

CHAPTER 10

CURFEW ORDINANCE OF THE TOWN OF NORTH BERWICK

Section 10.1 Definitions

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Curfew Hours – Shall be between the hours of 10:00pm and 6:00am the following day.

Emergency – An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but is not limited to fire, natural disaster, vehicular accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Guardian – The person / persons or public or private agency that either pursuant to a court order or a voluntary placement by the minor's parent is the guardian of the minor.

Minor – Any person under the age of 18.

Parent – The natural mother or father or stepmother or stepfather of a minor.

Public Place – Any place to which the public or a substantial group of the public has access and includes, but is not limited to, sidewalks, streets, highways, common areas of schools, businesses, parking lots and public parks/fields.

Remain – Means to linger, stay or fail to leave when requested to do so by a police officer or any other person who has control of the premises.

Section 10.2 Offenses

A. Minors commit a civil violation if they remain in any public place during the curfew hours.

B. Parents or guardians of a minor commit a civil violation if they knowingly permit or by insufficient control allow the minor to remain in any public place during the curfew hours.

Section 10.3 Defenses

It is a defense to the prosecution under section 10.2 of this ordinance that the minor was:

- A. Accompanied by the minor's parent, guardian or spouse.
- B. On an errand at the direction of the minor's parent or guardian, without any detour or delay.
- C. In a motor vehicle involved in inter or intrastate travel.
- D. Engaged in employment activity or going to or coming from employment activity without detour or stop.
- E. Involved in an emergency.
- F. The minor was on the sidewalk in front of where he or she resides.
- G. Attending an official school or religious activity.
- H. Attending a recreational activity supervised by adults.

Section 10.4 Enforcement

Upon determining that a violation of the Town of North Berwick's curfew ordinance has occurred the officer shall take the following action against the minor or parent/guardian or both:

- A. First offense a documented warning shall be issued to all violators and the officer shall explain the town's curfew ordinance to them.
- B. Second and subsequent offenses the officer may issue a civil summons to the violators.

Section 10.5 Penalties

A person who violates this ordinance and is issued a civil summons will pay a fine of \$25 for the first summons and \$100 for all subsequent charges. The police department may waive the fine in lieu of community service providing there is some community service available.