

*Township of Franklin, NJ
Wednesday, August 27, 2014*

Chapter 161. CURFEW

[HISTORY: Adopted by the Township Council of the Township of Franklin 6-28-1994 by Ord. No. 1840 (Ch. 108 of the 1990 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. **265**.

§ 161-1. Statutory authority; findings.

- A. The New Jersey Legislature recently enacted P.L. 1992, Chapter **132**, which authorizes municipalities to adopt ordinances regulating the presence of minors in public places between the hours of 10:00 p.m. and 6:00 a.m.; and
- B. The Mayor and Township Council of the Township of Franklin concur with the sentiments of the New Jersey Legislature that limiting a minor's access to public places during certain hours is in the minor's and society's best interest;

§ 161-2. Definitions.

For purposes of this chapter, the following terms shall be defined to mean:

CURFEW HOURS

11:59 p.m. on any day until 6:00 a.m. of the following day.

[Amended 6-25-1996 by Ord. No. 1964]

EMERGENCY

An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT

Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

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.

HALLOWEEN CURFEW HOURS

8:00 p.m., until 6:00 a.m. the following day, from October 28 until November 1 inclusive.
[Added 9-14-1999 by Ord. No. 3069]

MINOR

Any person under 18 years of age.

PARENT

A person who is a natural parent, adoptive parent, or stepparent of another person; or 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, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation, athletic or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

REMAIN

To linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY

Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

§ 161-3. Offenses.

[Amended 9-14-1999 by Ord. No. 3069]

- A. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the Township during curfew hours or during Halloween hours.
- B. A parent or guardian of a minor commits an offense if the parent knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Township during curfew hours or during Halloween curfew hours.

§ 161-4. Defenses.

It is a defense to prosecution under § **161-3** that the minor was:

- A. Accompanied by the minor's parent or guardian.
- B. On an errand at the direction of the minor's parent or guardian, without any detour or stop.
- C. In a motor vehicle involved in interstate travel.
- D. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.
- E. Involved in an emergency.
- F. 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.
- G. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Township of Franklin, 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 Township of Franklin, a civic organization, or another similar entity that takes responsibility for the minor.
- H. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

§ 161-5. Enforcement.

Before taking any enforcement action under this chapter, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § **161-4** is present.

§ 161-6. Violations and penalties.

- A. 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.

Each offense, upon conviction, is punishable as provided in Chapter **1**, Article **II**, General Penalty.

- B. When required by applicable law, the Municipal Court shall waive original jurisdiction over a minor who violates § **161-3A** of this chapter and shall refer the minor to Juvenile Court.
[1]

[1]: *Editor's Note: Original § 108-7, Report, was repealed 9-14-1999 by Ord. No. 3069.*