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ORDINANCE NO. 133

ESTABLISHING CONDITIONS AND METHODS FOR THE IMPOSITION OF A CURFEW.

IT IS HEREBY ORDAINED UNDER and by virtue of the authority vested in the Council for the BOROUGH OF ALBURTIS:

SECTION I: As a consequence of the increasing mobility and affluence of suburban society, young people under the age of 19 years of age are discovered with increasing frequency to be inclined to congregate and move about aimlessly, yet subject at times to whim, fancy and destructive impulses beyond the scope of the police of the BOROUGH OF ALBURTIS to direct or control; hence the need for the succeeding Sections of this ordinance.

SECTION II: At such times as the police department of the Borough of Alburtis shall discover and report unusual or alarming frequency of activities of persons described in Section I of this ordinance, either the Mayor or the President of Borough Council shall have, with the consent of the other official if available, discretion to declare the provisions of this ordinance to be effective and a curfew to become effective at 8:30 o'clock P.M. of the day following such declaration.

SECTION III: Whenever a curfew is declared under the provisions of this ordinance the same shall continue only for a period of fifteen (15) days unless successively renewed by repeated declaration at fifteen (15) day intervals until such time as the need therefore is no longer deemed to exist. A condition of curfew shall exist between the hours of 8:30 P.M. to 5:00 A.M. of the following day and each day during the fifteen (15) day interval of duration.

SECTION IV: It shall be unlawful for persons under nineteen (19) years of age to be, or remain, in or upon the streets, alleys, parks or public places in the BOROUGH OF ALBURTIS after the hour of 8:30 P.M. and until the hour of 5:00 A.M. the following day or any day during which a curfew shall be in effect in the BOROUGH OF ALBURTIS, except as hereafter provided. At the discretion of Borough Council, the hour of curfew may be made known, daily, by a warning bell or siren sounded 15 minutes before the time when the curfew shall become effective. In no event shall the failure to sound a warning, or the impossibility of hearing such warning sound, be a defense to proceedings under this ordinance.

SECTION V: It is hereby declared to be unlawful for any parent, guardian or other person having the legal care or custody of any of the children affected by this ordinance, to allow or permit any such child, ward or other person under nineteen (19) years of age, while in such care or custody, to go or be in or upon any streets, alleys, parks or public places in said borough during the time prohibited, except (1) in case of emergency directly involving said child or a member of the family of said child or (2) if the child be returning to his home after attendance at a legitimate function of a school he attends or a religious function of a church of which he or someone in his family is a member.

SECTION VI: Any child found to be in violation of the curfew provisions of this ordinance shall be taken into custody by the Borough Police and delivered to his or her parents, guardian, or person having the legal custody of said child, and report made immediately thereof to the Mayor or other person designated by Borough Council for said purpose.

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If said parent, guardian, or person having the legal custody of said child shall again allow him or her to be on said street, alleys, parks or public places in violation of the provisions of this ordinance, said parent, guardian or person having the legal custody of said child so offending shall, upon conviction thereof before any alderman or justice of the peace, be sentenced to pay a fine of \$25. and costs of suit; or, on failure of the payment thereof, to be imprisoned in the county jail for a period not to exceed five (5) days at the discretion of the said alderman or justice of the peace.

SECTION VII: In any proceeding against a parent under the provisions of this ordinance it shall be the duty of the alderman or justice of the peace in whose court the case shall be heard, to first determine whether the alleged offending child did wilfully and deliberately act in defiance and violation of this ordinance; he shall next determine whether or not said child did also by said act cause injury to the person or loss of property of another person. He shall thereafter determine whether or not to apply the provisions of the Act of July 27, 1967, Act #58 to impose liability upon parents for acts of children causing injury to the person or loss of property of another.

ORDAINED AND ENACTED by the Borough Council for the BOROUGH OF ALBURTIS this 25th day of October, 1967.

Harry B. Dickson
President

Attest: James Schall
Secretary

Approved: James J. Wood
Mayor