

CHAPTER 19

ANNUAL HALLOWEEN CURFEW

(Local Law #3 of 1986)

Sec. 19-1 Intent

It is the intent of the Village of Middleburgh as an exercise of its police power to promote the general health, safety and welfare of the Village by enacting this Local Law since it is the finding of the Board of Trustees that during Halloween, there has been an increase in vandalism and juvenile delinquency in the Village of Middleburgh, and during that time, there has been an increase in damage to public and private property in the Village of Middleburgh, and there is a need to control the conduct of minors in the Village of Middleburgh for the purpose of alleviating these problems during the Halloween period.

Sec. 19-2 Short title

This Local Law shall be known and may be cited as the "Local Law providing for an Annual Halloween Curfew".

Sec. 19-3 Definitions

For the purpose of this Local Law, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- A. Village is the Village of Middleburgh.
- B. Minor is any person under the age of 19.
- C. Parent is the natural or adoptive parent of a minor.
- D. Guardian is any person other than a parent, who has legal guardianship of a minor.
- E. Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center, and any other place devoted to amusement or open to the general public. It shall also include the front or immediate area of the above.

Sec. 19-4 Curfew

During the period from October 30th through November 1st each year, it shall be unlawful for any minor to remain on any public thoroughfare or public place, either on foot or in a vehicle without a set destination between

the hours of 8 P.M. through 6 A.M., unless accompanied by a parent or guardian, or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent or guardian, or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

Sec. 19-5 Special functions

Any minor attending a special function or entertainment of any church, school, club or other similar organization that required such minor to be out at a later hour than that called for in Section 19-4 of this Local Law shall be exempt from the provisions of Section 19-4, provided the Church, school, club or other similar organization shall register in advance with the Schoharie County Sheriff's Department to have the minors involved stay out to this later hour. The registrant shall state the time when the function or entertainment shall end and the minors who attend the function shall be required to be in their homes or usual places of abode within one half hour after the function is ended.

Sec. 19-6 Responsibility of owners of public places

It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of 19 between the hours of 8 P.M. and 6 A.M. on and between the dates specified in Section 19-4.

Sec. 19-7 Procedures

- A. Any police official upon finding a minor under the age of 16 in violation of Section 19-4, shall ascertain the name and address of the minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parents or guardian.
- B. If such minor under age of 16 refuses to heed the warning or direction given by any police official or refuses to give the police official his correct name and address, or if the minor has been warned on a previous occasion that he or she was in violation of curfew, such minor shall be taken to the Schoharie County Sheriff's Department and the parent or guardian of such minor shall be notified to come and take charge of the minor.
- C. A minor, age 16 to 19, in violation of Section 19-4 will be issued an appearance ticket or arrested.