

Chapter 50**CURFEW**

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[HISTORY: Adopted by the Mayor and Council of the Borough of Clayton 10-13-1994 as Ord. No. 5-94.¹ Amendments noted where applicable.]

§ 50-1. Findings.

The Borough Council of the Borough of Clayton concurs and adopts the findings of the Legislature of the State of New Jersey as set forth in P.L. 1993, c. 132.²

§ 50-2. Definitions.

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

GUARDIAN — A person, other than a parent, to whom legal custody of the juvenile has been given by court

¹ Editor's Note: This ordinance also repealed former Ch. 50, Curfew, adopted 12-27-1962 as Ord. No. 62-9.

² Editor's Note: See N.J.S.A. 2C:44-1 et seq.

order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

JUVENILE — An individual who is of the age of seventeen (17) years or younger.

PUBLIC PLACE — Any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for transportation, parking lot or any other public building, structure or area.

§ 50-3. Curfew established.

It shall be unlawful for an juvenile of the age of seventeen (17) years or younger to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday unless accompanied by the juvenile's parent or guardian or unless engaged in or traveling to and from a business or occupation which the laws of this state authorize a juvenile to perform, except as may be permitted by § 50-3 herein.

§ 50-4. Exceptions.

Subject to § 50-2, juveniles shall be exempted from the curfew restrictions if the juvenile is involved in the following activities:

- A. Attendance at, including travel to and from, extracurricular school activities or activities sponsored by religious or chartered community-based organizations.
- B. Attendance at, including travel to and from, cultural, educational and social events after the times established in § 50-2, for which the juvenile has in his/her possession the written approval of his parent or guardian, and telephone contact of such parent or guardian, to attend

such specific event with such parent's or guardian's signature.

§ 50-5. Notice of violation; subsequent violations.

Upon charging a juvenile with violation of this chapter, notice of the same shall be given, in writing, by the Police Department to the juvenile's parent or guardian. If at any time within thirty (30) days following the giving of notice as provided herein, the minor to whom such notice related or applied is again charged and upon such charge is subsequently convicted of a violation of the curfew provisions of this chapter, it shall be rebuttable, presumed that the juvenile committed such subsequent violation with the knowledge, allowance, permission or sufferance of the parent or guardian of such juvenile, and the parent or guardian shall thereupon be charged with a violation of this chapter.

§ 50-6. Violations and penalties.

Any person found in violation of this chapter shall be required to perform community service and may be subject to a fine not exceeding one thousand dollars (\$1,000.). If both a juvenile and the juvenile's parent or guardian violate this chapter, they may be required to perform community service together.

§ 50-7. Construal of provisions.

This chapter shall be liberally construed to effectuate the purpose and intent of P.L. 1993, c. 132.³

³ Editor's Note: See N.J.S.A. 2C:44-1.