

Local Law Filing

New York State Department of State
41 Lake Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of WATKINS GLEN, NEW YORK

Local Law No. 2 of the year 2002

A local law establishing a Nocturnal Curfew for persons seventeen (17) years of age and under

Be it enacted by the VILLAGE BOARD of the

Village of WATKINS GLEN as follows:

SECTION I. LEGISLATIVE PURPOSE:

It is hereby declared to be the policy of the Village of Watkins Glen, Schuyler County, New York to protect minors who are a particularly vulnerable segment of our society and to minimize nocturnal crimes, juvenile delinquency and vandalism and to prevent the destruction and damage of both public and private property within the Village of Watkins Glen by the establishment of a reasonable nocturnal curfew for persons seventeen (17) years of age or under. The Board of Trustees of the Village of Watkins Glen seeks to promote the safety and general welfare of the residents of the Village of Watkins Glen by prescribing, in accordance with prevailing Community standards, regulations concerning the presence of minors in or upon the public streets, alleys, highways, sidewalks, parks, playgrounds or any other outdoor public places or public grounds within the Village of Watkins Glen, during the hours of 11:00 P.M. until 5:00 A.M. the following day, all for the good of minors, for the furtherance of family responsibility and for the public good, safety and welfare.

The Board of Trustees finds that a curfew for minors meets an important local need and will be a significant factor in minimizing juvenile delinquency. This Local Law also takes into consideration the danger hours for nocturnal crime and for accumulations of minors at risk. Minors who are left unsupervised during late night time hours may be exposed to detrimental activity. They may also be exposed to potential threats to their physical and mental health and welfare, including their becoming the target of adult crimes such as physical assaults, sexual assaults, drug sales, kidnapping and even homicide. Minors are one of the most fragile and easily influenced segments of our society.

The Board of Trustees also finds, and declares, that it is in the best interest of society to encourage family unity, to encourage families to provide for the care, protection and wholesome

mental and physical development of minors and to encourage the supervision of minors by their parents and guardians and to encourage communication between them. For these reasons, and also so that children may get adequate rest and sleep during the late night hours, it is deemed reasonable, and in the best interests of families, to establish a nocturnal curfew for persons seventeen (17) years of age or under.

For the reasons above stated, the Board of Trustees of the Village of Watkins Glen, does herein enact this Local Law.

SECTION II. CURFEW ESTABLISHED:

It shall be unlawful for any person seventeen (17) years of age or under, to loiter, wander idle, stroll or play in or upon the public streets, alleys, highways, sidewalks, parks, playgrounds or any other outdoor public places or public grounds, within the Village of Watkins Glen, between the hours of 11:00 P.M. and 5:00 A.M. the following day, except under the following circumstances when:

1. Such child is in the immediate presence of, and accompanied by, a person over the age of eighteen (18) years who is either the parent or stepparent of such child or has custody or guardianship of such child.

2. Such child is accompanied by a person over the age of twenty-one (21) years to whom the child's parent or guardian has expressly delegated responsibility for the child.

3. When returning home by direct route from and within one-half (1/2) hour after the termination of an adult supervised school sponsored activity or an adult supervised activity of a religious or other civic association. For purposes of this section, "adult" means a person twenty-one (21) years old or more.

4. When returning home by a direct route and within one-half (1/2) hour after the termination of the juvenile's lawful and gainful employment.

5. Such child is on the sidewalk or the area immediately in front of the place where such child resides.

SECTION III. PENALTY:

Any child of the age of twelve (12) or more years, who has been charged with a violation of this Local Law may be subject to a PINS Petition in Family Court, a Youth Court Summons and/or a Summons returnable in the Watkins Glen Village Justice Court.

Penalties may include probation, supervision, community service, fines and/or incarceration not to exceed fifteen (15) days.

SECTION IV. PARENTAL RESPONSIBILITY AND PENALTIES THEREFOR:

Any parent, or legal guardian or person who stands in loco parentis, who knowingly permits or so negligently supervises a child for whom they are responsible as to allow such child to violate this local legislation shall be chargeable with a violation hereunder and shall be subject to these penalties hereinbelow set forth.

For each and every child's violation hereof the parent or legal guardian or person who stands in loco parentis shall be subject to prosecution for a Violation under the New York State Penal Law and shall be punishable by a fine of not more than Twenty-five (\$25.00) Dollars for the first Violation and One Hundred (\$100.00) Dollars for the second Violation and Two Hundred (\$200.00) Dollars for the third Violation within one (1) year, or by fifteen (15) days incarceration or both a fine and incarceration for each violation.

SECTION V. SEVERABILITY:

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, then such judgment shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION VI. REPEAL:

Any prior Village Ordinances or Local Laws relative to this subject matter are hereby repealed and replaced by this Local Law.

SECTION VIII. EFFECTIVE DATE:

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strikes out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2002 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen was duly passed by the Village Board on 12/4 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

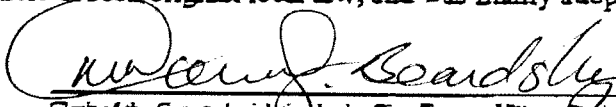
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

DONNA J. BEARDSLEY, Village Clerk

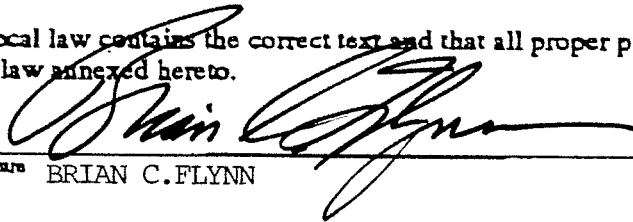
Date: December 5, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schuyler

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature BRIAN C. FLYNN

VILLAGE ATTORNEY
Title

~~CORPORATION~~
~~CITY~~ of Watkins Glen, New York
~~TOWN~~
Village

Date: December 5, 2002