

Article 60

TOWN OF WILTON
CURFEW ORDINANCE

WHEREAS, juvenile delinquency exists in the Town of Wilton, and

WHEREAS, there have been instances of abuse and damage to parks, playgrounds and other property in the Town of Wilton, and

WHEREAS, there is need for governing the conduct of minors in the Town for the purpose of alleviating the problem of juvenile delinquency, and

WHEREAS, it is in the public interest to reduce noises and disturbances at late hours, and to prevent the reckless and noisy operation of motor vehicles at late hours within the Town of Wilton

NOW, THEREFORE, be it ordained by the Town Meeting:

Section 1. Short Title. This ordinance shall be known and may be cited as the "Curfew Ordinance of the Town of Wilton, Maine".

Section 2. Definitions. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "Shall" is always mandatory and not merely directory.

- (a) TOWN is the Town of Wilton
- (b) MINOR is any person up to 18 years of age
- (c) ADULT is any person 18 years of age and over.
- (d) PARENT is any natural or adoptive parent of a minor
- (e) GUARDIAN is any person other than a parent, who has legal guardianship of a minor.
- (f) CUSTODIAN is any person over the age of 18 who is in loco parentis to a juvenile.
- (g) PUBLIC PLACE shall mean any street, alley, highway, sidewalk, park, playground, cemetery or place to which the general public has access and a right to resort 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, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Section 3. Curfew For Minors. It shall be unlawful for any minor to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the Town from 10:00 p.m. to 6:00 a.m. unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. Notwithstanding the foregoing, it shall be unlawful for any minor or adult to remain, idle, wander, stroll or play either on foot or to cruise about in any vehicle within any cemetery from ½ hour after sunset to ½ hour before sunrise.

Section 4. Responsibility of Owners of Public Places. It shall be unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors up to the age of 18, from 10:00 p.m. to 6:00 a.m..

Section 5. Parents' Responsibility. It shall be unlawful for the parent, guardian, or other adult person having custody or control of any minor up to the age of 18 to suffer or permit or be in sufficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the Town from 10:00 p.m. to 6:00 a.m.. However, the provisions of this Section do not apply to a minor accompanied by his parent, guardian, custodian or any other adult person having the care, custody, or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult person.

Section 6. Special Functions. Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than that called for in Section 3 shall be exempt from the provision of Section 3 of this ordinance provided the church, school, club, or other organization shall register in advance with the Chief of Police or his designee to allow minors to stay out to this later hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual place of abode within one half hour after the function is ended.

Section 7. Procedures. Any police officer, upon finding a minor in violation of Section 3 may transport the minor to the Town Police Station, where a parent or guardian shall immediately be notified to come for such minor.

This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer there and then on duty for accurate, effective, fair impartial and uniform enforcement, and recording. In the absence of convincing evidence such as a Maine Driver's License or Maine State ID, a policeman on the street shall in the first instance use his best judgement in determining age. A police officer may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.

Section 8. Penalties. Any minor violating the provision of this ordinance shall be dealt with in accordance with the Juvenile Court law and procedure. Any parent, guardian, or other adult person having the care and custody of a minor violating this ordinance shall, after having been previously notified under Section 7 of this ordinance, be fined \$25.00 and for subsequent offenses by a parent, the fine shall be increased by an additional \$25.00, e.g. \$50.00 for the second, \$75.00 for the third offense. The Twelfth District Court Judge, upon finding a parent guilty, shall sentence the parent to pay such fine and the cost of prosecution, and upon refusal to pay such fine and costs to be imprisoned in the jail of Franklin County for a period not exceeding ten days.

Any minor who shall violate any of the provisions of the Curfew Ordinance more than three times shall be reported by the Police Chief to a society or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall then be taken, before the juvenile court for the treatment, supervision and rehabilitation of such minor.

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Section 9. Severability. If any portion of this ordinance is declared to be illegal, the remaining portions of the ordinance shall continue in full force and effect to the extent that said remaining provisions may be applied in the absence of the provision so declared to be illegal.

A TRUE COPY:

Attest:

Linda P. Jellison
Linda P. Jellison, Town Clerk

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