

(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.

County
City of Watkins Glen
Town of
Village

Local Law No. 5 of the year 19 94.

Establishing a Curfew for persons 15 years of age and under
A local law within the Village of Watkins Glen
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Watkins Glen as follows:
Town
Village

I. LEGISLATIVE PURPOSE. It is hereby declared to be the policy of the Village of Watkins Glen 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 15 years of age or under. The Board of Trustees of the Village of Watkins Glen seek 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 find 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 influences in society, and subject to potential involvement in criminal activity. They may also be exposed to potential threats to their physical and mental health and welfare, including themselves becoming the target of adult crimes including 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 find and declare 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 late night hours, it is deemed reasonable and in the best interest of families to establish a nocturnal curfew for persons 15 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.

II. CURFEW ESTABLISHED. It shall be unlawful for any person 15 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:

1. Such child is in the immediate presence of and accompanied by a person over the age of 18 years being the parent of such child or having custody or guardianship of such child.
2. Such child is accompanied by a person over the age of 18 years to whom the child's parent or guardian has expressly delegated responsibility for the child.
3. Such child is on a legitimate errand directed by his or her parent or guardian, provided the child has not deviated from a direct route required to perform such errand and provided such errand is being accomplished with reasonable dispatch and without loitering.
4. Such child is moving from one private location to another by a direct route with his or her parent's or guardian's explicit consent or by explicit direction of such parent or guardian, provided such movement is being accomplished with reasonable dispatch and without loitering.
5. Such child is on the sidewalk or the area immediately in front of the place where such child resides or is on the sidewalk or the area immediately in front of either next door neighbor.
6. Such child is en route to or from a public activity or event or public place, such as a school, school dance, library, church, sports activity, theater, movie theater, restaurant, bowling alley, etc., provided the child has not deviated from a direct route to or from such activity, event or place, and provided the arrival at or return from such place is being accomplished with reasonable dispatch and without loitering.
7. Such child is engaged in a legitimate business or employment or is en route from his or her place of business or employment, provided the child has not deviated from a direct route to or from such place of business or employment, and provided travel to or from such place is being accomplished with reasonable dispatch and without loitering.
8. In an emergency, but only for the period of time reasonably necessary to alleviate such emergency.

III. PENALTY. The violation of this Local Law by a person 15 years of age or under shall be equivalent to a NYS Penal Law Violation and prosecutable and punishable in the same manner as for a NYS Penal Law Violation, except that under no circumstances shall incarceration or sentence of jail be authorized.

IV. PARENTAL RESPONSIBILITY. It shall be unlawful for any person being a parent of, or having custody or guardianship of a child found to be in violation of Section II of this Local Law, to knowingly permit or have allowed such child to violate the same.

V. PENALTY. The violation of section IV of this Local Law shall be equivalent to a NYS Penal law Violation and punishable in the same manner as provided for a NYS Penal Law Violation.

VI. SEVERABILITY. If for any reason any section of this Local Law shall be declared invalid, any remaining sections of this law, not affected by such invalidity, shall continue in full force and effect.

VII. REPEAL OF PRESENT CURFEW ORDINANCE. Village Ordinance No. 125, Passed May 16, 1950, is hereby repealed and replaced by this Local Law.

VIII. EFFECTIVE DATE. This local law shall take effect immediately upon mailing to the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike 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. 5 of 1994 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen was duly passed by the Board of Trustees on November 21 1994, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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 1, above.


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

Date: November 21, 1994

(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

Village Attorney
Title

~~County~~
~~City~~
~~Town~~ of Watkins Glen
Village

Date: 11/22/94