

(Use this form to file a local law with the Secretary of State.)

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~~

City

~~Town~~

Village

of Rushville

Local Law No. 1 of the year 1998.

A local law <sup>(Insert Title)</sup> to establish a curfew for minors in the Village  
of Rushville, Ontario and Yates Counties, New York.

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

~~County~~

City

~~Town~~

Village

of Rushville

as follows:

§1 Title

This chapter shall be known as the "Curfew Law of the Village of Rushville."

§2 Policy, purpose and findings.

A. Policy. It is hereby declared to be the policy of the Village of Rushville ( the "village") to minimize nocturnal crime, juvenile delinquency and vandalism and to prevent the damage and destruction of both public and private property.

B. Purpose. It is the purpose of the village to promote the health, safety and general welfare of the residents of the village and to maintain rule and order by prescribing, in accordance with prevailing community standards, regulations concerning the presence of minors on streets, roads, highways, public parks or other public areas of the village at night, to reduce juvenile crime and vandalism, to protect the children and minors of the village and to further family responsibility.

C. Findings. The Board of Trustees of the Village hereby finds:

(1) There has been a significant breakdown in the supervision normally provided by certain parents and guidance for minors resulting in minors being involved in a

(If additional space is needed, attach pages the same size as this sheet, and number each.)

wide range of unacceptable conduct, including vandalism, noisy, rowdy and disturbing behavior, breaking and entering, public drinking, littering and harassment of village residents.

- (2) Significant numbers of minors have been congregating in the village after dark causing disturbances to residents.
- (3) Offensive activities of minors are not easily controlled by existing laws.
- (4) The sense of the community is that there is a proper time for the cessation of outdoor activities of minors.
- (5) There is a need for a curfew for minors to achieve, under local conditions, the policy and purposes herein stated.
- (6) Curfew regulations will meet special needs, will enable the community to better control streets and public places, will be a significant factor in minimizing juvenile delinquency and will enable the police to act reasonably and fairly to prevent the violation of laws by minors.
- (7) The curfew hours declared by this chapter take into consideration the danger hours for nocturnal crime and for accumulations of minors with the potential risks incident to immaturity.
- (8) Curfew regulations in other communities have been a significant factor in reducing juvenile delinquency.
- (9) Parental responsibility for the whereabouts and conduct of minors should be the norm; as parental control increases, the likelihood of juvenile delinquency decreases.

### **§3 Prohibited acts.**

Subject to the exceptions set forth in §6 of this chapter, it shall be unlawful for any minor seventeen (17) years of age or younger to congregate, loiter, wander or play in or upon any public place, between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official time, except on weekends, when such restricted hours shall be from 10:00 p.m. on Friday and Saturday to 5:00 a.m. of the following day.

### **§4 Parental responsibility.**

Subject to the exceptions set forth in §6 of this chapter, it shall be unlawful for the parent or guardian of any minor seventeen (17) years of age or younger to knowingly or negligently by insufficient control allow such minor to congregate, loiter, wander or play in or upon any public place, between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official city time,

except on weekends, when such restricted hours shall be from 10:00 p.m. on Friday and Saturday to 5:00 a.m. of the following day.

**§5 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated.

**ACCOMPANIED** - To go along with or be associated with under individualized supervision.

**ADULT** - Any person eighteen (18) years of age or older.

**ADULT-SPONSORED** - Adult persons underwrite or promote an activity and the adult persons take responsibility for the minor.

**ADULT-SUPERVISED** - Adult persons are present at the activity and the adult persons take full responsibility for the minor.

**DIRECT ROUTE** - The shortest path of travel through a public place to reach a final destination, without any detour or stop.

**EMERGENCY ERRAND** - An unforeseen combination of circumstances or the resulting state that requires immediate action by the minor to prevent serious bodily injury or loss of life.

**GUARDIAN** - A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

**PARENT** - A natural parent, adoptive parent, stepparent or another person, or other adult person having the lawful care and custody of the minor.

**PUBLIC PLACE** - Any place to which the public or a substantial group of the public has access and includes, but is not limited to, highways, streets, alleys, parks, playgrounds, shops, shopping plazas, transportation facilities, vacant lots, and public buildings.

**SEVENTEEN (17) YEARS OF AGE OR YOUNGER** - Any person younger than eighteen (18) years of age.

**§6 Exceptions**

Exceptions shall be as follows:

A. When the minor is on the sidewalk abutting the minor's residency, and either next door neighbor has not communicated an objection to a police officer.

B. When the minor is traveling in a direct route to his or her residency from employment and carries a signed statement from the employer briefly identifying the minor, the address of the

minor's residency, the address of the minor's place of employment, the name and title of the minor's employer who signed the statement and minor's hours of employment.

- C. When the minor is traveling in a direct route to his or her residency from an adult supervised or adult-sponsored religious, school, civic, not-for-profit, recreational or entertainment activity or adult-supervised or -sponsored organized dance.
- D. When the minor is accompanied by his or her parent or guardian.
- E. When the minor is accompanied by an adult authorized by the parent or guardian of the minor.
- F. When the minor is in a motor vehicle with parental or guardian consent for normal travel; and interstate travel beginning or ending in the Village of Rushville is excepted.
- G. When the minor is upon an emergency errand.
- H. When the minor is attending or traveling in a direct route to or from an activity involving the exercise of First Amendment rights protected by the United States Constitution.

**§7 Enforcement.**

Following strictly the applicable provisions of the Family Court Act, police officers are hereby authorized to detain any minor for the purpose of determining their status, whether the health, safety or welfare of such minor has been endangered as a result of a violation of the provisions of this chapter. The parent, guardian or adult having the care and custody of such minor shall be promptly notified as to the locations that such minor can be picked up.

**§8 Violations and penalties.**

Any person convicted of violating any provision of this local law shall be guilty of a violation punishable by a fine of not more than \$250 or 15 days imprisonment or both.