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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of **Bridgewater**
City of
Town of
Village of

Local Law No. **3** of the year 19 **92**

A local law **Establishing a curfew for the Village of Bridgewater**
(Insert title)

Be it enacted by the **Board of Trustees** of the
(Name of Legislative Body)

County of **Bridgewater**
City of
Town of
Village of as follows:

Section 1. Short Title

This local law shall be known and may be cited as the local law providing for a curfew.

Section 2. Purpose

The Board of Trustees of the Village of Bridgewater, New York, determines that a curfew is necessary to further the public health, safety and general welfare of the inhabitants of the Village of Bridgewater and specifically to further following interests:

- A) The reduction of the incidence of criminal activity and vandalism caused by minors.
- B) The protection of the public from nocturnal mischief by minors.
- C) The promotion and enforcement of parental control of and responsibility for their children.
- D) The protection of children and residents of the Village of Bridgewater from others on the streets during the nighttime hours.

Section 3. Definitions

For the purpose of this Local Law, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- A. "Village" is the Village of Bridgewater.
- B. "Minor" is any person under the age of nineteen.
- C. "Parent" is the natural or adoptive parent of a minor.
- D. "Guardian" is any person other than a parent, who has legal guardianship of a minor.
- E. "Public place" shall mean any street, alley, highway, or other public thoroughfare, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose in the Village. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or open to the general public. It shall also include the front or immediate area of the above.
- F. "Person" shall mean any individual, firm or corporation.
- G. "Emergency errand" shall mean a trip taken to perform a specific task to help to bring aid or comfort or to resolve an unexpected or sudden occurrence which immediately threatens private or public health or safety.

Section 4. Curfew

It shall be unlawful for any minor to loiter, be idle, wander, play or otherwise remain in or upon any public place including, but not limited to, public street, parks, playgrounds, buildings, vacant lots or any other place open to the public in the Village

Section 4. Curfew (continued)

of Bridgewater, New York between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m. of the following day Eastern Standard Time or Eastern Daylight Savings Time, which ever is in effect, except on weekends, when such restricted hours shall be from 10:00 o'clock p.m. on Friday to 6:00 o'clock a.m. on the following Saturday and from 10:00 o'clock p.m. on Saturday to 6:00 o'clock a.m. on the following Sunday.

Section 5. Exceptions

The aforesaid curfew shall apply at all times, except under the following circumstances:

- A. when accompanied by a parent or guardian; or
- B. when the minor is on an emergency errand; or
- C. when the minor is on a specific business or activity directed or permitted by his parent or guardian, identifying the minor, the specific business or activity, the location or locations of such business or activity and the time when such business or activity shall end, and signed by such parent or guardian; or
- D. when the presence of such minor is required in connection with some legitimate employment, trade, profession or occupation; or
- E. when the minor is in a motor vehicle with the consent of his parent or guardian for travel through the Village; or
- F. when accompanied by a person at least twenty-one (21) years of age, authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area; or
- G. when returning home by a direct route from and within one (1) hour after the termination of school sponsored activity or an activity of a religious or other civic association.

Section 6. Parental Responsibilities

It shall be unlawful for a parent having legal custody or guardianship of a minor knowingly to permit or to allow the minor to be or remain upon any public place in violation of this Local Law, under circumstances not constituting an exception to this Local Law. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of the minor in that parent's or guardian's legal custody. It is intended to require parents and guardians to comply with this reasonable community standard of parental or guardian responsibility. It shall, therefore, be no defense that a parent or guardian was completely indifferent to the activities, conduct or whereabouts of such minor.

Section 7. Responsibility of Owners of Public Places

It shall be unlawful for any person operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours and during the periods specified in Section 4 of this Local Law unless such minors are permitted to be in such public place pursuant to the exceptions to the curfew set forth in subdivisions "A" through "G" of Section 5 of this Local Law.

Section 8. Procedures

A. Any police or peace officer, upon finding a minor under the age of nineteen (19) in violation of Section 4 of this Local Law, shall ascertain the name and address of the minor and warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police or peace officer shall report such action to the parents or guardian of the minor.

B. If such minor under the age of nineteen (19) refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his correct name and address, or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor shall be taken to the nearest police department and the parent or guardian of the minor shall be notified to come and take charge of the minor.

C. Any minor, under the age of sixteen (16), who shall violate any of the provisions of this Local Law more than three (3) times shall be reported by the police or peace officer or his or her designee to the juvenile authorities as a person in need of supervision, and the police or peace officer or his or her designee may proceed to file or aid in the filing of a petition alleging the violation to be in need of supervision or bring such conduct to the attention of the appropriate authorities.

D. A minor between the ages of sixteen (16) and nineteen (19) in violation of Section 4 of this Local Law will be issued an appearance ticket and/or arrested; or, if under sixteen (16), the minor may be issued an appearance ticket for Local Justice Court or petitioned into Family Court as a person in need of supervision.

Section 9. Penalties

Any person violating this Local Law shall be fined not more than two hundred fifty (\$250.00) dollars and/or sentenced to not more than fifteen (15) days in jail for each offense.

Section 10. 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 11. Effective Date

This local a law shall take effect immediately.