

CHAPTER 20

CURFEW

§ 20-1. **Purpose** 2001

§ 20-2. **Definitions** 2001

§ 20-3. **Hours established** 2002
 [Amended on 5-16-1995 as L.L. #14-1995]

§ 20-4. **Exceptions** 2002

§ 20-5. **Enforcement** 2003
 [Amended on 5-16-1995 as L.L. #14-1995]

§ 20-6. **Penalty**..... 2004
 [Amended on 5-16-1995 as L.L. #14-1995]

[HISTORY: Adopted by the Common Council of the City of Dunkirk on 8-5-1993 as L.L. No.10-1993; Amended on 5-16-1995 as L.L. #14-1995. Amendments noted where applicable.]

§ 20-1. Purpose.

A curfew is necessary to further the public health, safety, morals and general welfare of the City and specifically to further the following interests:

- A. The reduction of the incidence of juvenile criminal activity and vandalism.
- B. The protection of the public from nocturnal mischief by minors.
- C. Helping parents control their children.
- D. The protection of children from others on the street during nighttime hours.

§ 20-2. Definitions.

As used in this chapter, the following term shall have the meaning indicated:

CITY - the City of Dunkirk, New York.

§ 20-3. Hours Established. [Amended on 5-16-1995 as L.L. No. 14-1995]

It shall be unlawful for any minor under the age of seventeen (17) years to remain in or upon any public place including, but not limited to, public streets, playgrounds, buildings, vacant lots or any other place open to the public in the City, between the hours of 12:00 a.m. and 6:00 a.m. of the following day and more specifically between the hours of 10:30 p.m. and 6:00 a.m. of the following day in Point Gratiot, between the hours of 9:00 p.m. and 6:00 a.m. of the following day in Washington Park and between the hours of 11:00 p.m. and 6:00 a.m. of the following day in the remaining City parks. Hours shall be Eastern Standard Time or Eastern Daylight Savings Time, whichever is in effect.

Subject to the exceptions set forth in § 20-4 of this chapter, it shall be unlawful for the parents or guardian of any minor under the age of seventeen (17) years knowingly or negligently by insufficient control to allow such minor to congregate, loiter, wander or play in or upon any public place including but not limited to, public streets, playgrounds, buildings, vacant lots, or any other place open to the public in the City, between the hours of 12:00 a.m. and 6:00 a.m. of the following day and more specifically between the hours of 10:30 p.m. and 6:00 a.m. of the following day in Point Gratiot, between the hours of 9:00 p.m. and 6:00 a.m. of the following day in Washington Park and between the hours of 11:00 p.m. and 6:00 a.m. of the following day in the remaining City Parks as listed in Chapter 49 of the City Code. Hours shall be Eastern Standard Time or Eastern Daylight Savings Time, whichever is in effect.

§ 20-4. Exceptions.

A person under the age of seventeen (17) years shall not be considered in violation of this chapter under the following circumstances:

- A. When accompanied by a parent or legal guardian of such juvenile.
- B. When accompanied by a person at least twenty-one (21) years of age, authorized by a parent or legal guardian of such juvenile, in writing, to take such parent's place in accompanying such juvenile for a designated period of time and purpose within a specified area.
- C. In the case of emergency involving a threat to life or property.
- D. When returning home by a direct route from and within one-half (1/2) hour after the termination of school-sponsored activity or an activity of a religious or other civic association.
- E. When returning home by a direct route from the juvenile's lawful and gainful employment.
- F. If the minor is exercising First Amendment rights protected by the Constitution, such as free exercise of religion, speech or assembly,

provided the minor first has given notice to the Chief of Police by delivering a written communication signed by the minor and countersigned by a parent or legal guardian of the minor which specifies when, where, in what manner and for what purpose the minor will be on the streets at night during the curfew period.

- G. Until the hour of 12:30 a.m., if the child is on the property of, or the sidewalk directly adjacent to, the building in which he or she resides, or the buildings immediately adjacent thereto, if the owner of the building does not object.

§ 20-5. Enforcement.

- A. Any police or peace officer, upon finding a minor under the age of seventeen (17) years in violation of § 20-3 of this chapter, shall ascertain the name and address of the minor and warn the minor that he/she 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 or peace officer shall report such action to the parents or legal guardian of the minor.
- B. If such minor under the age of seventeen (17) years refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his/her correct name and address, or if the minor has been warned on a previous occasion that he/she was in violation of curfew, such minor shall be taken to the Dunkirk Police Station and the parent or legal guardian of the minor shall be notified to come and take charge of minor.
- C. Any person, whether a child or parent or guardian, who violates this Chapter shall be issued an appropriate citation as indicated in §20-6 and/or be arrested or otherwise dealt with in accordance with the law. **[Amended 5-16-1995 as L.L. #14-1995]**

§ 20-6. Penalty. [Amended 5-16-1995 as L.L. #14-1995]

Any person, whether a child or parent or guardian, in violation of §20-3 of this chapter shall:

- A. Upon the first violation be issued a warning citation;
- B. Upon the second violation be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00) and/or sentenced to not more than fifteen (15) days in jail for each offense and/or be sentenced to not more than one hundred (100) hours of community service.