

Curfew Ordinance of the Town of Paris, Maine

Section 1. TITLE

This ordinance shall be known as the "Curfew Ordinance of the Town of Paris, Maine."

Section 2. PURPOSE

The purpose of this ordinance is to provide regulations, pursuant to the authority of Title 30-A M.R.S.A. Section 3001, et seq., with respect to curfew hours in, of and for the Town of Paris ("the Town").

Section 3. DEFINITIONS

- A. "Minor" is any person under the age of eighteen (18).
- B. "Parent" is any person having legal custody of a minor
 - a. as a natural or adoptive parent,
 - b. as a legal guardian,
 - c. as a person who stands in loco parentis, or
 - d. as a person to whom legal custody has been given by order of court.
- C. "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.
- D. "Street" is a public way, of whatsoever nature, open to the use of the public as a matter of right for the purposes of vehicular and pedestrian travel.

Section 4. REGULATION

It shall be unlawful for a minor to be or remain in or upon the streets or upon public property within the Town of Paris at night during the period ending at 6:00 a.m. and commencing at

1. 10:00 p.m., for minors under the age of fifteen (15) years.
2. 11:00 p.m., for minors between the ages of fifteen (15) and eighteen (18) years.

Section 5. EXCEPTIONS

The prohibition set forth in Section 4 shall not apply in the event that the minor

1. Is accompanied by a parent of such minor.
2. Is accompanied by an adult authorized by a parent of such minor to accompany the minor.
3. Is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly, but only after, if practicable, such minor and a parent of such minor have communicated to personnel of the Town Police Office the facts establishing when, where and in what manner the minor will be on the streets or public property, during hours when the curfew is in effect, in the exercise of a First Amendment right identified in such communication.
4. As a result of reasonable necessity must be upon the streets of the Town, but only after, if practicable, a parent of such minor has communicated to personnel at the Town Police Office the facts establishing such reasonable necessity.
5. Is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating objection to the Town Police Office.
6. Is returning home, by a direct route, from, and within thirty (30) minutes after the termination of a school, employment, religious or volunteer public service activity.
7. Is authorized by special permit from the Town Police Office, when necessary night time activities of a minor may be inadequately provided for by other provisions of this Article.

Section 6. PARENTAL RESPONSIBILITIES

It shall be unlawful for a parent having a minor to knowingly or recklessly permit such minor to be or remain upon any Town street or public property in violation of this Ordinance.

Section 7. POLICE PROCEDURES

1. A police officer, upon finding any minor on the streets in apparent violation of this Ordinance, shall immediately notify a parent of the minor with whom the minor resides to appear and recover such minor, and allow such minor and/or parent, if such parent has appeared, to provide explanation, if any, as to which exception identified in Section 5 might apply.
2. The minor shall be released to the parent with whom the minor resides, if one has appeared. If such a parent cannot be located, or fails to take charge of the minor, or otherwise fails to direct

what should be done with the minor, the police officer shall transport the minor to the residence of the minor and assure that the minor enters such residence before clearing the residence.

Section 8. PENALTIES

1. First Violation. In the case of a first violation of this Ordinance by a minor or a parent the Town Police Office shall provide a parent with written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.

2. Parent.

a) If, after the warning notice has been provided, pursuant to subsection 1., of a violation by either minor or parent, the parent subsequently violates Section 6, the parent shall be subject to a fine for the first such offense in the amount of twenty-five dollars (\$25.00),

b) Any subsequent violation of Section 6 shall subject the parent to fines increased by an additional twenty-five dollars (\$25.00), for each subsequent violation [e.g., fifty dollars (\$50.00) for the second offense, seventy-five dollars (\$75.00) for the third offense], up to a maximum of one hundred dollars (\$100.00) for the fourth and each subsequent offense.

3. Minor Fifteen (15) or more years of age.

a) If, after the warning notice has been provided, pursuant to subsection 1., of a violation by the minor, the minor subsequently violates Section 4, the minor shall be subject to a fine for the first such offense in the amount of twenty-five dollars (\$25.00),

b) Any subsequent violation of Section 4 shall subject the minor to fines increased by an additional twenty-five dollars (\$25.00), for each subsequent violation [e.g., fifty dollars (\$50.00) for the second offense, seventy-five dollars (\$75.00) for the third offense], up to a maximum of one hundred dollars (\$100.00) for the fourth and each subsequent offense.

4. Fines: All fines due and payable under this Section shall be payable to the Town.

Section 9. VALIDITY

It is the intention of the Town that each section of this ordinance shall be deemed independent of all other sections herein. Further, it is the intention of the Town that, if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

Section 10. AMENDMENTS

This ordinance may be amended by a majority vote of the Town's residents attending a legal meeting of the Town, when such amendment has been published in the warrant calling for that meeting.

Section 11. REPEAL OF CONFLICTING ORDINANCES

All existing curfew ordinances of the Town of Paris are hereby repealed.

Section 12. EFFECTIVE DATE

This ordinance shall be in full force and effect as soon as the Town votes to enact it.

ENACTED: June 14, 2011

EFFECTIVE: June 14, 2011

CERTIFIED BY: Elizabeth J. Knox
Signature

CERTIFIED BY: Elizabeth J. Knox, Town Clerk