

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City — of Lyndonville, New York

Town

Village

Local Law No. 6 of the year 1998

A local law Establishing A Curfew in the Village of Lyndonville
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County

City of Lyndonville, New York as follows:

Town

Village

Legislative Intent.

The Board of Trustees of the Village of Lyndonville, New York, determines that a curfew is necessary to further the public health, safety, morals and general welfare of the inhabitants of the Village of Lyndonville 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. The promotion and enforcement of parental control of and responsibility for the children.
- D. The protection of children from others on the streets during the nighttime hours.

Curfew Established.

It shall be unlawful for any minor under the age of sixteen (16) years to be loiter, idle, wander, play or otherwise remain in or upon any public place including but not limited to public streets, parks, playgrounds, buildings, vacant lots or any other place open to the public in the Village of Lyndonville, New York, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, except on weekends, when such restricted hours shall be from 11:00 p.m. on Friday to 6:00 a.m. on the following Saturday and from 11:00 p.m. on Saturday to 6:00 a.m. on the following Sunday.

Exceptions.

A person under the age of sixteen (16) years shall not be considered in violation of this chapter under the following exceptional circumstances:

- A. When accompanied by a parent of such juvenile.
- B. When accompanied by a person at least twenty-one (21) years of age, authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. The juvenile shall evidence the bona fide nature of such exercise by first delivering to the person designated by the Deputy Sheriff assigned to the Village of Lyndonville under contract between the Village and Orleans County to receive such information at the Public Safety Office at the Village Hall, twenty-four (24) hours in advance, a written communication, signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be on the street at night (during hours when this chapter is otherwise applicable to said minor) in the exercise of the First Amendment rights specified in such communication.
- D. In the case of an emergency or reasonable necessity for a juvenile to be on the street, but only after the juvenile's parent has communicated to the aforementioned Deputy Sheriff or the person designated by the aforementioned Deputy Sheriff to receive such notifications the facts establishing the reasonable necessity or emergency relating to specified streets at a designated time or a described purpose, including points of origin and destination.
- E. When returning home by a direct route from and within one (1) hour after the termination of school-sponsored activity or an activity of a religious or other civic association.
- F. When returning home by a direct route from the juvenile's lawful and gainful employment, provided that prior written notice has been filed with the aforementioned Deputy Sheriff or his designee, signed by the juvenile's parent,

identifying the name, address and telephone number of the employer and the usual hours of employment.

Parental Responsibility.

It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to be or remain upon any public place in violation of this chapter under circumstances not constituting an exception to this chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of the juvenile in that parent's legal custody. It is intended to require parents to comply with this reasonable community standard of parental responsibility. It shall, therefore, be no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such juvenile.

Enforcement Procedure.

If a police officer reasonably believes that a juvenile is on the streets or public places in violation of this chapter, the officer shall notify the juvenile that he or she is in violation of the chapter, and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parents or guardians. The juvenile shall then be taken to the Public Safety Office in the Village Hall where a parent or guardian shall immediately be notified to come for the juvenile. A complete record of the circumstances under which the juvenile was first seen or discovered in the apparent violation of the chapter shall be made, and such record shall include the name and address of said juvenile, the names and addresses of all persons who have legal or moral obligation for said juvenile's well-being and the nature of such obligation, i.e. parent, guardian, custodian, etc. When a parent or guardian has come to take charge of the juvenile and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fail to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that, in accordance with police regulations, approved in advance by the juvenile authorities, the juvenile may temporarily be entrusted to an adult relative, neighbor or other person who will, on behalf of the parent or guardian, assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.

Penalties for Offenses.

- A. In the case of a first violation by a juvenile, the aforementioned Deputy Sheriff shall cause a written notice of the violation, with a warning that any subsequent violation will result in full enforcement of this chapter, including enforcement of parental responsibility and of applicable penalties, to be served upon the juvenile's parent or legal guardian either by personal service or certified mail. If, after the warning notice of a first violation by the juvenile, a parent violates the above section entitled Parental Responsibility in connection with a second violation by the juvenile, this shall be treated as a first offense by the parent.
- B. Any adult person violating any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by

imprisonment for a term not exceeding fifteen (15) days, or by both fine and imprisonment. The continuation of an offense against the provisions of this section shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

- C. Any juvenile who shall violate any of the provisions of this chapter more than three (3) times shall be reported by the aforementioned Deputy Sheriff or his designee to the juvenile authorities as a person in need of supervision, and the aforementioned Deputy Sheriff or his designee may proceed to file or aid in the filing of such petitions or other papers as he shall deem appropriate to bring such conduct to the attention of the appropriate authorities.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 1998 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of Lyndonville, New York was duly passed by the Board of Trustees on November 9, 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ and was deemed (Elective Chief Executive Officer*) duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(Seal)

Robert H. Miller
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/13/98

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Village Attorney
Title

County
City of Lyndonville
Town
Village

Date: 11/13/98