

**BOROUGH OF MOUNT PENN
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 759

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 653, CHAPTER 6, PART 1, SECTION 103, SUBSECTION 1A, CHANGING THE HOURS FROM 11 P.M. TO 10 P.M.; SECTION 106, CHANGING THE NUMBER FROM MORE THAN THREE (3) TO MORE THAN TWO (2) TIMES FOR REPEAT OFFENDERS AND SECTION 108, AMENDING THE PENALTY PROVISION OF THE CURFEW ORDINANCE OF THE BOROUGH OF MOUNT PENN

BE IT ENACTED AND ORDAINED by the Council of the Borough of Mount Penn, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by authority of the same, as follows:

SECTION 1.

SECTION 103. CURFEW; EXCEPTIONS. Curfew Exceptions shall be amended as follows:

1. Curfew.

- A. It shall be unlawful for any minor to be or remain in or upon any public highway, park or other public place within the Borough of Mount Penn or in any enclosure or vehicle which is on or in close proximity to any such public place within the Borough, between the hours of 10 p.m. and 5 a.m. on the following day official prevailing time, unless accompanied by the person charged with control after an event or activity which ended between the limiting hours; or, unless such minor is in lawful employment making it necessary to be in such place between the said hours; or, unless there exists a reasonable necessity therefore. The fact that a minor, unaccompanied as aforesaid, is found in any of the aforesaid places within the Borough during said time period shall be prima facie evidence that said minor is there unlawfully and that no reasonable necessity or compelling reason exists therefore.

SECTION 2.

SECTION 106. PROCEDURE IN CASE OF REPEATED VIOLATIONS OR OTHER FACTORS INTERFERING WITH ENFORCEMENT. Procedure shall be amended as follows:

Any minor who shall violate this Part more than two (2) times may, at the discretion of the proper Borough officials, be reported to a society or organization the purpose of which is to take charge of incorrigibles and delinquents, and proceedings shall then be taken in the proper court for the permanent welfare of such minor and a like procedure may be taken in cases where the arrest of the

parent is not effective, or where for any other reason the provisions of §102 of this Part cannot be made effective by the imposition of fines and penalties.

SECTION 3.

SECTION 108. PENALTIES. Penalties shall be amended as follows:

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of a minimum of one hundred dollars (\$100.00) and not more than six hundred dollars (\$600.00) plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 4. Any Ordinance or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

DULY ENACTED AND ORDAINED by the Council of the Borough of Mount Penn, Berks County, Pennsylvania, this 10th day of October, 2006.

BOROUGH OF MOUNT PENN
Berks County, Pennsylvania

By: Donna A. Stouck
President

Attest:

A. D. Huski
Secretary

APPROVED this 10th day of October, A.D., 2006.

Jim Moutard
Mayor