

TOWNSHIP OF BURLINGTON

ORDINANCE

07-OR-004

**ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF
BURLINGTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY BY
SPECIFICALLY ADDING SECTION 14:22 TO ESTABLISH
JUVENILE CURFEW**

WHEREAS, there has been an increase in illegal activities by persons under the age of 18; and

WHEREAS, persons under the age of 18 are particularly susceptible by the lack of maturity and experience to participate in unlawful and gang-related activities and to also be the victims of older perpetrators of crime; and

WHEREAS, the Township of Burlington has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental control of and responsibility for their children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, a curfew for those under eighteen years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the Township of Burlington;

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF BURLINGTON, COUNTY OF BURLINGTON AND
STATE OF NEW JERSEY BY SPECIFICALLY ADDING SECTION 14:22
TO PROVIDE AS FOLLOWS:**

Section 1.

14:22. JUVENILE CURFEW.

14:22-1. DEFINITIONS. As used in this Ordinance, the following definitions will apply.

A. Juvenile means an individual who is under the age of 18 years.

B. Parent means the natural mother or father or adopted mother or father of the juvenile.

C. Guardian means a person other than a parent, to whom legal custody of the juvenile has been given by Court Order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

D. Public place means 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 public transportation, parking lot, or any other public building, structure, or area.

E. Cultural event means a live performance that is devoted to the public exposition of a work of art, music, or literature including exhibitions, plays and other theatrical performances, concerts, and similar exhibitions performed at theaters, arenas, stadiums, and educational institutions.

F. Civic or government event means an activity that is sponsored by a Federal, State, County, or local government body or agency or an organization that is devoted to providing various public services to its citizens, and/or facilitating public discussion and dissemination of information relating to the rights, obligations, and responsibilities of the various branches of government and the citizens of the government.

G. Extracurricular school activity means an event that is outside the regular curriculum or program of courses of study, including athletic, cultural, and other events of official school clubs and organizations.

H. Social event means an activity consisting of a gathering or party or similar event given by an organized group within the community such as a church, school, cultural, civic, or government organization.

I. Religious organization means a body of persons adhering to a particular set of beliefs and practices generally agreed upon by a number of persons or sects.

J. Medical or other emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The terms shall include, but not be limited to, a fire, natural disaster, vehicular accident, or a serious medical condition of a sudden onset.

14:22-2. ADOPTION OF CURFEW.

A. It shall be unlawful for any juvenile to be on or remain on or upon any public place within the Township of Burlington between the hours of 11:00 p.m. and 5:00 a.m. unless accompanied by the juvenile's parent or guardian.

B. It shall be unlawful for a juvenile to be on or remain on or upon any public place within the Township of Burlington from October 28 through November 2 inclusive of each calendar year between the hours of 10:00 p.m. and 5:00 a.m. unless accompanied by the juvenile's parent or guardian.

C. It shall be unlawful for the parent or the guardian having legal custody the juvenile to knowingly allow or permit the juvenile to be in violation of the curfew imposed in Sections A and B above.

14:22-3. EXCEPTIONS. The juvenile and/or the parent or guardian of the juvenile shall not be considered to be in violation of this Ordinance under the following circumstances:

A. The juvenile was accompanied by their parent or guardian.

B. The juvenile was accompanied by an adult designated by their parent or guardian.

C. The juvenile was on an errand made necessary by a medical or other emergency.

D. The juvenile was attending a cultural, civic/government, extracurricular school, social, and/or an event sponsored by a religious organization or was traveling to or from such events.

E. The juvenile was engaged in a lawful employment activity or was going to or coming from that lawful employment activity.

F. The juvenile is engaged in the performance of a specific errand at the direction of the parent or guardian of the juvenile.

G. The juvenile is going to or coming from a visit with relatives of the juvenile with the specific permission and direction of their parent or guardian.

H. The juvenile going to or returning from participation in an athletic, cultural, civic/government, extracurricular, social, or religious event sponsored by a private organization not specifically set forth above with the expressed direction and permission of their parent or guardian.

14:22-4. ENFORCEMENT.

A. If a police officer reasonably believes that a juvenile is in a public place in violation of this Ordinance, the officer shall so advise the juvenile and take the juvenile into custody. The juvenile shall then provide his name, age, address, and telephone number and advise the officer of information to allow the officer to contact their parent or guardian. The juvenile shall then be taken to the police station and the parent or guardian shall immediately be notified to come to the station to take custody of the juvenile. If the parent or guardian cannot be located or fails to take custody of the juvenile, the juvenile shall then be released to the appropriate juvenile law enforcement authority or, in appropriate cases, they may be entrusted to an adult neighbor or other adult person who will, on behalf of the parent or guardian, assume responsibility for the juvenile. Within 24 hours of the violation, the police officer who is responsible for taking the juvenile into custody shall file a written report in a form prescribed by the Director of Public Safety.

B. In the case of the first violation by a juvenile, the Director of Public Safety, or his designee, shall send to a parent or guardian written notice of the first violation by certified mail return receipt requested. The notice shall advise the parent or guardian that there are no penalties for first offenses but that any subsequent violation will result in the imposition of monetary or other penalties upon the juvenile and possibly the parent or guardian. This notice shall state that a subsequent violation will require the performance of community service by the juvenile and, in the event that the juvenile's parent or guardian violate this Ordinance, they shall also be required to perform that community service together with the juvenile.

14:22-5. PENALTIES.

A. In the event of a subsequent violation after the warning notice is provided as set forth above, a conviction shall require the performance of community service by the juvenile. If both the juvenile and the juvenile's parent or guardian are convicted of the violation of this Ordinance, they shall be required to perform community service together. This community service requirement shall also apply to any second and subsequent offenses as well.

B. In the event of a conviction for a first offense, a fine of \$100.00 shall be imposed. For a second offense, a fine of \$150.00 shall be imposed. For each subsequent offense, the fine shall be increased by an additional sum of \$50.00, with the amount not to exceed \$1,000.00.

Section 2. All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed insofar as said inconsistency exists.

Section 3. This Ordinance shall take effect immediately upon final passage and publication required by law.