

CURFEW

Chapter 39

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 15.
Licensed amusements — See Ch. 17.
Circuses and exhibitions — See Ch. 34.
Coin-controlled devices — See Ch. 36.
Drug-free school zones — See Ch. 44, Art. I.
Loitering — See Ch. 60.
Minors — See Ch. 61.
Hours of use of playgrounds — See Ch. 65.
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ARTICLE I

**Curfew Established; Responsibility; Enforcement
[Adopted 7-2-1953]**

§ 39-1. **Preamble. [Added 2-6-1992 by Ord. No. 8-1992¹]**

The purpose of this article establishing a curfew for minors is to help prevent juvenile delinquency and crime in the city, while at the same time safeguarding the constitutional rights of such minors and protecting said minors from dangers and abuses not affecting adults.

§ 39-1.1. **Curfew established for children under eighteen; violations by minors. [Amended 11-1-1984 by Ord. No. 10-1984]**

It shall be unlawful for any child under the age of 18 years of age to be upon a public street, alley, park, public place or establishment or any place of public amusement or recreation after

¹ Editor's Note: This ordinance also renumbered former § 39-1, Curfew established for children under eighteen; violations by minors, as § 39-1.1.

the hour of 10:00 p.m. on each and every Sunday, Monday, Tuesday, Wednesday and Thursday until 6:00 a.m. of the following morning and after the hour of 11:30 p.m. on each and every Friday and Saturday until 6:00 a.m. of the following morning, unless accompanied by the parent, guardian or other adult person having the care and custody or control of such minor.

§ 39-2. Violations by parents or guardians. [Amended 11-1-1984 by Ord. No. 10-1984; 12-3-1998 by Ord. No. 28-1998]

It shall be unlawful for the parent, guardian or any person having the care, custody or control of any child under the age of 18 years to permit such child to loiter upon or be in any of the places mentioned in § 39-1 hereof at any time between 10:00 p.m. on each and every Sunday, Monday, Tuesday, Wednesday and Thursday and 6:00 a.m. of the following morning, and between 11:30 p.m. on every Friday and Saturday and 6:00 a.m. of the following morning, unless accompanied by such parent, guardian or other person having the care, custody or control of such child.

§ 39-3. Violations by operator of public place. [Added 2-6-1992 by Ord. No. 8-1992¹]

It shall be unlawful for the owner and/or operator of any quasi-public or any other place open to the public in the City of Gloucester City to allow or permit any minor under the age of 18 years to remain on or about such premises in violation of this article.

¹ Editor's Note: This ordinance also renumbered former § 39-3, Violations and penalties, and § 39-4, Repealer; when effective, as §§ 39-7 and 39-8, respectively.

§ 39-4. Exceptions. [Added 2-6-1992 by Ord. No. 8-1992]

The provisions of this article shall not apply to any minor who shall be gainfully and lawfully employed, or shall be a bona fide evening student of any school, college or university of evening instruction, or who shall be in attendance at any evening function sponsored by a religious or school organization, or who shall be on an errand which arose from emergent circumstances, during the time necessarily required to travel between such minors' residence and any of the aforesaid places at a given time; provided, however, that the parent, legal guardian or other duly authorized and accredited custodian must at all times be ready to account for the travel period allowed hereunder and be responsible for the unforeseen incidents if a minor under 18 years of age shall wander from the safest and most direct route of travel between the said minor's residence and any of the aforesaid places.

§ 39-5. Procedure following apprehension. [Added 2-6-1992 by Ord. No. 8-1992; amended 12-3-1998 by Ord. No. 28-1998]

The first duty of the apprehending officer or official shall be to take into protective custody the minor under 18 years of age who has violated this article. Said officer or official shall then make a complete record of the circumstances under which the said minor was first seen or discovered in the apparent violation of this article, and such record shall include the names and addresses of all persons who have either legal or moral obligation for the said minor's well-being and the nature of such obligation (i.e., parent, guardian, custodian, etc.). Upon completion of a record of all the salient facts available, said officer or official shall personally return the minor to his home or place of residence immediately, at which time said officer or official shall inform the parent or legal guardian with whom said minor resides that, upon the event of a subsequent violation by said minor, such parent or legal guardian shall be fined and summoned before the Municipal Court of the City of Gloucester City, and that at the time of appearance before said

court there will be a complete review of all the facts and circumstances in the case. Upon issuance of a summons for violation of this chapter, said officer or official shall then forward the report described in this section to the Municipal Court Administrator of Gloucester City in the event of a violation by said minor, parent, legal guardian or owner or operator of a public place.

