

## CURFEW ORDINANCE

WHEREAS, there has been an increase in juvenile violence and crime, and an increased presence of juvenile activity in the Town of Vassalboro; and

WHEREAS, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and gang related activities, and to victimization by older perpetrators of crime; and

WHEREAS, the Town of Vassalboro is obligated to provide for: the protection of minors from each other and from other persons, the protection of the health, safety, and welfare of the general public, and the reduction of juvenile crime, violence, and related activity in the Town; and

WHEREAS, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF VASSALBORO:

### Section 1. Title

This ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Vassalboro, Maine, dated November 3, 1998.

### Section 2. Definitions

- a. Curfew Hours means the hours from 10:01 p.m. until 6:00 a.m. of the following day.
- b. Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.
- c. Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also include a person to whom parental powers have been delegated under 18-A M.R.S.A. § 5-104.
- d. Minor means any person who is seventeen years of age or younger.
- e. Parent means a person who is the natural parent, adoptive parent, or stepparent of the minor.
- f. Public place means a place located in the town of Vassalboro to which the public, or a substantial group of the public, has access, including, but not limited to, streets,

highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment building, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters.

Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities that may be mobile, such as walking, driving, and riding about in a public place.

### Section 3. Offenses

It shall be unlawful for a minor to remain in a public place during curfew hours. For purposed of this Ordinance, the following times of day and ages shall apply:

AGE	CURFEW HOURS
17 AND YOUNGER	10:01 PM TO 6:00 AM
15 AND YOUNGER	9:01 PM TO 6:00 AM

It shall be unlawful for a parent or guardian of a minor to knowingly permit, or to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

### Section 4. Defenses

It is a defense to prosecution under Section 3 of this ordinance that the minor was:

- a. accompanied by the minor's parent or guardian;
- b. involved in an emergency or on an errand necessitated by an emergency;
- c. engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;
- d. in motor vehicle involved in interstate travel;
- e. on an errand directed by a parent or guardian, without any detour or stop;
- f. on the sidewalk abutting the minor's home;
- g. attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;
- h. attending a recreational activity sponsored by the Town of Vassalboro, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;

- i. exercising rights protected by the First Amendment of the United States Constitution:
- j. married, or otherwise legally emancipated.

#### Section 5. Enforcement

Before taking any action to enforce this ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 4 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian, to come to take control of the minor. The police officer shall summons the minor and the minor's parent to the District court for violation of this ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, 17-A M.R.S.A. §17.

#### Section 6. Penalties

a. The penalty for a minor who violates this ordinance shall be:

1. for the first offense, five hours of community service and a fine of up to \$50.00; and
2. for each subsequent offense, ten hours of community service and a fine of up to \$100.00.

b. The penalty for a parent or guardian who violates this ordinance shall be:

1. for the first offense, a fine of \$50.00; and for each subsequent offense, a fine of \$100.00.

#### Section 7. Severability

If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.