

CURFEW ORDINANCE
TOWN OF BAILEYVILLE

WHEREAS, there has been an increase in juvenile crime, and an increased presence of juveniles on the streets of the Town of Baileyville at extremely late hours as determined by the Baileyville Town Council due to information provided by the Baileyville Police Department; and

WHEREAS, the Town of Baileyville is responsible to provide for the protection of minors, the protection of the health, safety, and welfare of the general public, and the reduction of crime; and

WHEREAS, a curfew for those under the age of eighteen (18) would aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAILEYVILLE

Chapter 1 Curfew Ordinance:

SECTIONS

- 101. Title
- 102. Definitions
- 103. Offenses
- 104. Defenses
- 105. Enforcement
- 106. Penalties
- 107. Severability

Section 101: Title

This ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Baileyville, Maine

Section 102: Definitions

- A. Curfew Hours means the hours of from 10:01 PM to 6:00 AM on the weekdays, and 11:31 PM to 6:00 AM on weekends.
- B. Weekdays shall be defined as consisting of Sunday through Thursday, and weekends shall be defined as Friday and Saturday.

- C. Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident. As well as any situation requiring action to avert serious injury or the loss of life.
- D. Guardian means a person or a public or private agency, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under M.R.S.A. Title 18-A, Secs 5-104.
- E. Minor means any person who has not yet reached their 18th birthday.
- F. Parent means a person who is the natural parent, adoptive parent, or step parent of a minor.
- G. Public means a place in the Town of Baileyville to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, office buildings, schools, shops and places of entertainment.
- H. Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

Section 103: Offenses

- A. It shall be unlawful for a minor to remain in a public place during curfew hours.
- B. It shall be unlawful for the parent or guardian of a minor to knowingly permit, or to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

Section 104: Defenses

It is a defense to prosecution under Section 103 of this ordinance that the minor was:

- A. Accompanied by the minors parent or guardian;
- B. Involved in an emergency or on an errand necessitated by an emergency;
- C. Engaged in an employment related activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;
- D. In a motor vehicle involved in interstate travel;

- E. On an errand directed by a parent or guardian, without any detour or stop;
- F. On the sidewalk or lawn abutting a minor's home;
- G. Attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from same, without detour or stop;
- H. Attending a recreational activity sponsored by the Town of Baileyville, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from same without detour or stop;
- I. Exercising rights protected by the First Amendment of the United States Constitution;
- J. Married, or otherwise legally emancipated.

Section 105: Enforcement

Before taking action to enforce this ordinance a police officer shall:

- A. Ascertain the apparent offenders name and date of birth;
- B. Inquire as to the reason for the apparent offender being in a public place;
- C. Determine through responses and other circumstances that no defense provided for in Section 104 exists;
- D. Summons the minor and/or their parent or guardian to The District Court for violation of this ordinance;

If an apparent offender fails to provide reasonably credible evidence of their name and date of birth, the officer may require him or her to remain in the officer's presence as provided for in M.R.S.A. Title17-A Sec. 17.

The officer shall also contact the parent or guardian to come and take control of the minor.

Section 106: Penalties

Any minor and/or their parent or guardian found guilty of a violation of this ordinance, or amendments thereof, shall be punished by a fine of fifty dollars (\$50.00) for the first offense, and a fine of one hundred dollars (\$100.00) for every offense thereafter, which may be recovered on complaint for use of the Town.

Section 107: Severability

If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such decision shall not render invalid the remaining provisions.

First Reading: December 26, 2007

Published: January 3, 2008

Public Hearing: January 15, 2008

Published after Passage: January 24, 2008

Effective Date: January 31, 2008

Adopted this 15th, day of January, 2008

Attest: _____/s/_____
Scott D. Harriman, Town Clerk