§ 39-6. Written notice of violation. [Added 2-6-1992 by Ord. No. 8-1992]

It shall be the duty of the Police Department of the City of Gloucester City to serve formal notice upon any parent, guardian, owner or operator that there has been a violation of this article and that a subsequent violation will result in the issuance of a fine. The notice prescribed shall be captioned "Notice of First Violation of Curfew Ordinance" and shall contain all the pertinent facts in a given case. Such notice shall be served by the Police Department of the City of Gloucester City, by certified mail.

§ 39-7. Violations and penalties. [Amended 12-5-1974;² 12-3-1998 by Ord. No. 28-1998]

- A. In accordance with N.J.S.A. 40:48-2.52, any minor, juvenile, parent or guardian found guilty of violating any of the provisions of this chapter shall be required to perform community service and may be subject to a fine of up to \$1,000. If both a minor or juvenile and the minor's parent or guardian violate any of the provisions of this chapter, they shall be required to perform community service together. Community service may include the attendance at parenting skills programs.
- B. Any operator of public places violating the provisions of this article shall, upon conviction, be subject to a fine not

² Editor's Note: See Ch. 1, § 1-6B(1).

exceeding \$500 or to imprisonment for a term not exceeding 90 days, or to both such fine and imprisonment in the discretion of the Judge before whom conviction is had.

§ 39-8. Repealer; when effective.

All ordinances or parts of ordinances inconsistent with this article, to the extent of such inconsistency, be and the same are hereby repealed, and this article shall take effect after final passage and publication as provided by law.

ARTICLE II
School Time Day Curfew
[Adopted 3-5-1998 by Ord. No. 4-1998]

§ 39-9. Purpose.

The purpose of this article establishing a school time day curfew for children is to help prevent truancy, juvenile delinquency and crime in the city, while at the same time safeguarding the constitutional rights of such children and encouraging school attendance.

§ 39-10. Definitions.

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

CHILD — Any person under the age of 18 years.

ESTABLISHMENT — Any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

EXCUSED ABSENCES FROM SCHOOL — An absence that shall be excluded from counting toward

the accrual of days that deny students the privilege of attending the secondary summer school program and counting toward the accrual of days that lead to court action or dropping the student from the school's register. Examples of excused absences are illness, death in the family, religious holidays and approved college visitation for high school seniors.

OPERATOR — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term "operator," as used in the penalty provisions of § 39-14 and applied to a partnership, association or corporation, shall include the partners of the partnership, the members of the association and the officers of the corporation.

(Cont'd on page 3907)



PARENT — Any natural parent of any child, a guardian or any adult person of the age of 21 years or over who is responsible for the care, custody and control of any child.

PUBLIC PLACE — Any public street, highway, road, alley, park, playground, wharf, dock, public building or vacant lot in the city.

REMAIN — To loiter, stroll or play in or upon any establishment or public place.

§ 39-11. Hours and days of school time day curfew.

No child over the age of five years and under the age of 18 years shall remain in or upon any public place or establishment outside any school grounds between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year.

§ 39-12. Exceptions to school time day curfew.

In the following cases, a student shall not be considered in violation of § 39-11:

- A. During an excused absence.
- B. During an approved early dismissal from school.
- C. When the student is enrolled in an approved work-experience program.
- D. When the student is officially removed from the school register.
- E. Parochial and private school students who have different school hours or different holiday and vacation schedules during times while those schools are not in session.

§ 39-13. Parents not to permit children to violate.

No parent, as defined in § 39-10 of this article, of any child over the age of five years and under the age of 18 years shall permit such child to remain in or upon any public place or establishment outside any school grounds between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year.

§ 39-14. Operators not to allow unaccompanied children in establishments during curfew hours.

No operator, as defined in § 39-10 of this article, or his agents or employees shall knowingly permit any child over the age of five years and under the age of 18 years unaccompanied by a parent, as defined in § 39-10 of this article, to remain upon the premises of his establishment between the hours of 8:30 a.m. and 3:00 p.m. every Monday through Friday while school is in session during the school year.

§ 39-15. Violations and penalties.

Any parent or operator, as such terms are defined in § 39-10 of this article, who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days or community service not exceeding 100 hours, or a combination thereof.

§ 39-16. Repealer.

All ordinances or parts thereof inconsistent with this article, to the extent of such inconsistency, be and the same are hereby repealed.