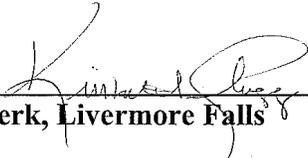


**AN ORDINANCE ESTABLISHING A CURFEW WITHIN
THE TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled “An
Ordinance Establishing a Curfew Within the Town of
Livermore Falls” as certified to me by the Municipal Officers
of the Town of Livermore Falls on the 12th day of June, 2002.**



Town Clerk, Livermore Falls

**AN ORDINANCE TO ESTABLISH A CURFEW WITHIN
THE TOWN OF LIVERMORE FALLS**

WHEREAS, there has been an increase in juvenile violence and property crimes, and an increased presence of juvenile gang activity in the Town of Livermore Falls; and

WHEREAS, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and gang-related activities, and to victimization by older perpetrators of crime; and

WHEREAS, the Town of Livermore Falls is obligated to provide for: the protection of minors from each other and from other persons, the protections of the health, safety and welfare of the general public, and the reduction of juvenile crime, violence and gang-related activity in the Town; and

WHEREAS, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of the public health, safety and welfare;

NOW THEREFORE, BE IT ORDERED BY THE LEGISLATIVE BODY OF THE TOWN OF LIVERMORE FALLS, MAINE:

Section I. Title

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

Section II. Definitions

A. Curfew hours means the hours from:

9:31 PM until 6:00 AM for minors 11 or less years of age
10:01 PM until 6:00 AM for minors 12 or 13 years of age, and
10:31 PM until 6:00 am for minors 14 or more years of age
On Friday and Saturday evenings the hours specified above shall be extended by 1 hour.

B. Emergency means unforeseen circumstances, or the resulting situation calling for immediate action. This includes, but is not limited to,

fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

C. Guardian means a person or a public or private agency who either pursuant to court order or acceptance of testimony appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under MRSA Title 18-A, Section 5-104.

D. Minor means any person who is seventeen years of age or younger.

E. Parent means a person who is the natural parent, adoptive parent or step-parent of the minor.

F. Public place means a place located in the Town of Livermore Falls to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, schools, shops and places of entertainment.

G. Remain means to linger or stay, as well as refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving and riding about in a public place.

H. Time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Town of Livermore Falls, prima facia the time then observed in the Livermore Falls municipal building and police station.

Section III. Offenses

A. It shall be unlawful for a minor to remain in a public place during curfew hours.

B. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

Section IV. Defenses

It is a defense to prosecution under Section III of this ordinance that the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. Involved in an emergency or on an errand necessitated by an emergency;
- C. Engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except to drop off or pick up a co-employee;
- D. In a motor vehicle involved in interstate travel;
- E. On the sidewalk abutting the minor's home;
- F. On an errand directed by a parent or guardian, without any detour or stop;
- G. Attending a school, religious, or governmental activity, which is supervised by adults, or traveling to and from such a school, religious, or governmental activity without detour or stop;
- H. Attending a recreational activity sponsored by the Town of Livermore Falls, MSAD #36, a civic organization or similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;
- I. Exercising rights protected by the First Amendment of the United States Constitution;
- J. Married, or otherwise legally emancipated;
- K. When authorized by special permit from the Police Chief or the Police Lieutenant, which must be in writing and carried on the person of the minor while not complying with the curfew. Permit must state times and dates of exception.

Section V. Enforcement

Before taking any action to enforce this ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section IV is applicable. If the officer does not have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The police officer shall summons the minor and the minor's parent to the District Court for violation of this ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours so long as the office complies with all requirements of law, including, without limitation, MRSA Title 17-A, Sections 1-7.

Section VI. Penalties

A. The penalty for a minor who violates this ordinance shall be:

1. For the first offense, five hours of community service and/or a fine of up to \$50.00; and
2. For each subsequent offense, ten hours of community service and/or a fine of up to \$100.00

B. The penalty for a parent or guardian who knowingly permits a minor to violate this ordinance shall be:

1. For the first offense, a fine of \$50.00; and

2. For each subsequent offense, a fine of \$100.00

Section VII. Severability

If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Section VIII. Repealed

This ordinance shall supercede all previous curfew ordinances, which are hereby repealed from and after the effective date of adoption of this ordinance.

Adopted June 12, 2002