

Chapter 86

CURFEW

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 6-23-2011 as L.L. No. 8-2011. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 177.

§ 86-1. Statement of authority.

The Board of Trustees of the Village of Alden pursuant to the authority granted to 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:

§ 86-2. Statement of purpose.

The Board of Trustees has found that numbers of minors have been congregating in and about the Village after dark causing general nuisance to residents. It is necessary that a curfew be established in order to reduce juvenile crime and vandalism, protect the children of the municipality, protect private and municipal property, reinforce parental authority, and maintain a high quality of life for all residents of the Village.

§ 86-3. Restrictions.

- A. It shall be unlawful for any minor, age 17 and under, to be or remain in or upon any public street, sidewalk, highway, park, vacant lot or any other public place whatsoever, starting at 11:00 P.M. and ending at 6:00 A.M on the following day.
- B. It shall be unlawful for the parent or guardian having legal custody of a minor to negligently, recklessly, and/or knowingly allow or permit the minor to be in violation of the restrictions imposed in Section 3(A) above or to otherwise have no knowledge of the whereabouts of such minor child during such hours.

§ 86-4. Exceptions/exemptions.

The following shall constitute exemptions to the operation of the restriction in Section 3(A):

- A. If the minor is accompanied by his or her parent, legal guardian or other responsible person over the age 21 who has been approved by the child's parent or legal guardian;
- B. If the minor is legally employed and is either going to or from the place of employment or if the minor is in a public place during curfew hours in the course of his or her employment.
- C. If the minor is lawfully attending, going to or returning from a school, church or community sponsored athletic, musical, or social activity or event. This exception will apply for one-half hour after the completion of any such event.
- D. If the minor was involved in an emergency situation involving a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.
- E. If the minor was in the public place for the specific purpose of exercising fundamental rights, such as freedom speech or religion or the right of assembly protected by the First Amendment of the United States Constitution or Article I of the Constitution of the State of New York, as opposed to generalized social association with others; or
- F. If the minor was engaged in interstate travel.

§ 86-5. Violations.

Failure to comply with this law shall be a violation as defined in Section 55.10 of the New York State Penal Law and penalties may be imposed thereunder and pursuant to Section 80.05 of the New York Penal Law. Any penalties imposed under this law are in addition to any other remedies available at law.

§ 86-6. Penalties.

In addition to any violation as set forth in Section 5 herein, an appearance ticket may be issued to the parent(s) and/or legal guardian(s) of such minor. The penalty for the first violation of this Local Law shall be a fine not to exceed Fifty Dollars (\$50.00). A second violation of the same charge with respect to the same minor shall be subject to a fine of not less than One Hundred Dollars (\$100.00). A third violation for the same minor shall result in a fine not less than Two Hundred Fifty Dollars (\$250.00). In addition to any fine imposed, the Court may order restitution and/or community service with respect to any property damage incurred during the time of any violation.

§ 86-7. Severability.

In the event any word, phrase or part of this law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this law and shall not affect the remainder of said law which shall remain in full force and effect.

§ 86-8. Effective date.

This law shall take effect immediately.