

Local Law Filing

Passed 12-28-93

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

~~CLERK~~
~~CLERK~~
Town of Richford
~~CLERK~~

*Police issued ticket
Does to Jim
Barrett's Court*

Local Law No. #4 of the year 19 93.

A local law Curfew for Minor Children Law
(Insert Title)

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

~~CLERK~~
~~CLERK~~
Town of Richford as follows:
~~CLERK~~

Section 1 - 1 Title.

This local law may be known and cited as the " Curfew for Minor Children Law" of the Town of Richford.

Section 1 - 2 Purpose.

It is the purpose of this local law to promote the health, safety, morals and general welfare of the inhabitants of the Town of Richford by providing regulations to preserve the peace, good order and safety of the residents of the Town of Richford.

Section 2 - 1 Restrictions.

It shall be unlawful for any person under the age of sixteen (child for purposes of this local law) to remain in or upon any public street, highway, park, vacant lot or other public place between the hours of 10:00 p.m. and 6:00 a.m..

Section 2 - 2 Exemptions.

The following shall constitute valid exceptions to the operation of the curfew:

- A. At any time, if the child is accompanied by his or her parent, legal guardian or other responsible person who is over the age of twenty-one and approved by the child's parent or legal guardian;
- B. Until the hour of 11:00 p.m. if the child is on an errand as directed by his or her parent or legal guardian;
- C. If the child is legally employed, for the period from one half hour before to one half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his or her employment.

D. Until the hour of 11:00 p.m. if the child is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto if the owner of the adjacent building does not object;

E. If the child is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one half-hour after the completion of such event;

F. If the child is exercising first amendment rights protected by the Constitution, such as free exercise of religion, speech or assembly provided the child has first given notice to the Town Supervisor by delivering a written communication signed by the child and countersigned by a parent of the child which specifies when, where, in what manner, and for what purpose the child will be on the streets at night during the curfew period.

Section 2 - 3 Violations.

A. A police officer who has probable cause to believe that a child is in violation of this local law shall take said child into custody and deliver him or her to the parent or legal guardian. When parent or legal guardian takes custody of said child they will be given a copy of this law. If no parent or legal guardian is available the child shall be turned over to the authorities until a parent or legal guardian can take custody of him or her;

B. In the case of a first violation by a child, the police shall send the child's parents or legal guardians a written notice of the violation warning them that further violation will result in the imposition of the penalty provided for in the law. Upon a second violation a fine of \$25.00 will be imposed. Any child who violates the curfew law three times or more shall be reported by the police to the juvenile authorities.

Section 3 - 0 Saving Clause.

If any section, paragraph, subdivision or provision of this law shall be judged invalid or held unconstitutional, the same shall not effect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 4 - 0 Effective Date.

This local law shall take effect after being passed by a vote of the Town Board, Town of Richford and (10) ten days after filing with the Secretary of State.