

# Curfews

## Chapter 130, CURFEW

[HISTORY: Adopted by the Town Board of the Town of Niagara 11-9-1976 by L.L. No. 2-1976. Amendments noted where applicable.]

### § 130-1. Curfew. [Amended 1-19-1999 by L.L. No. 1-1999]

No minor, as herein defined, shall remain in or upon any public place in the Town of Niagara between the hours of 9:00 p.m. and 6:00 a.m. local time from September 1 through May 31, or between the hours of 10:00 p.m. and 6:00 a.m. local time from June 1 through August 31, unless such minor is accompanied by a parent, guardian or other person having the legal custody or control of such minor, or unless the activity of the minor is within an exception contained in § 130-3 of this chapter.

### § 130-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MINOR — Any person under the age of 18 years.

PROPERLY SUPERVISED — That a given activity is being sponsored by a school, religious, civic or other responsible organization, that the activity will be adequately supervised by one or more adults, and that notice of the activity, its hours, location and of the fact that minors will be in attendance has been given to the Chief of Police of the Town of Niagara. An activity is properly supervised only so long as it complies with the description of the event provided the Chief of Police in said notice.

PUBLIC PLACE — Any street, alley, highway, sidewalk, park, playground or place to which the general public has access, 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, dance hall, pool room, shopping center and any other place devoted to business, amusement or entertainment activities for the general public, together with all adjacent or proximate areas thereto.

### § 130-3. Exemptions.

The provisions of this chapter shall not apply to a minor in the following situations:

A. During the hours of gainful employment or while in transit between the minor's residence and the place of said employment.

B. During the hours of attendance as a bona fide student at a school of evening instruction or while in transit between the minor's residence and the place of said instruction.

C. During the hours of attendance at a properly supervised function, social event or recreational program or while in transit between the minor's residence and the place of said function, event or program.

D. While in the possession of a permit made, signed and dated, in ink, by the parent, guardian or person having legal custody or control of such minor and stating a reasonably necessary purpose for which the minor is being permitted out of the home, so long as the minor is acting within the necessary purpose provided for in the permit.

E. Any minor who is married or who has been married.EN

F. Any minor who is involved in an emergency.EN

G. Any minor who is on a sidewalk abutting his or her residence or at a next-door neighbor.EN

### § 130-4. Parent or guardian responsible.

It shall be unlawful for any parent, guardian or other adult person having legal care, custody or control of a minor to allow or permit said minor to go or be in or upon any public place in the Town of Niagara in violation of § 130-1 of this chapter. Whenever a minor engages in activity prohibited by this chapter, it shall be presumed that the parent, guardian or other adult person having legal care, custody or control of such minor allowed or permitted the minor's prohibited activity.

**§ 130-5. Owners of public places responsible.**

It shall be unlawful for any person, firm or corporation operating or controlling any public place within the Town of Niagara to knowingly permit the presence of minors in violation of § 130-1 of this chapter.

**§ 130-6. Penalties for offenses.**

A. Any minor, or any parent, guardian or other adult person, or any owner of a public place violating any provision of this chapter shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding 15 days or by a fine not exceeding \$250, or by both such fine and imprisonment.

B. In addition to such penalties, any minor persistently violating this chapter may be referred to the New York State Family Court for a determination as to whether such minor is a person in need of supervision or be subject to any sanctions said Court may impose.