



Chapter 12

Curfew Ordinance

**TOWN OF MILFORD
CURFEW ORDINANCE**

SECTION 1. TITLE

This ordinance shall be known and referred to as the Curfew Ordinance.

SECTION 2. FINDINGS

- A. In recent years the Town of Milford has experienced a large and growing influx of unaccompanied minors from other communities especially during the summer months, due in large part to the presence of a 24hr convenience store and the fact that the neighboring communities have juvenile curfew ordinances.
- B. During the calendar year ending 2015 the Town of Milford experienced an increase in assaults, disturbances of the peace, incidents of disorderly conduct, vandalism, motor vehicle burglaries and other crimes committed by unaccompanied minors. A large percentage of these crimes and violations have been committed by unaccompanied minors during the late night and early morning hours.
- C. During this same period, reported incidents of victimization of minors by other minors and by adults has increased.
- D. Unaccompanied minors, especially those under the age of 18, are particularly susceptible by reason of their lack of maturing and experience to participate in personally harmful and unlawful activities and to be victims of older perpetrators of crime.
- E. Other near-by communities, namely the City of Old Town and the City of Bangor, have adopted juveniles ordinances and have found them to be an effective tool for law enforcement in dealing with the problems associated with the late night/early morning gatherings of unsupervised juveniles, including threats to the juveniles themselves.
- F. A curfew ordinance for persons under the age of 18 is necessary for the protection of the general public, to reduce the incident of crimes, violations and victimization of minors and to promote public health, safety and welfare.

SECTION 3. DEFINITIONS

As used in this ordinance the following shall have the meanings indicated:

CURFEW HOURS

11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

EMERGENCY

An unforeseen combination of circumstances or the resulting state that calls for immediate action, the term includes but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT

Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN

- A. A person who, under court order, is the guardian of the person of a minor or private agency with which a minor has been placed by a court.
- B. A person or public or private agency that harbors or provides shelter to an unaccompanied minor.

MINOR

Any person under 18 years of age.

OPERATOR

Any individual, firm, association, partnership or corporation operating managing or conducting any establishment. The term includes the members or partners of an association or partnership and the office of a corporation.

PARENT

A person who is:

- A. A natural parent, adoptive parent or stepparent of another person.

- B. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE

Any place to which the public has access, and includes but is not limited to streets, roads, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

REMAIN

To linger or stay or fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SERIOUS BODILY INJURY

Bodily injury that creates a substantial risk of death that causes death, serious permanent disfigurement or protracted loss of impairment of the function of any body member or organ.

UNACCOMPANIED MINOR

Any person under 18 years of age who is not in the presence or under the direct supervision of that person's parent or court-appointed guardian.

SECTION 4. OFFENSES

- A. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the Town of Milford during curfew hours.
- B. A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the Town of Milford during curfew hours.
- C. The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

SECTION 5. DEFENSES

- A. It is a defense to prosecution under this ordinance that the minor was:
 - 1. Accompanied by the minor's parent or guardian;

2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 3. In a motor vehicle involved in interstate travel;
 4. Engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop;
 5. Involved in an emergency;
 6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to law enforcement about the minor's presence;
 7. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Town of Milford, the school, a civic organization or another similar entity that takes responsibility for the minor or going to or returning from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Town of Milford, the school, a civil organization or another similar entity that takes responsibility for the minor;
 8. Engaging in organized activities for the purpose of 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, or other similar rights under the Maine Constitution;
 9. Legally emancipated by court order at the time of the violation.
- B. It is a defense to prosecution under section 3C of this ordinance that the owner, operator or employee of an establishment promptly notified law enforcement that a minor was present on the premises of the establishment during curfew hours and refused to leave.

SECTION 6. ENFORCEMENT

- A. Any Penobscot County Deputy Sheriff or Maine State Police Trooper receiving a complaint or observing an apparent violation of this ordinance shall have the authority to investigate and issue appropriate summonses. An officer's investigation may include temporary detention of an apparent violation pursuant to and in accordance with 17-A M.R.S.A. sec. 17 for the purpose of ascertaining and verifying the identity, age and current residence address of the person being investigated.

- B. Before taking any enforcement action under this ordinance a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or issue a summons under this ordinance unless the officer reasonably believes that no offence has occurred and that, based on any response and other circumstances, no defense in section 4 is present.
- C. Law enforcement officers investigating a complaint or an apparent violation of this ordinance are authorized to contact the parent or guardian of any minor under investigation for the purpose of verifying the minor's identity, age and current residence address and for the purpose of returning the minor to the custody of such parent or guardian.

SECTION 7. VIOLATION AND PENALTIES

- A. A person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.
- B. Upon conviction, in addition to the payment of a fine, the guilty party shall be ordered to pay the Town of Milford's reasonable attorney's fees and costs.