTY FOR VIOLATION OF THIS ORDINANCE

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

SECTION 1. It shall be unlawful for boys and girls under the age of eighteen (18) years to be or remain in or upon any of the streets, alleys, parks or public places in the Township of Marion at night, after the hour of ten o'clock P.M. (10:00 PM), unless such child is accompanied by any parent, guardian or other person having the legal custody of such child.

SECTION 2. It is hereby made unlawful for any parent, guardian or other person having the legal care of custody of any of the children of the ages above designated, 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 as above designated found upon the Township 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 parents, guardian, or person having the legal custody of said child, and report thereof made immediately to the Township Board of Supervisors, who shall make a record thereof in a book to be kept for that purpose.

SECTION 4. 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 officer's judgment shall prevail.

SECTION 5. This Ordinance shall not apply to boys and girls who are going to or returning from work or who are going to or returning from scheduled church or school functions.

SECTION 6. Any child so offending this Ordinance shall, upon conviction, be sentenced to pay a fine of not more than Twenty-five Dollars (\$25.00).

SECTION 7. The provisions of this Ordinance so far as they are the same as those of Ordinances and/or Codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and Codes and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right, penalty or liability or to punish an offense under the authority of any of the repealed Ordinances; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 8. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Marion Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 9. Ordinance No. 1978-10-26 of Marion Township, Berks County, Pennsylvania, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10. This Ordinance shall become effective five (5) days after the date of its enactment.

Duly enacted and ordained by the Board of Supervisors of Marion Township, Berks county, Pennsylvania, this 23RD day of NOV., 1999.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MARION, BERKS
COUNTY, PENNSYLVANIA

Charles M. Beckman Jr.

Chairman

Tom J. Belden

Supervisor

Harold E. Zechman

Supervisor

Attest:

Doris E. Yoder
Secretary