

# CHAPTER 10

## CURFEW

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### ***SECTION 1. STATEMENT OF AUTHORITY***

The Village Board, pursuant to the authority granted it under Article 4 of the Village Law and Section 10 Of the Municipal Home Rule Law of the State of New York hereby enacts as follows.

### ***SECTION 2. STATEMENT OF PURPOSE AND FINDING***

The Village Board has determined that large numbers of minors have been congregating in the Village 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. It is the intent to ensure a safe, comfortable environment for all citizens within the community regardless of age or social circumstance. Included in the intent is a desire to reduce activities that foster the evolution of criminal activity, create a disturbance or discomfort among village residents or cause unsafe or dangerous conditions.

### ***SECTION 3. DEFINITIONS***

For the purpose of clarification in this law the term “minor” shall be deemed as anyone under the age of seventeen.

### ***SECTION 4. RESTRICTIONS***

It shall be unlawful for any minor under the age of seventeen to remain in or upon any public street, highway, vacant lot or other public place between the hours of 11:00 p.m. and 6:00 a.m.

### ***SECTION 5. EXEMPTIONS***

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

- a. At any time, if the minor is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of twenty-one and approved by the minor's parent or legal guardian;
- b. Until the hour of 12:30 a.m., if the minor is on an emergency errand as directed by his or her parent or legal guardian;
- c. If the minor is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come under this exception, the minor must be carrying a written statement from the employer attesting to the place and hours of employment;
- d. Until the hour of 12:30 a.m., if the minor is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the building immediately adjacent thereto if the owner of the adjacent building does not object;
- e. If the minor 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-half hour after the completion of such event, but in no case beyond 12:30 a.m. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the police department at least 24 hours in advance, informing it of the time such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization.
- f. 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 mayor 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.

## **SECTION 6. VIOLATIONS**

Any police officer observing a minor in violation of this chapter, or by verified complaint filed by a citizen, is hereby authorized to issue and serve an appearance ticket for such curfew violation, pursuant to the Criminal Procedure Law, to the parent or legal guardian of such minor.

Any violation of any of the provisions of this local law shall constitute an offense and shall be punishable by a fine not less than \$25.00 and not more than \$100.00.

## **SECTION 7. SEVERABILITY**

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this

local law and shall not effect the remainder of said local law which shall remain in full force and effect.

***SECTION 8. EFFECTIVE DATE***

This local law shall take effect upon filing with the Secretary of State.

Local Law No. 2-1968  
Repealed old – new wording  
Adopted: February 22, 1969  
Posted: February 27, 1969  
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Amended  
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