

ORDINANCE #O.05.15

**AN ORDINANCE OF THE BOROUGH OF PAULSBORO
ESTABLISHING CHAPTER 50: CURFEW APPLICABLE TO
JUVENILES OF THE CODE OF THE BOROUGH OF PAULSBORO**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Paulsboro, County of Gloucester and State of New Jersey that Chapter 50: Curfew Applicable to Juveniles of the Borough Code of the Borough of Paulsboro is hereby established as follows:

CHAPTER 50: CURFEW APPLICABLE TO JUVENILES

§50-1. Findings

The Borough Council of the Borough of Paulsboro concurs and adopts the findings of the legislature of the State of New Jersey as set forth in P.L. 1993, c. 132.

§50-2. Definitions

“JUVENILE” means an individual who’s under the age of 18 years.

“PARENT” means the biological or adoptive mother or father of a Juvenile.

“GUARDIAN” means a person, other than a Parent, to whom legal custody of the Juvenile has been given by court order or who is directly responsible for the care and welfare of the Juvenile at the direction of or with the consent of the Parent of the Juvenile or a person to whom legal custody of the Juvenile has been given by court order.

“PUBLIC PLACE” means a Public Street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building structure or area.

“ERRANDS INVOLVING MEDICAL EMERGENCY” means obtaining medication, medical treatment, or medical treatment devices for the Juvenile or another person.

“PUBLIC RIGHT-OF-WAY” means Public Street, road thoroughfare, sidewalk, bridge, ally, plaza, or any publically owned outdoor area.

“PUBLIC STREET” means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term “street” includes the cart way of traffic lanes whether paved or unpaved and applies irrespective of what it may be called or formally named whether alley, avenue, court, road, or otherwise.

§50-3. Curfew established

It shall be unlawful for a Juvenile under the age of 18 years to be on any Public Place in the Borough of Paulsboro between the hours of 10 p.m. and 6 a.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday and between the hours of 11 p.m. and 6 a.m. on Friday and Saturday, except as permitted by §50-4 herein.

§50-4. Exceptions

- A. It shall not be considered a violation of this Chapter for any person under 18 years of age to be in or remain in or upon a Public Place within the Borough of Paulsboro during curfew hours;
- (1) When accompanied by a Parent or Guardian of such minor.
 - (2) When engaged in errands involving medical emergencies.
 - (3) When in the process of traveling from one destination to another destination where such destinations are not Public Rights-of-Way within the Borough of Paulsboro with written permission granted by such Juvenile's Parent or Guardian in the Juvenile's possession. The written permission to be at and travel to and from such destination shall also contain the name, telephone contact and signature of such Parent or Guardian.
 - (4) When working at or traveling to or from a lawful occupation.
 - (5) When attending or traveling to or from a private or public school function or extracurricular activity.
 - (6) When participating in or traveling to or from other cultural, educational and social events, sponsored by religious, non-profit or community based organizations during curfew hours. It shall be up to the Parent or Guardian of the Juvenile to determine what events they consider to be cultural, educational or social events sponsored by religious, non-profit or community based organizations and to determine what events their Juvenile may attend and to give written permission to such Juvenile to attend and travel to and from such events. Such written permission must be in the Juvenile's possession and shall also contain the name, telephone contact and signature of such Parent or Guardian.
 - (7) When on the property or the sidewalk in front of the property where the Juvenile resides, or on either side of or directly 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.
- B. Any person under 18 years of age who continues to be or remains in or upon a Public Right-of-Way within the Borough of Paulsboro within one hour of commencing any travel permitted as an exception in §50-4 A (1) through (7) of this subchapter, during curfew hours, or who remains on the sidewalk pursuant to subsection 50-4A(7) of this subchapter for more than one hour during the curfew hours, shall be in violation of this ordinance.

§50-5. Detections of violations

A. In determining the age of the person thought to be a Juvenile and in the absence of convincing evidence such as a birth certificate or government issued identification, a police officer shall, in the first instance use his or her best judgment in determining age.

B. A police officer coming upon a Juvenile who appears in such officer's reasonable judgment to be in violation of this Chapter, may require the Juvenile to provide the reason for his being on a Public Place during curfew hours. If a Juvenile has provided information or written permission to the police officer upon questioning, which establishes an exception under §50-4A(1) through (7) above, and is traveling to or from a permitted destination, the Juvenile shall then be directed to continue on his or her way unless the Juvenile is awaiting another person's arrival with whom to continue to travel to a permitted destination pursuant to §50-4A(1) through (6) above, the officer may inquire as to the identity of such person and the expected time of their arrival. Such Juvenile shall, upon the arrival of the awaited traveling companion, immediately continue on his or her way home or to such destinations as permitted in the within ordinance.

§50-6. Parental responsibility

It shall be unlawful for a Parent or Guardian having legal custody or control 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 or Guardian should reasonably be expected to have concerning the whereabouts of a Juvenile in that Parent's or Guardian's legal custody or control. It is intended to keep neglectful or careless Parents or Guardians 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.

§50-7. Fines and penalties

A. Community service. Any person, Juvenile or adult convicted of a violation of this ordinance shall be required to perform community service as directed by the Court. As provided in N.J.S.A. 40:48-2.5(2), whenever both a Juvenile and the Juvenile's Parent or Guardian violate the ordinance, they shall be required to perform community service together.

B. Fines. A person convicted of a violation of the curfew ordinance shall be subject to a fine of not more than \$1,000.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this establishing ordinance are hereby repealed to the extent of their inconsistencies only.

BOROUGH OF PAULSBORO

By: _____
W. JEFFERY HAMILTON, Mayor

ATTEST:

KATHY A. VANSCOY, Clerk

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 5th day of May, 2015, at a regular meeting of the Borough Council of the Borough of Paulsboro and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Borough Council of the Borough of Paulsboro to be held on the 19th day of May, 2015 at 7:00 p.m. at the Municipal Building, 1211 Delaware Street, Paulsboro, New Jersey.

KATHY A. VANSCOY, Clerk