

# CURFEW LAW

## Chapter 5 Local Law #9 1991

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A Local Law establishing a curfew in the Village of Hilton.

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(History: Adopted, Hilton Village Board, December 2, 1991. Amendments noted where applicable)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

### **5-1 Statement of Authority**

The Village Board pursuant to the authority granted it under Article 4 of the Village Law and Section 10 of the Municipal Home Rule Law of the State of New York hereby enacts as follows:

### **5-2 Statement of Purpose and Finding**

The Village Board has determined that large numbers of minors have been congregating in the Village after dark causing general disturbance to residents. In order to reduce juvenile crime and vandalism, protect the children of this municipality, and reinforce parental authority, it is necessary that a curfew be established to keep minors out of public areas after dark.

### **5-3 Restrictions**

It shall be unlawful for any child, age of seventeen (17) or under, to remain in or upon any public street, sidewalk, highway, park, vacant lot or other public place starting at 11:00 p.m. Sunday thru Thursday and ending at 5:00 A.M. the next day; and starting at 11:59 P.M. Friday and Saturday and ending at 5:00 A.M. the next day.

### **5-4 Exemptions**

The following shall constitute valid exceptions to the operation of the curfew:

- (a) At any time, if the child is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of twenty-one and approved by the child's parent or legal guardian;
- (b) If the child is legally employed, for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of employment. This exception shall also apply if the child is in a public place during curfew hours in the course of his or her employment. To come under this exception, the child must be carrying a written statement from the employer attesting to the

place and hours of employment;

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### 5-4 Exemptions

- (c) If the child is coming directly home from a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one-half hour after the completion of such event, but in no case beyond 1:30 A.M..
- (d) If the minor is exercising first amendment rights protected by the Constitution, such as the free exercise of religion, speech, or assembly, provided the minor first has given notice to the Administrator by delivering written communication signed by the minor and countersigned by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew period.

### 5-5 Violations

Failure to comply with this law shall be a violation as defined in Section 55.10 of the New York State Penal Law and penalties may be imposed thereunder and pursuant to Section 80.05 of the New York State Penal Law. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

### 5-6 Severability

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

### 5-7 Effective Date

This local law shall take effect upon filing with the Secretary of State as required by law.