

ORDINANCE NO. 302

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY PENNSYLVANIA, REGULATING THE PRESENCE OF MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS ON THE STREETS OR IN PUBLIC PLACES OR BUSINESS PLACES OF SAID BOROUGH BETWEEN CERTAIN HOURS, AND DEFINING THE DUTIES OF PARENTS AND OTHERS IN THE CARE OF MINORS, AUTHORIZING THE POLICE TO TAKE TEMPORARY CUSTODY OF ANY MINOR VIOLATING THIS ORDINANCE, AND AUTHORIZING THE RETURN OF SAID MINOR TO THE PARENT, GUARDIAN OR OTHER ADULT PERSON HAVING THE LAWFUL CARE AND CUSTODY OF SAID MINOR, PROVIDING FOR ARREST AND PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING CERTAIN ORDINANCES AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

Be it ordained and enacted by the Borough Council of the Borough of Leesport situate in Berks County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. It shall be unlawful for any person under the age of sixteen (16) years to be on or present in any public street, avenue, alley, park or other public place, or in any place, or in any place of amusement, entertainment or refreshment or other place of business in the Borough of Leesport between the hours of 10:00 P.M. and 5:00 A.M. of the following day, prevailing local 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 a 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, prevailing local time, shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.

SECTION 2. It shall be unlawful for any person under the age of eighteen (18) years, but over the age of fifteen (15) years, to loiter, loaf, or idle on or about any public street, avenue, alley, park, or other place, or in any place of amusement, entertainment or refreshment or other place of business, in the Borough of Leesport between the hours of 10:00 P.M. and 5:00 A.M. of the following day, prevailing local time.

SECTION 3. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person under the age of eighteen (18) years of age to allow or permit such person to violate the provisions of Section 1 or 2 hereof.

SECTION 4. It shall be unlawful for any person, firm, or corporation operating or in charge of any place of amusement, entertainment, or refreshment, or other place of business, to permit any minor under the age of eighteen (18) years to loiter, loaf, or idle in such place between the hours of 10:00 P.M. and 5:00 A.M. of the following day, prevailing local time.

SECTION 5. This Ordinance shall not be construed as permitting the presence at any time of any person under the age of eighteen (18) years at any place where his presence is now prohibited by any existing law or ordinance.

SECTION 6. Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business, shall find persons under the age of eighteen (18) years loitering, loafing or idling in such place of business, in violation of Section 4 hereof, he shall immediately order such person to leave, and if such person refuses to leave the said place of business, the operator thereof shall immediately notify the police department of the Borough of Leesport and inform said police department of the violation.

SECTION 7. Any member of the police force of the Borough of Leesport, is authorized to take temporary custody of any minor violating the provisions of Section 1 or 2 of this Ordinance and to return said minor to the parent, guardian, or other adult person having the lawful care and control of said minor.

SECTION 8. Any member of the police force of the Borough of Leesport is authorized to arrest with a warrant, or in those cases now authorized by law, without a warrant, any minor or minors, or other person or persons violating the provisions of Sections 1, 2, 3, or 4 of this Ordinance.

SECTION 9. Any persons violating any of the provisions of this Ordinance shall upon conviction be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) nor less than Five Dollars (\$5.00) and in default of the payment of said fine and costs, to be imprisoned in the Berks County Prison for not more than ninety (90) days.

SECTION 10. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional beyond and outside the power of the Borough of Leesport to prohibit, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Leesport that this Ordinance would have been adopted had such unconstitutional, or unauthorized provision not been included herein.

SECTION 11. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent with this Ordinance.

SECTION 12. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED as an Ordinance by the Borough Council of the Borough of Leesport in lawful session duly assembled, this 23rd day of June, 1978.

BOROUGH OF LEESPORT

BY: Samuel R. Edinger
President of Council

Attest:

R. H. C. Baggett
Borough Secretary

Approved this 23rd day of June, 1978.

Walter A. Spatz, Jr.
Mayor