

RUSH TOWNSHIP
SCHUYLKILL COUNTY

ORDINANCE NO. 94

AN ORDINANCE ADOPTING A CURFEW FOR MINORS IN RUSH TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA AND SETTING THE HOURS THERETO

BE IT ORDAINED this 11th day of June, 1992
that:

Section One: It shall be unlawful for minors under the age of 18 years to be or remain in or upon any of the streets, alleys, parks or public places or in any automobile or other means of conveyance in the Township of Rush, Schuylkill County at night between the hours of 10:00 P.M. and 5:00 A.M., except for Friday and Saturday nights and nights declared by the Board of Supervisors when special activities such as school activities or community projects call for a later curfew, when the hours shall be 11:00 P.M. to 5:00 A.M., unless such child is accompanied by a parent, guardian or other person having the legal custody of such child or as a passenger on a recognized public utility, or is en route home from his or her place of employment.

Section Two: For the purposes of this Ordinance, all persons under the age of 18 years shall be defined as a "child" or "children".

Section Three: It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any children of the age above designated to allow or permit any such child, ward or other person under such age, while in legal custody to go or be in or upon any of the streets, alleys, parks or public places or in an automobile or other means of conveyance in said Township after the time prohibited in Section One of this Ordinance, except as therein provided.

Section Four: Any child as above designated found upon the Township streets, alleys, parks or public places or in any automobiles or other means of conveyance within the Township in violation of Section One of this Ordinance, shall be taken into custody by the police and either delivered to the home of his or her parents, guardian or person having the legal custody of such child, or taken to the Township building or other official municipal building by the police, there to await his or her parents, guardian or person who shall be notified by the police that the said child or children are in custody. A record or a report shall be made by the police in a book to be kept for that purpose. If said parent, guardian or person having the legal custody of said child shall again allow him or her to be on the streets, alleys, parks or public places or in any automobile or other means of conveyance in violation of this Ordinance, the said parent, guardian or person having the legal custody of said child so offending shall, upon conviction thereof before a District Magistrate, be

sentenced to pay a fine of not more than \$300.00 plus costs, or to an imprisonment in the County jail for not more than 30 days, or both, and a like fine or imprisonment shall be imposed upon any person aiding or abetting in the violation of intent and purpose of this Ordinance.

Section Five: Said children who are 13 years of age or older who violate this Ordinance shall also be guilty of a summary offense and be sentenced to pay a fine of not more than \$300.00. Any such child who violates this Ordinance more than three times within one year of the date of the first offense, shall be reported by the police to a society or organization whose purpose is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the Schuylkill County Court of Common Pleas or other court of appropriate jurisdiction for their permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent, shall not be effective in preventing further violations of this Ordinance by the child or children or where for any other reason the provisions of Section One of this Ordinance cannot be made effective by fines and penalties imposed hereunder.

Section Six: Police of the Township in taking children into custody under this Ordinance shall use their discretion in determining the age of the child, and in doubtful cases shall require positive proof of age and until such proof is furnished, the officer's or officers' judgment shall prevail.

ADOPTED this 11th day of June, 1992.

RUSH TOWNSHIP BOARD OF SUPERVISORS

BY: Ronald T. Weir

Chairman

Raymond R. Boyer
Vice Chairman

Supervisor

ATTEST:

Carol Ann Opat
Secretary