

## CHAPTER 33: CURFEW

- 33.1 **PURPOSE**: Recognizing an increase in crime and criminal activity involving minors under the age of 16, and recognizing a breakdown in the supervision and guidance usually provided by parents for minors resulting in an increase in the crimes and other unacceptable behavior, the town board of the Town of Faison, North Carolina believes that a curfew for those under the age of 16 will be in the best interest of the public health, safety and general welfare of its citizens and visitors of such activities. This curfew is intended to have the sole effect of curbing crime and violence among the young citizens of the Town of Faison, and should not be construed as an impingement of the constitutional rights of Faison's citizenry.
- 33.2 **DEFINITIONS**: Throughout this ordinance, the terms below are defined as follows:
- (A) *Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
  - (B) *Establishment* means any privately-owned place of business operated for a profit to which public is invited, including but not limited to any place of amusement or entertainment.
  - (C) *Juvenile or minor* is any person under the age of 16.
  - (D) *Parent* is any person having legal custody of a juvenile
    - (1) as a natural or adoptive parent
    - (2) as a legal guardian
    - (3) as a person who stands in loco parentis
    - (4) Or, as a person to whom legal custody has been given by court order
  - (E) *Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alley, taverns, cafes, arcades, and similar areas that are open to the use of the public.
- 33.3 **CURFEW**: It is unlawful for any minor to be or remain upon any public place as defined in this chapter anywhere within the corporate limits of the Town of Faison between 11:00pm Friday and 5:00am on Saturday, or between 11:00pm Saturday and 5:00am on Sunday, or between the hours of 10:00pm and 5:00am of the following morning on Sunday, Monday, Tuesday, Wednesday, or Thursday.
- (A) Exceptions: The curfew does not apply to any minor who:
    - (1) Is accompanied by a parent as defined above or a person over 18 years of age authorized by a parent or guardian to accompany the minor;
    - (2) Is traveling between his/her home and place of employment, or between his/her home and church, municipal building (if the municipal building is open for legitimate business during curfew hour) or school where a function is being held, or any other organized recreational entertainment or other community activity;

## CHAPTER 33: CURFEW

- (3) Is seeking emergency medical care for himself/herself or someone else.
  - (4) Is engaged in some manifestation of his/her first amendment rights; however, the town of Faison must be made aware of the first amendment exercise in which the minor is participating, in the form of written notice at the town hall, not less than 24 hours before it occurrence for this exception to apply;
  - (5) Is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door not communicating an objection to the police officer;
  - (6) Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized, and will be considered by the town board when warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, parents, officers and persons in authority concerned positively with juvenile delinquency.
- (B) Responsibility of adults: It is unlawful for any parent (as defined in section 2 of this ordinance) or a minor child to knowingly allow or permit such minor to violate any section of this curfew ordinance. Any parent found in violation of this ordinance is subject to punishment as defined in section 5 herein.
- (C) Responsibility of business establishments: It is unlawful for any person, firm, or corporation operating a place of business to knowingly allow or permit any minor to violate any section of this curfew ordinance while that minor is in or upon the premises of the business establishment. Any such business owner found in violation of this ordinance is subject to punishment as defined in section 5 herein.

### 33.4 **ENFORCEMENT:**

- (A) When a minor is found to be in violation of this chapter, the officer shall first determine if the minor is a first time offender; if so, he/she will then be taken to the residence of his/her parent. A written warning will be given to that adult, and an information report taken by the officer, to include the name of the minor and adult and the time, date and location of the offense. This report will be filed in the police Department's records.
- (B) If, upon checking, the minor is found to be a repeat offender, he/she will be taken to the residence of his/her parent. The minor and the minor's parent will be subject to a criminal citation, pursuant to section 5 of this ordinance. A report will be filed in the Police Department's records.
- (C) If the minor is under 12 years of age, on the first and subsequent offenses, a report will be made and a copy forwarded to the Duplin County Department of Social Services.

33.5 **PENALTY:** Any person, firm or corporation who violates any provision of this chapter is guilty of a class 3 misdemeanor.

This ordinance unanimously adopted this the 4<sup>th</sup> day of August 2004.