

ORDINANCE #5-2020

PROVIDING FOR: An Adoption of Chapter 94 Article II of the Code of the Town of Millinocket concerning Curfew.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLINOCKET that the attached Curfew Ordinance is hereby adopted as Chapter 94 Article II of the Millinocket Code.

IT IS FURTHER ORDAINED that the Town Clerk make appropriate changes to incorporate this chapter into the Millinocket Code and distribute new pages to all persons known to have a copy of the Code.

First Reading: 6/25/2020

Second Reading: 7/9/2020

Effective Date: 7/9/2020

ATTESTED: _____

Diana M. Labman

Chapter 94
Peace & Good Order
Article II
CURFEW

Curfew Ordinance for the Town of Millinocket

This ordinance is for the purpose of alleviating the problem of juvenile delinquency.

WHEREAS, it is in the best interest of the public health, safety, and welfare to reduce noise,

disturbances and vandalism during the later evening hours in the Town of Millinocket.

NOW, THEREFORE, the Town of Millinocket does hereby ordain the following curfew ordinance in Chapter 94 Article II.

§ 94-3 Title

This Ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Millinocket, Maine.

§ 94-4 Purpose

The purpose of the Ordinance is to aid in the control of juvenile delinquency in the Town of Millinocket Maine.

§ 94-5 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of the usage clearly indicates another meaning:

“Emergency” shall mean an unforeseen combination of circumstance or the resulting state that calls for immediate action. The term shall include, but not be limited to, fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

“Guardian” shall mean the person(s) or public or private agency whom, pursuant to a court order, or a voluntary placement or appointment by the minor’s parent(s), is the guardian of the person that is the minor.

“Minor” shall mean any person who has not attained the age of eighteen.

“Parent” shall mean the natural mother or father, adoptive mother or father, or stepmother or stepfather of a minor.

“Public Place” means any place to which the public has access and includes, but is not limited to, streets, highways, public parks, playgrounds, parking lots, and the common areas of schools, hospitals, , office buildings, houses, transport facilities and shops.

§ 94-6 Offenses

(a) It shall be unlawful for any minor under the age of eighteen to be or knowingly remain in or upon any public place within the Town of Millinocket between the hours of 11:00p.m and 5:00 a.m.

(b) It shall be unlawful for any minor to be or knowingly remain in or upon any public place while in a motor vehicle, regardless of whether or not it is stopped, parked or mobile, within the Town of Millinocket between the hours of 11:00 p.m. and 5:00a.m.

(c) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in § 94-6 (a) of this Ordinance.

(d) Violation of this section shall be punishable as provided in § 94-9 of this ordinance.

§ 94-7 Defenses

It is a defense to prosecution under Section 4 of this Ordinance that:

(a) The minor was accompanied by his or her parent or guardian.

(b) The minor was accompanied by an adult specifically designated, before the fact, by his or her parent or guardian.

(c) The minor was on an errand made necessary by an emergency.

(d) The minor was attending a school, religious or government-sponsored activity or was traveling to or from a school, religious or government-sponsored activity.

(e) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment.

(f) The minor was on the sidewalk in front of the place where he or she resides.

(g) The minor was on an errand specifically directed by his or her parent or guardian and had in his or her possession at the time the errand was performed a document, signed by the parent or guardian, which expressly permits the minor to knowingly remain in or upon any public place between the hours of 11:00 p.m and 5:00 a.m.

(h) The minor was engaged in participating in, or traveling to or from any event, function or activity for which the application of Section 4 of this Ordinance would contravene his or her rights protected by the Maine or United States Constitutions.

§ 94-8 Enforcement

Except as provided below for a first offense for minors, this Ordinance shall be enforced by issuance of a civil summons directly to the offender. Before taking any action to enforce this ordinance, the police officer shall, in the case of a minor, ask the age of the apparent offender. The police officer may ask for proof of the apparent offender's age and shall be justified in taking action to determine the apparent offenders age in the absence of identification, subject to and in compliance with all requirements imposed by law, including, but not limited to, the provisions of Title 17-A M.R.S.A. Section 17. Pursuant to that statute, the police officer may require the minor to remain in his or her presence for a period of up to two (2) hours. For minors, documented verbal warning shall be issued for the first offense. In all cases, upon finding a minor in violation of this Ordinance, the police officer shall advise the minor that he or she is in violation, of this curfew ordinance and direct the minor to proceed at once by the most direct route to his or her home or usual place of abode. If the minor refuses to proceed to his or her home or usual place of abode after having been warned of the violation, or if the minor is subsequently observed by a police officer to be in violation of the Ordinance after being previously warned, the police officer shall summons the minor and, if the minor's parent or guardian knowingly allowed the violation to occur, the police officer may also summons the parent or guardian.

§ 94-9 Penalties

The penalty for violation of the ordinance shall be as follows for a minor:

(a) For the first offense, subsequent to a receipt of a warning, as provided above, a civil forfeiture of twenty-five dollars (\$25.00) or, if the minor consents, four (4) hours of community service to be completed within thirty days (30) of adjudication; and

(b) For each subsequent offense, a civil forfeiture of up to one-hundred dollars (\$100.00) or, if the minor agrees, sixteen (16) hours of community service to be completed within thirty (30) days of adjudication.

The penalty for violation of this Ordinance shall be as follows for a parent or guardian having custody of the minor:

(a) A forfeiture of no less than 25.00dollars for a first offense and not to exceed \$100.00 dollars for each civil violation going forward.


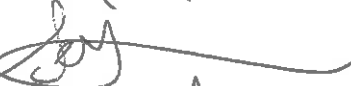




§ 94-10 Severability

If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

Date Enacted:

Attest:

Council Signatures:

1. 
2. 
3. 
4. 
5. 
6. 
- 7.

