

## 7-6 An Ordinance Establishing a Curfew

### **Be it ordained by the Town of Stafford as follows:**

#### (A) Purpose

The Town of Stafford has found that the incidence of crimes committed by and against minors is increasing and has determined that a curfew ordinance is necessary and desirable.

The Town of Stafford has also determined that persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in lawful activities and to be victims of older perpetrators of crime.

#### **The Town of Stafford recognizes that it has a moral and legal obligation to:**

1. protect minors from each other and from other persons on the streets during nocturnal hours.
2. promote parental responsibility for and supervision of minors; and,
3. protect the general public from nocturnal mischief and crime committed by minors.

Wherefore, a curfew for those under the age of eighteen (1) will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the Town of Stafford.

#### (B) Definitions

For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular

number the plural number. The word "shall" is always mandatory and not merely directory.

1. **Curfew Hours: For minors under the age of sixteen (16) years:** shall be between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and 11:00 p.m. on any Friday or Saturday until 5:00 a.m. of the following day.

**For minors between the ages of sixteen (16) and eighteen (18) years:** shall be between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and 12:01 a.m. until 5:00 a.m. on any Saturday or Sunday.

2. **Emergency:** shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. **Establishment:** shall mean any privately-owned place of business operating for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
4. **Guardian:** shall mean a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom the minor has been placed.
5. **5.Minor:** shall mean any person under eighteen (18) years of age.
6. **6.Parent:** shall mean any person who is a natural parent, adoptive parent, or step-parent of another person; of at least eighteen (18) years of age and legally authorized by a parent or guardian to have the care and custody of a minor.
7. **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, caf, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

8. **Remain:** shall mean to linger or stay, or fail to leave the premises when requested to do so by a police officer or the owner, operator, or the person in control of the premises.

### **(C) Offenses**

1. **Curfew for Minors:** It shall be unlawful for any minor to remain idle, wander, stroll or play in any public place or establishment in the Town of Stafford during curfew hours unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his/her parent, guardian, or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.
2. **Parents Responsibility:** It shall be unlawful for the parent, guardian or other

adult having custody and control of any minor under the age of sixteen (16) to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or in any public property or public place or establishment within the Town of Stafford during curfew hours. However, the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, custodian or other adult person having the care, custody or control over the minor, or if the parent, guardian or other adult having care and custody of the minor if the parent guardian or other adult person herein has made a missing person notification to the appropriate police authority.

### **(D) Special Functions**

Any minor attending a special function or event sponsored by any religious, school, club, or other organization that requires such minor to be out at a later hour than that in this section shall be exempt from the provisions of this ordinance provided such minor has the approval of his or her parent or guardian to attend said function or event. Such minors who attend said function or event shall be required to be in their homes or a usual place of abode within one half hour after said function or event has ended.

### **(E) Procedures**

### **For Minors Sixteen (16) Years and Older:**

- Any police officer upon finding a minor sixteen (16) years and older in violation of this ordinance may issue the minor an infraction citation for the violation and subject to the fines as set fourth in Section (F). The police officer shall report such action to the resident trooper or his or her designate who in turn shall notify the parents, guardian, or person having custody of such minor.

### **For Minors Under the Age of Sixteen (16) Years:**

- Any police officer upon finding a minor under the age of sixteen (16) years in violation of this ordinance shall ascertain the name and address of such minor and that he or she is in violation of the curfew and shall direct such minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the resident trooper or his or her designate who in turn shall notify the parents, guardian, or person having custody or control of such minor.
- If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if such minor has been warned on a previous occasion that he or she is in violation of
- curfew, he or she may be taken to the resident trooper's office or troop "c" headquarters in Tolland and the parent, guardian, or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor.

### **(F) Penalties**

1. Any person violating a provision of this ordinance is guilty of a separate offense for each day or part of a day during which a violation is committed, continues or permitted.
2. **For Minors Sixteen (16) Years of Age or Older:** Violation of any provision of this ordinance shall be deemed an infraction with a fine of not more than \$50.00 dollars for the first offense, \$75.00 for the second offense and \$90.00 for all subsequent offenses.
3. **For Minors Under the Age of Sixteen (16):** Violation of Section (E) by any parent, guardian or other adult person having the care and

custody of a minor after having been previously notified under Section (E) shall be deemed an infraction.

4. Said parent, guardian or other adult person shall be fined not more than \$50.00 dollars for the first offense, \$75.00 dollars for the second offense and \$90.00 dollars for all subsequent offenses.
5. It shall not constitute a defense that such parent, guardian, or other adult person did not have knowledge of the presence of the minor upon any establishments or public places.
6. Notwithstanding any provision of this ordinance, any minor under the age of sixteen (16) violating the provisions of this ordinance may be referred to juvenile authorities and dealt with in accordance with the Juvenile Court law and procedure.

#### **(G) Severability**

Severability is intended throughout and within the provisions of this part ordinance. If any provision, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or other persons or circumstances shall not be affected thereby.

#### **(H) Duration**

1. This ordinance shall be reviewed by the Town of Stafford annually and at such time the town may proceed to amend or repeal said ordinance if it chooses.
2. This ordinance shall be effective for not more than (5) five years from the date of adoption at which time, if the Town of Stafford does not or has not acted to renew the ordinance shall be deemed repealed.

**Approved:** July 29, 1998