

Chapter 123: CURFEW

[HISTORY: Adopted by the City Council of the City of Pleasantville 6-7-1982 by Ord. No. 11-1982 as Ch. 95 of the 1982 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages and minors — See Ch. **84**.
 Amusement devices — See Ch 87.
 Loitering — See Ch. **163**.
 Parental responsibility — See Ch. **180**.
 Pool and billiard parlors — See Ch. **203**.

§ 123-1 Definitions.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

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, natural disaster or automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

JUVENILE or MINOR

Any unemancipated person under the age of 17.

PARENT

Any person having legal custody of a juvenile as a natural or adoptive parent, as a legal guardian or as a person to whom legal custody has been given by court order.

PUBLIC PLACE

Any place to which the public or a substantial group of the public has access, and includes but is not limited to streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, cafes, arcades and similar areas that are open to the use of the public.

REMAIN

To stay behind, to tarry and to stay unnecessarily in a public place in which any juvenile involved would not be using the streets for ordinary or serious purposes, such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in this chapter.

CITY

The City of Pleasantville, the municipal offices of which are located at 18 North First Street, Pleasantville, New Jersey 08232.

B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

§ 123-2 Hours.

It shall be unlawful for any person under 17 to be or remain in or upon a public place within the City of Pleasantville during the period ending at 6:00 a.m. and beginning:

- A. At 12:00 midnight, prevailing time, on Friday and Saturday nights; and
- B. At 11:00 p.m., prevailing time, on all other nights; except
- C. At 8:30 p.m., prevailing time, on October 30 (commonly known as "Mischief Night") and at 10:00 p.m., prevailing time, on October 31 (commonly known as "Halloween").

§ 123-3 Exceptions.

The following shall constitute valid exceptions to the operation of this chapter:

- A. When a juvenile is accompanied by a parent of such juvenile or by an adult authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- B. When the juvenile is on an errand involving a medical emergency as directed by a parent of such juvenile.
- C. When a juvenile is 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, by carrying upon his or her person a writing signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be in a public place during hours when this chapter is applicable to said minor in the exercise of the First Amendment right specified in such writing.
- D. When a juvenile is on the sidewalk or property where the juvenile resides or on either side of or across the street from the place where the juvenile resides and the adult owner or resident of that property has given permission for the juvenile to be there.
- E. When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from and within one hour of the termination of a school activity or an activity of a cultural, educational or social event sponsored by a religious or community-based organization.
- F. When the juvenile is legally employed and is traveling to or returning home from, by a direct route, the juvenile's place of employment.
- G. When the juvenile is, with parental consent, engaged in normal interstate travel through the township or originating or terminating in the township.

§ 123-4 Parental responsibility. ^[1]

It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any township public place under circumstances not constituting an exception to or otherwise beyond the scope of this chapter. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

[1]: *Editor's Note: See also Ch. 180, Parental Responsibility.*

§ 123-5 Enforcement procedures.

- A. If a police officer reasonably believes that a juvenile is on the streets or public place in violation of this chapter, the officer shall notify the juvenile that (s)he is in violation of these provisions and shall require the juvenile to provide his/her name, address and telephone number and information on how to contact his/her parents or guardians. The juvenile shall then be taken to police headquarters where a parent or guardian shall immediately be notified to come for the juvenile. A complete record of the circumstances under which the juvenile was first seen or discovered in the apparent violation of this chapter shall be made. Such record shall include the name and address of the juvenile, the names and addresses of all persons who have any legal or moral obligation for the juvenile's well-being and the nature of such obligation, as, for example, parent, guardian or custodian.
- B. When a parent or guardian has come to take charge of the juvenile and the appropriate information has been recorded,

the juvenile shall then be released to the custody of such parent.

- C. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with police regulations which provide that the juvenile may temporarily be entrusted to an adult relative, neighbor or other person who will, on behalf of a parent or guardian, assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.

§ 123-6 Violations and penalties.

- A. In the case of a first violation by a juvenile, the Chief of Police shall cause a written notice of the violation, with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties, to be served upon the juvenile's parent or legal guardian, either by personal service or by certified mail. If, after the warning notice of a first violation by the juvenile, a parent violates § 123-4 in connection with a second violation by the juvenile, this shall be treated as a first offense by the parent.
- B. Any person who violates this chapter shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be subject to a fine of not less than \$100 nor more than \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days. If both a juvenile and the juvenile's parent or guardian violate this chapter, they shall be required to perform community service together.
- C. Any juvenile who violates any of the provisions of this chapter more than three times shall be reported by the Chief of Police to the Atlantic County Superior Court, Family Part, as a delinquent juvenile.

§ 123-7 Continuing evaluation.

The City Council shall continue its evaluation and updating of this chapter through various methods, including but not limited to the following: within six months after the implementation of this chapter and periodically thereafter, the Chief of Police shall provide the City Council with a report containing the number of warnings issued and arrests of juveniles and parents hereunder and such other information as the City Council may request.

§ 123-8 Notice.

Notice of the existence of this chapter and of the curfew regulations established by it shall be posted in, on or about such public or quasi-public places as may be determined by the City Administrator or the Police Department in order that the public may be constantly informed of the existence of this chapter.