

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 599-2008

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7
(GENERAL POLICE REGULATIONS) OF THE CODE OF REVISED
GENERAL ORDINANCES, 2000 TO ESTABLISH A CURFEW FOR
INDIVIDUALS UNDER THE AGE OF EIGHTEEN (18) YEARS

BE IT ORDAINED by the Borough Council, in the Borough of Avalon, County of Cape May and State of New Jersey, as follows:

The Borough Council of the Borough of Avalon hereby adopts the following Ordinance as Chapter 7, Section 7, entitled “An Ordinance Establishing a Curfew for Individuals Under the Age of Eighteen (18) Years”:

SECTION 1: Purpose

The Borough of Avalon finds and declares that it is in the best interests of residents and visitors to the Borough to establish a curfew for individuals under the age of eighteen (18) years to be in public places identified herein between the hours of midnight and 6:00 a.m.

SECTION 2: Definitions

For the purposes of this ordinance, the following definitions shall apply:

Juvenile – An individual who is under the age of eighteen (18) years of age.

Guardian – a person, other than a parent, to whom legal custody of the juvenile has been granted by court order or who is acting in place of and with authority of the parent or is responsible for the care and welfare of the juvenile.

Public Place – any street, highway, road, alley, thoroughfare, sidewalk, bridge, plaza, recreation or shopping area, public transportation facility, vehicle used for public transportations, park, playground, public building, place of amusement or entertainment, wharf, dock, marina, pier, beach, jetty, place of business to which the public is invited, vacant lots or buildings.

SECTION 3: Curfew Established.

It shall be unlawful for any juvenile to loiter, idle, wander, stroll, park in a car or other vehicle, be on a bicycle or other form of transportation, or play in, remain in or be upon a Public Place within the territorial limits of the Borough between the hours of midnight and 6:00 a.m. Sunday through Saturday.

SECTION 4: Responsibility of Parents

It shall be unlawful for any parent, Guardian or adult person having legal custody and control of any Juvenile to allow, suffer, or permit any such Juvenile to loiter, idle, wander, stroll, park in a car or other vehicle, be on a bicycle or other form of transportation, or play in, remain in or be upon a Public Place within the territorial limits of the Borough between the hours of midnight and 6:00 a.m. Sunday through Saturday, unless accompanied by a parent, Guardian or other person or persons who shall have legal custody and control of such Juvenile.

SECTION 5: Exceptions

The provisions of this Ordinance shall not be applicable to a Juvenile during the time necessarily required for such Juvenile to travel to or from:

- a) A place of employment at which such Juvenile may be gainfully employed; or
- b) A school or place of instruction at which such Juvenile may be in bona fide attendance; or
- c) A place at which a function may be held that shall be, or had been sponsored by a religious, school, civic, or other properly supervised event or program; or
- d) A place at which a bona fide, supervised social meeting, gathering or assemblage had taken place; or
- e) Such place, be by the most direct route from such place to the Juvenile's residence, as may be necessitated in the carrying out of an errand of an emergency nature, to his residence.

SECTION 6: Responsibility of Owners or Operators of Certain Establishments

It shall be unlawful for any owner or operator of any business or commercial establishment located in the Borough to suffer or permit a Juvenile to loiter, idle, wander, stroll, or park in a car or other vehicle on the property of such business or commercial establishment between the hours of midnight and 6:00 a.m. Sunday through Saturday, subject to the provisions of this Ordinance.

SECTION 7: Mischief Night

It shall be unlawful for any Juvenile to be present upon the public streets, highways, roads, alleys, parks, playgrounds, any business or commercial establishment between the hours of 7:00 p.m. of the night before the celebration of the day known as Halloween and 6:00 a.m. of "Halloween" day.

SECTION 8: Violations and Penalties

Upon conviction for violating the provisions of this Ordinance by such Juvenile, or by said parent, Guardian or person having the legal care and custody of said Juvenile, or by a business or commercial establishment, said violator shall be punishable by serving up to ninety (90) hours of community service, by a fine not in excess of One Thousand (\$1,000.00) Dollars, or both.

SECTION 9: Repealer

All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 10: Severability

If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 11: Effective Date

This Ordinance shall take effect immediately upon final adoption and publication and in the manner prescribed by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was re-introduced and passed on first reading of the Municipal Council of the Borough of Avalon on June 25, 2008. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building in said Borough on July 9, 2008 at 7:15 o'clock P.M., and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

AMY W. KLEUSKENS
Borough Clerk