

CURFEW

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1. STATUTORY AUTHORITY

The Town Board, pursuant to the authority granted it under Article 9, §130 of the Town Law and §10 of the Municipal Home Rule Law of the State of New York, hereby enacts this chapter.

2. PURPOSE AND FINDING

The Town Board has determined that large numbers of minors have been congregating in the Town after dark causing general disturbances to residents. In order to reduce juvenile crime, protect the children of this municipality, and reinforce parental authority, it is necessary that a curfew be established to keep minors out of public areas after dark.

3. RESTRICTIONS

It shall be unlawful for any child under the age of 18 years to remain in or upon any public street, highway, park, vacant lot or other public place between the hours of 10:00 p.m. and 5:00 a.m.

4. EXEMPTIONS

The following shall constitute valid exceptions to the operation of this curfew:

- a. At any time, if the child is accompanied by his or her parents or legal guardian.
- b. If the child is legally employed, for ½ hour before to ½ hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his or her employment. To come under this exception, the child must be carrying a written statement from the employer attesting to the place and hours of employment.
- c. If the child is on the property of or the sidewalk directly adjacent to the building in which he or she resides.
- d. If the child is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play, or sporting event. This exception will apply for one hour after the completion of such event.

- e. If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech, or assembly, provided the minor first has given notice to the Supervisor by delivering a written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

5. VIOLATIONS

Any child under the age of 18 who commits an offense against the provisions of this chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for the first offense by a fine of \$100 mandatory and/or up to \$250, in the discretion of the court, and for each subsequent offense by a fine of not more than \$250.

Any parent or guardian or person having legal custody of a minor who commits an offense against the provisions of this chapter shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for the first offense by a fine of \$100 mandatory and/or up to \$250, in the discretion of the court, and for each subsequent offense by a fine of not more than \$250.

6. SEVERANCE

If any clause, sentence, paragraph, word, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, word, section, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

7. EFFECTIVE DATE

This law shall take effect on July 1, 2005.