

## **Chapter 75**

### **CURFEW**

**§ 75-1. Definitions.**

**§ 75-2. Commission of offense.**

**§ 75-3. Defenses.**

**§ 75-4. Enforcement.**

**§ 75-5. Penalties for offenses.**

**§ 75-6. Review and report.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Camden 3-20-1995 by L.L. No. 1-1995 (Ch. 74 of the 1977 Code). Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Noise — See Ch. 99.

Peace and good order — See Ch. 108.

Loitering — See § 108-5.

#### **§ 75-1. Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

##### **CURFEW HOURS:**

- A. From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday night until 6:00 a.m. of the following day.
- B. From 11:00 p.m. on any Friday or Saturday until 6:00 a.m. of the following day.

**ESTABLISHMENT** — Any privately owned place of business or facility to which the public is invited, including but not limited to any place of amusement or entertainment.

**MINOR** — Any person under the age of 16 years.

**OPERATOR** — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**PARENT** — A person who is:

- A. A natural parent, adoptive parent or stepparent of the minor; or
- B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

**PUBLIC PLACE** — Any place to which the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, condominiums, townhouses, office buildings, transport facilities and shops.

##### **REMAIN:**

- A. To linger, stay, wander, idle or stroll; or

- B. To fail to leave any premises when requested to do so by a police officer, owner or other person in control of the premises.

**§ 75-2. Commission of offense.**

- A. A minor commits an offense if he remains in any public place or on the premises of any establishment within the Village of Camden during curfew hours or refuses the lawful orders of the Village of Camden Police Department during such curfew hours.
- B. A parent or guardian of such minor commits an offense if he or she knowingly permits or has constructive knowledge or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the Village of Camden during curfew hours.
- C. The owner or operator or any employee of any establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of an establishment during curfew hours.

**§ 75-3. Defenses.**

- A. It is a defense to prosecution that the minor was:
  - (1) Accompanied by the minor's parent or guardian.
  - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop.
  - (3) In a motor vehicle involved in interstate travel.
  - (4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.
  - (5) Involved in an emergency.
  - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence.
  - (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Village of Camden, a civic organization or another similar entity that takes responsibility for the minor; or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Village of Camden, a civic organization or another similar entity that takes responsibility for the minor.
  - (8) Has been emancipated from his or her parent under New York State law.
  - (9) Exercising his or her First Amendment rights of free speech, religion or right of assembly.<sup>1</sup>

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<sup>1</sup> Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. It is a defense to prosecution that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

**§ 75-4. Enforcement.**

- A. This chapter shall be enforced by any police officer who has jurisdiction within the Village of Camden.
- B. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or for allowing such minor to remain on the premises.
- C. The police officer, upon finding such minor in apparent violation of this chapter, shall direct such minor to proceed at once to his or her home or usual place of abode.
- D. The police officer shall report such action to the parent, guardian or other person having custody or control of such minor.
- E. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present.
- F. All citations issued hereunder shall be returnable in the Town of Camden Town Court, Town Hall, Camden, New York.

**§ 75-5. Penalties for offenses.**

- A. Any person committing an offense against this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted.<sup>2</sup>
- B. Violations shall be prosecuted by the Village Attorney in accordance with the provisions of Village Law § 20-2006.

**§ 75-6. Review and report.**

Within six months after the initial enforcement of this chapter, the Chief of Police shall review this chapter and report and make recommendations to the Board of Trustees concerning the effectiveness of and the continuing need for this chapter. The report of the Chief of Police shall specifically include the following information:

- A. The practicality of enforcing this chapter, and any problems with enforcement identified by the Police Department.
- B. The impact of this chapter on crime statistics.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. The number of persons successfully prosecuted for a violation of this chapter.
- D. The village's net cost of enforcing this chapter.