BILL NO. 11 2009
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 6, PART 7, SCHOOL TIME CURFEW, TO ADD A NEW SECTION PERTAINING TO PROHIBITED CONDUCT OF JUVENILES ON SCHOOL DAYS AND ADDING THIS NEW SECTION TO THE ENFORCEMENT PROCEDURE; CHANGING THE END TIMES FOR PROHIBITED CONDUCT AND DEFINING GRADE SCHOOL, AS ATTACHED IN EXHIBIT A.

Whereas, the City of Reading has an obligation to provide for the protection of juveniles from each other and other persons; for the protection of the general public; and for the reduction of the incidents of criminal activity.

Whereas, loitering around school buildings creates safety hazards for students, City residents and visitors; and

Whereas, the City of Reading City Council enacts this legislation to further prohibit juveniles from loitering in the vicinity of school buildings to protect students, residents and visitors against crime and undue annoyance.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6, Conduct, Part 7, School Time Curfew, to protect the public safety, health and welfare of all in our community as attached in Exhibit A.

SECTION 2. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council March 23, 2009

President of Council

Attest:

City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 23 day of March A. D. 2009. Witness my hand and seal of the said City this 26 day of March A. D. 2009.

CITY CLERK

(Law)

Submitted to Mayor: _____
Date: 3/24/09

Received by the Mayor's Office: _____
Date: 3/24/09

Approved by Mayor: _____
Date: 3/24/09

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 23rd day of March A. D. 2009. Witness my hand and seal of the said City this 25 day of March A. D. 2009.

CITY CLERK

EXHIBIT A

PART 76
SCHOOL TIME CURFEW

§6-701. Background.
The City of Reading and community have legitimate concerns regarding the refusal or failure of juveniles to attend school as required by the Compulsory Attendance Statute of the Commonwealth, with evidence that juveniles who refuse to attend school are more likely to not complete elementary or secondary education and are more likely to engage in misconduct injurious to themselves or other persons or property.
(*Ord. 13-2001*, 6/11/2001, §1)

§6-702. Purpose.
The City of Reading has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental responsibility for acts of their children, for the protection of the general public, and for the reduction of the incidents of juvenile criminal activity. The City also desires to promote the safety and good order of the community by encouraging parental responsibility and helping to eradicate or minimize the occurrences of rowdiness, vandalism, harassment, graffiti, theft, drug dealing, drug use, and other behaviors of juveniles as well as the harm done by juveniles to the community.
(*Ord. 13-2001*, 6/11/2001, §2)

§6-703. Definitions.
ESTABLISHMENT - any privately owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.
GRADE SCHOOL – any elementary or secondary institution.
GUARDIAN - a person who, under court order, is the guardian of a juvenile, or a public or private agency with which a juvenile has been placed by a court of competent jurisdiction.
HOMESCHOOL - applies to children legally authorized to participate in a Home Education Program conducted in compliance with §1327.1 of the Public School Code.
(*Ord. 13-2001*, 6/11/2001, §3)
JUVENILE - any unmarried person over 7 years of age and under 17 years of age or a person over 17 years of age and less than 18 years of age who is enrolled in or subject to compulsory education.
LOITERING - ~~to physically be on the property of an establishment or public place.~~ ***Remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.***
OPERATOR - any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term "operator"

includes the members, owner or partners of an association, partnership or other similar entity and the officers of a corporation.
PARENT - a person who is the birth parent, step-parent or adoptive parent of a juvenile. As used herein, "parent" shall also include a court-appointed guardian or other person, 18 years of age or older, authorized by the parent, a court order, or by the court-appointed guardian to have the care and custody of the juvenile.
PUBLIC PLACE - any location to which the public or a substantial group of the public has access and includes, but is not limited to streets, sidewalks, the common areas of schools, parks, hospitals, apartment houses, office buildings, transport facilities, shopping centers, malls and other such common areas.
REMAIN - to fail to immediately leave specific premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
SCHOOL - any public, private; denominational, charter or parochial education institution that is licensed, or exempt from licensing, by the Commonwealth of Pennsylvania or any other state or government, including any alternative program of study, including a homeschool, or workstudy offered by such an institution and any degree granting institution of higher education as prescribed in the regulations of the Board of Education.

