

CHAPTER 104: CURFEW

§ 104-1. Legislative intent.

Each year during Halloween, the Village is besieged by youths who rampage through sections of the Village creating problems for residents and the Town of Blooming Grove Police Department. The Town of Blooming Grove Police Department has determined that many of the youths were nonresidents who refused to leave the Village. Village officials, police officers and other citizens have received threats of extraordinary violence and destruction beyond the scope of ordinary Halloween merriment and pranksterism. The complaints received by the Police Department emphasize that people's safety and welfare were in jeopardy. The Village Board of Trustees and the Town of Blooming Grove Police Department believe that the only way to control the situation is to impose a curfew that will protect people's property and well-being.

§ 104-2. Definitions.

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

CURFEW HOURS:

- A. The continuous period commencing October 29 at 8:00 p.m. and ending October 30 at 6:00 a.m., if so determined on an annual basis by resolution of the Village Board of Trustees.
- B. The continuous period commencing October 30 at 8:00 p.m. and ending October 31 at 6:00 a.m.
- C. The continuous period commencing October 31 at 8:00 p.m. and ending November 1 at 6:00 a.m.
- D. The continuous period commencing November 1 at 8:00 p.m. and ending November 2 at 6:00 a.m., if so determined on an annual basis by resolution of the Village Board of Trustees.
- E. The continuous period commencing November 2 at 8:00 p.m. and ending November 3 at 6:00 a.m., if so determined on an annual basis by resolution of the Village Board of Trustees.
- F. Any other hours or days during the Halloween period as determined by resolution of the Village Board of Trustees.

CUSTODIAN — Any person over the age of 21 who is *in loco parentis* to a minor.

GUARDIAN — Any person other than a parent who has legal guardianship of a minor.

MINOR — Any person under the age of 18 years.

PARENT — The natural or adoptive parent of a minor.

PUBLIC PLACE — Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose; a public place shall include, but not be limited to, private property open to the general public for entertainment, commerce or amusement.

§ 104-3. Restriction upon minors during curfew hours.

During curfew hours, it shall be unlawful for any minor to be, remain, idle, wander, stroll or play in any public place, either on foot or in any vehicle, in, about or upon any public place in the Village unless accompanied by a parent, guardian, custodian or other adult spouse or person having custody or control of such minor or unless, as a result of reasonable necessity communicated to

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the police by the adult, the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the custody and care of the minor or where the presence of such minor is connected with or required by some employment, trade, profession or occupation.

§ 104-4. Exceptions.

The restrictions upon minors set forth in § 104-3 shall not apply to minors who are:

- A. Attending a function or entertainment of any church, school, club or other similar organization that requires such minor to be out at a later hour than that called for within this chapter, provided that the church, school, club or other similar organization shall register in advance with the Town of Blooming Grove Police Department to permit the attendance of minors past the curfew hours. The registrant shall state the time when the function or entertainment shall end. The minors who attend the function shall be required to be in their homes or usual places of abode within 1/2 hour after the function is ended.
- B. Traveling directly to or from school, a religious, governmental or judicial activity or a special function described in Subsection A.
- C. Exercising First Amendment rights for political, religious or communicative purposes, provided that a written notice, signed by the minor and, where practicable, a parent, custodian, guardian or adult spouse, specifying when, where and in what manner the minor will be exercising those rights has been delivered to the Town of Blooming Grove Police Department at least two hours prior to the curfew hours.
- D. In bona fide interstate movement through the Village or interstate travel beginning or ending in the Village, particularly on normal routes such as Route Nos. 208.
- E. Accompanied by a parent or custodian over the age of 21 whom the parent had placed in their custody.
- F. On an errand for a parent or custodian.
- G. Involved in an emergency.
- H. On the sidewalk abutting their house or the next-door neighbor's house.
- I. On the macadam within 100 feet of their residence or residence of their parent, guardian, custodian or other adult person having the care, custody or control of the minor.

§ 104-5. Responsibility of owners of public places.

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence in such place of minors under the age of 18 during the curfew hours.

§ 104-6. Responsibility of adults, parents or guardians.

It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to permit or, with actual or constructive knowledge, to allow such minor to be on or in any public property or public place within the Village during the curfew hours. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor or if, as a result of reasonable necessity, communicated to the police by the adult, the minor is on an emergency errand or specified business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor.

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§ 104-7. Enforcement proceedings.

- A. Any police officer upon finding a minor in violation of this chapter shall ascertain the name and address of the minor and warn the minor that he 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 officer shall report such action to the parents, guardian or person having custody or control of the minor.
- B. If such minor refuses to heed the warning or direction given by any police officer or refuses to give the police 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 issued an appearance ticket, and the parent, guardian or other adult having the care and custody of such minor shall be notified to appear with such minor at a date and time to be determined in the appearance ticket for an appearance before the Town of Blooming Grove Justice Court.

§ 104-8. Penalties for offenses.

Any minor who violates any section of this chapter shall, upon conviction, be subject to an assignment by the Court of community service, the hours of which shall be determined by the Court. It shall also be necessary for the parent, custodian, guardian or adult having care and custody of the minor to appear with the minor before the Justice Court at the time the appearance ticket is returnable and, where community service has been directed, shall transport the minor to the place on the date and time determined by the Court for such community service to be fulfilled.

§ 104-9. Supersession of other laws; authority.

This article supersedes, and is in derogation of, Chapter 104 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. This article is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.