

Chapter 101: CURFEW

[HISTORY: Adopted by the Board of Commissioners of the City of Ventnor City 10-28-1968 by Ord. No. 17-1968; amended in its entirety 6-18-2009 by Ord. No. 2009-13. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Loitering — See Ch. 147.

Parental responsibility — See Ch. 166.

Parks and playgrounds — See Ch. 170.

Peace and good order — See Ch. 171.

§ 101-1 Purpose; findings.

- A. The Mayor and Commissioners of the City of Ventnor City hereby find there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under 18 years of age, resulting in juveniles being involved in a wide range of unacceptable behavior, including vandalism, noisy and rowdy behavior, breaking and entering, public drinking, littering, and harassment of residents.
- B. The Mayor and Commissioners further find that the offensive activities of the juveniles are not easily controlled by existing laws and ordinances because the activities are easily concealed whenever police officers are present, and the establishment of reasonable curfew regulations will enable the community to better control the free and unobstructed access to the streets and public places by the majority of residents and will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.
- C. The Mayor and Commissioners further find and have determined that a curfew meets a very real local need and that curfew ordinances in other communities have been a significant factor in minimizing juvenile delinquency. A curfew in the City of Ventnor City is particularly appropriate in view of the high-density population in Ventnor City and the mixed use of residential and commercial areas throughout the City. The regulation of juveniles is an attempt to minimize danger to the juveniles and the community during the danger hours for nocturnal crime and mischief, which could be accentuated because of the juveniles' immaturity.
- D. A curfew in the City of Ventnor City for those juveniles under the age of 18 will promote the public health, safety and general welfare and will help in obtaining the foregoing objectives.
- E. Parental responsibility for the whereabouts of children is an accepted norm by a substantial majority of the community, and parents have expressed a desire to have a curfew in order to augment their efforts to supervise and guide their children.

§ 101-2 Definitions.

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

GUARDIAN

A person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in place of the parent or is responsible for the care and welfare of the juvenile.

JUVENILE

An individual who is under the age of 18 years.

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, boardwalk, beach, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building or structure or area.

§ 101-3

Hours established.

It shall be unlawful for any person under 18 years of age to be or remain in or upon the public places within the City of Ventnor City at night during the period ending at 6:00 a.m. and beginning:

- A. At 11:00 p.m. July 1 through August 31.
- B. At 10:00 p.m. September 1 through June 30.

§ 101-4 Exceptions.

- A. In the following exceptional cases, a juvenile located upon a public place during the nocturnal hours for juveniles, for which § 101-3 is intended to provide the maximum limits or regulation and a clear and general guide for juveniles, their parents and their fellow citizens, shall not, however, be considered in violation of the Curfew Ordinance:
 - (1) When accompanied by a parent or guardian of such juvenile.
 - (2) When accompanied by an adult authorized by a parent of such juvenile to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
 - (3) When the juvenile is on the sidewalk or property where the juvenile resides.
 - (4) When returning home from and within one hour after the termination of a school- or City-sponsored activity, of an activity of a religious or other voluntary association, of which prior written notice indicating the place and probable time of termination has been given in writing to, and duly filed for immediate reference by, the Chief of Police or his/her designee on duty at the time of the event, thus encouraging, as in other exceptional situations, responsible conduct on the part of juveniles involved in such activities and striking a fair balance for any conflicting interests.
 - (5) When authorized by special permit, from the Chief of Police or his/her designee for that purpose, carried on the person of the juvenile thus authorized, as follows: When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Chief of Police, either for a regulation as provided in Subsection A(6) or for a special permit, as the circumstance warrants. Upon findings of necessity for use of the public places to the extent warranted by a written application, signed by a juvenile and by a parent of the juvenile, which includes the name, address, and telephone number of a parent thereof; height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; the necessity which requires the juvenile to remain upon the public places during the curfew hours otherwise applicable; the street or route; and the beginning and ending of the period of time involved, by date and hour, the Chief of Police may grant a permit, in writing, for use of public places by the juvenile at such hours as in the opinion of the Chief of Police may reasonably be necessary. In an emergency, this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously, to the Chief of Police or his/her designee.
 - (6) When authorized by regulation issued by the Chief of Police in other similar cases of reasonable necessity, similarly handled but adapted to necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally, such regulation by the Chief of Police permitting use of a public place should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools and shall define the activity, the scope of the use of the public places permitted, the period of time involved, not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purpose of the Curfew Ordinance.
 - (7) When the juvenile carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than 45 days previously, signed by the Chief of Police and briefly identifying the juvenile, the address of his or her home and his or her place of employment, and his or her hours of employment; or when the juvenile is traveling to or from a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform.

- (8) When a juvenile is attending or traveling to or from an event wherein the juvenile will participate in the exercise of First Amendment activities.
- B. Each of the foregoing exceptions and their several limitations, such as provisions for notifications, is severable, as hereinafter provided but here reemphasized, and will be considered by the Mayor and Commissioners when warranted by future experience illuminated by the views of a student government organization, school personnel, citizens, associations, parents, officers and persons in authority concerned positively with juveniles as well as with juvenile delinquency.

§ 101-5 Parental responsibility.

It shall be unlawful for a parent or guardian having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to be or remain upon any public place under circumstances not constituting an exception to, or otherwise beyond the scope of, the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's or legal guardian's custody. It is intended to continue to keep neglectful or careless parents 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.

§ 101-6 Power and authority of police.

Any police officer or any special law enforcement officer, duly appointed by the Mayor or Commission of the City of Ventnor City, is hereby authorized and empowered to take into custody any juvenile who is in violation of this chapter. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, a police officer shall in the first instance use his or her best judgment in determining age. Any police officer or any special law enforcement officer taking a juvenile into custody for violation of this chapter shall follow all current Police Department procedures for the handling of such juvenile arrests.

§ 101-7 Violations and penalties.

- A. Any person, juvenile or adult, convicted of a violation of this chapter may be subject to the following penalties:
- (1) For a first violation/conviction: a fine of not less than \$50 and not more than \$1,000 and/or community service as provided in N.J.S.A. 40:48-2.52, in the discretion of the Municipal Court Judge.
 - (2) For a second violation/conviction of this chapter: a fine of not less than \$150 and not more than \$1,000 and/or community service as provided in N.J.S.A. 40:48-2.52, in the discretion of the Municipal Court Judge.
 - (3) For a third or subsequent violation/conviction of this chapter: a fine of not less than \$350 and not more than \$1,000 and/or community service as provided in N.J.S.A. 40:48-2.52, in the discretion of the Municipal Court Judge.
- B. If both a juvenile and a juvenile's parents or guardian violate this chapter, they may be required to perform community service together, and any monetary fines shall not merge or be concurrent with fines of either the juvenile or the parents or guardian.