§6-704. Unlawful Activity.
1. It shall be unlawful for any juvenile who is subject to compulsory education to loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place, or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.
2. It shall be unlawful for any juvenile who is subject to compulsory continuing/alterative education to loiter, wander or be in or upon a public street, road, alley, park, playground, or other public place or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school at which such juvenile is enrolled is in session, subject to §6-705.
3. It shall be unlawful for the parent(s) or guardian (s) of any juvenile to knowingly permit or allow the juvenile to remain in, loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place or the premises of any establishment, vacant lot or any unsupervised place from 8:30 a.m. through 3:30 p.m. p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.
4. No operator of an establishment or the agents or employees thereof shall knowingly permit any juvenile to remain in or about any public place or any establishment between the hours of 8:30 a.m. and 3:30 p.m. p.m. during any day on which the school in which the juvenile is enrolled is in session.
(*Ord. 13-2001*, 6/11/2001, §4)

5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:00 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I.

§6-705. Defenses.
It is a defense to prosecution under this Part:
A. That the juvenile is accompanied by his or her parent(s), guardian(s), or other adult(s) who has the care or custody of the juvenile.
B. That the juvenile is on an emergency errand (without any detour or stop) directed by his or her parent(s), guardians) or other adult(s) who has the care or custody of the juvenile.
C. That the juvenile is going to or coming directly from, without detour or stop, with permission, his or her place of school or approved employment, which includes vocational training.
D. That the juvenile is going to or coming directly from a medical appointment or an emergency.
E. That the juvenile has permission to leave the school campus for lunch or a school-related activity or has possession of a valid school-issued off-campus permit.
F. That the juvenile is going to or coming from a continuing/alternative education activity.
G. That the juvenile is attending an official school, religious or other recreational activity supervised by adults or sponsored by the City of Reading or other governmental entity, a civic organization, or another similar entity that takes responsibility for the juvenile and that the parent(s) or guardian (s) has given permission for the student to attend such activity.
H. That the juvenile is going to or returning from, without any detour or stop, of the foregoing in subsection (G).
I. That the juvenile is going to or coming from any government-sponsored activity.
J. That the compulsory education or continuing/alternative education to which the juvenile is subject is not in session.
(*Ord. 13-2001*, 6/11/2001, §5)

§6-706. Enforcement Procedure.
1. Upon a juvenile's failure to comply with §6-704 (1) (2) or (5) of this Part, a police officer shall issue a citation to the juvenile and transport the juvenile home or to the school from which the juvenile is absent. If cited, the juvenile and parent(s) or guardian(s) shall appear in district justice court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.

2. If the parent(s) or guardian(s) has (have) been warned pursuant to subsection (1) hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.
3. Once a citation is issued, pursuant to subsection (2) hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.
4. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense.
(*Ord. 13-2001*, 6/11/2001, §6)

§6-707. Penalties.
1. Any juvenile, parent(s) or guardian(s), individual(s), or operator(s) convicted of violating any Section of this Part shall be subject to the following:
A. **First Offense.** $ 50.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and/or school principal.
B. **Second Offense.** $100.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and principal.
2. Any juvenile, parent(s) or guardian(s), individual(s) or operator(s) convicted of violating any Section of this Part for a third and every subsequent offense, may be subject to a fine not less than $300.00 or more than $1,000.00, plus costs and performance of community service as set forth in subsection (1).
3. Any community service required will not exceed 40 hours in a month and will be completed within 30 days from the date of the violation; community service imposed on a juvenile will not be completed by the juvenile during his or her hours of school attendance or related employment
(*Ord. 13-2001*, 6/11/2001, §7)

§6-708. Delegation.
Appropriate City officials, including members of the Police Department, authorized members of the Reading School District, including truancy enforcement and school safety officers, Children Youth Service employees and juvenile probation officers are authorized and directed to take such actions as are necessary to effectuate this Part.
(*Ord. 13-2001*, 6/11/2001, §8)