

**VILLAGE OF OCEAN BEACH, NEW YORK
BOARD OF TRUSTEES**

Local Law No. 5 of 2021

**A LOCAL LAW TO ADOPT
CHAPTER 73 OF THE VILLAGE
CODE CONCERNING CURFEW**

WHEREAS, there have been numerous complaints directed to the Mayor and Trustees and other local officials from residents concerning the incidence of harm realized, and caused, by juveniles in the Village during nocturnal hours; and,

WHEREAS, the complaints received and the investigations show that the protection of the health, safety and welfare of minors and the community requires action undertaken by the Village in the public interest to regulate the nocturnal presence of minors;

NOW, THEREFORE,

BE IT ENACTED, by the Board of Trustees of the Village of Ocean Beach, as follows:

Section 1. Chapter 73, entitled “Curfew,” shall hereby be adopted as follows:

Chapter 73: Curfew

§ 73-1. Legislative intent; findings.

The Village Board of Trustees of the Village of Ocean Beach makes the following findings:

- A.** There have been numerous complaints directed to the Mayor and Trustees and other local officials from residents concerning the incidence of harm realized, and caused, by juveniles in the Village during nocturnal hours. Investigation into these complaints has resulted in the finding that the unsupervised nocturnal presence of minors encourages acts of mischief, damage to private and public property and personal injury to other juveniles, as well as to members of the community.
- B.** The complaints received and the investigations show that the protection of the health, safety and welfare of minors and the community requires action undertaken by the Village in the public interest to regulate the nocturnal presence of minors. The Village acknowledges that the attributes particular to juveniles whose immaturity, inexperience

and lack of judgment may serve to impair their ability to exercise their rights wisely necessarily increases the importance of protecting the public welfare.

- C.** In recognition of the special traits, vulnerabilities and needs of minors and the Village's interest and responsibility to protect its citizens from harm, the purpose of the juvenile curfew is to protect minors from each other and from other persons on the streets and in public areas during nocturnal hours. In addition, the curfew is intended to protect the general public from nocturnal mischief and crime committed by minors.

§ 73-2 **Definitions.**

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

CURFEW HOURS

Curfew hours begin at 9:00 p.m. and end at 5:00 a.m.

MINOR

Any person under the age of 18 years.

PARENT

Any natural or adoptive parent or legal guardian or custodian of any minor.

§ 73-3 **Prohibited conduct.**

- A.** It shall be unlawful for any minor to be at, on or in a public place or a place open to the public during curfew hours, except as provided for in § **73-4**.
- B.** It shall be unlawful for any parent to allow any minor to be at, on or in a public place or a place open to the public during curfew hours, except as provided for in § **73-4**.

§ 73-4 **Exceptions.**

- A.** Nothing herein shall apply to any minor accompanied by a parent, an adult at least 21 years of age, or an immediate family member at least 18 years of age.
- B.** Nothing herein shall apply to any minor who presents any police officer with a written statement, dated that day and signed by his or her parent, that the minor is on a lawful errand for the parent that necessitates being in public places during curfew hours.
- C.** Nothing herein shall apply to any minor who presents any police officer with a written statement, dated that day and signed by his or her parent, that the minor has business or employment that necessitates being in public places during curfew hours.
- D.** Nothing herein shall apply to any minor who is going to or returning directly home from any of the following authorized events:
- (1)** A school activity for instruction, education or training, including extracurricular activities or school events, regardless of the receipt of scholastic credit.

- (2) A school district approved work/study education program.
- (3) An event of instruction, education or training sponsored by a religious institution.
- (4) A meeting or event sponsored by a municipal or service agency such as, but not limited to, police, fire, ambulance, parks department or other governmental agency, charity or service group whose goal is the moral, ethical and educational integrity of youth.

E. The exceptions set forth above in Subsection D shall not apply to any minor who is playing or loitering in or upon any street or public place.

§ 73-5 **Procedures.**

- A. Any police officer may detain any minor apparently violating any of the provisions herein without warrant, for a reasonable period of time, while attempting to notify his or her parent of the violation.
- B. Any police officer detaining a minor shall, at the officer's discretion, take the minor home or require his or her parent to report to the site of the alleged violation.

§ 73-6 **Penalties for offenses.**

- A. It shall be unlawful for any minor to violate any of the provisions herein.
- B. Any minor violating any of the provisions of this chapter may be required to perform community service as determined by the court.
- C. Any parent convicted of violating any of the provisions of this chapter may be punished, by the imposition of a fine not to exceed \$100 for a first offense and not to exceed \$250 for any subsequent offense.
- D. Any police officer witnessing a violation of this chapter may, as an alternative to making an arrest, issue to said violator a notice of violation or appearance ticket, which notice, in addition to such factors as shall be required by such form of notice as may be approved by the Village, shall specify the violation with which said violator is charged and shall set forth the hour, date and location that said violator is summoned to appear in the Justice Court for the Village of Ocean Beach in Ocean Beach, New York, to answer said charge.
- E. No person shall be charged with a violation of this chapter unless and until the arresting officer has first warned the person of the violation and such person has failed or refused to comply and stop such violation.

§ 73-7 **Severability.**

If any provision of this chapter shall be invalidated by any court, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

§ 73-8 **When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State.

Section 2. This local law is determined to be a TYPE II action under the NY State Environmental Quality Review Act (“SEQRA”).

Section 3. This local law shall take effect immediately upon filing with the Office of the Secretary of State.