

CHAPTER 131: CURFEW FOR MINORS

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§ 131.01 PURPOSE.

(A) The purpose of this chapter is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 years in the Town of Enfield. This chapter is intended to reinforce and to promote the role of the parent in raising and guiding children, and promote the health, safety, peace and welfare of both juveniles and adults by creating an environment that offers better protection and security for all concerned.

(B) The Board of Commissioners finds that minors are particularly vulnerable to night time crime and drug use and that they do not always make good decisions about whether they should take part in a like activity.

(Ord. passed 6-24-2003)

§ 131.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECT ROUTE. The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

ESTABLISHMENT. A privately owned place of business operated for profit to which the public has access or is invited including, but not limited to, a place of amusement or entertainment.

GUARDIAN. A person who is court-appointed to be the guardian of a juvenile.

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JUVENILE. An unemancipated person under the age of 16 who is not lawfully married.

PARENT. A person who is a natural parent, adoptive parent, foster parent or step-parent or any other person to whom legal custody has been given by court order.

PUBLIC PLACE. A place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to, streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas, parking lots, transportation facilities, theaters, restaurants, shops, schools and school-grounds, places of business and amusement, playgrounds and parks.

(Ord. passed 6-24-2003)

§ 131.03 OFFENSES.

It is a violation of this chapter for:

(A) A juvenile to be in a public place or on the premises of an establishment within the town at any time from 11:00 p.m. at night until 5:00 a.m. of the following day;

(B) A parent or guardian of a juvenile to knowingly permit or by insufficient control, allow the juvenile to be in a public place or on the premises of an establishment within the town during the restricted hours stated in division (A) above. **KNOWINGLY** includes knowledge that a parent should reasonably be expected to possess concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent to a reasonable community standard of parental responsibility. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of the juvenile;

(C) The owner, operator or an employee of an establishment knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours stated in division (A) above. **KNOWINGLY** includes knowledge that an owner, operator or employer should reasonably be expected to have concerning the patrons of an establishment;

(D) A person 16 years of age or older to aid or abet a juvenile in the violation of division (A) above;
or

(E) A parent or guardian to refuse to take custody of a juvenile for whom the parent or guardian is responsible, during the restricted hours stated in division (A) above.

(Ord. passed 6-24-2003) Penalty, see § 131.99

§ 131.04 EXCEPTIONS.

A juvenile who is in a public place or establishment during the restricted hours stated in § 131.03 above shall not be in violation of this chapter if the juvenile is:

(A) Accompanied by a parent or guardian;

(B) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(C) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.;

(D) In a motor vehicle with parental consent engaged in travel through the town or originating or terminating in the town;

(E) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(F) Engaged in a lawful employment activity, or using a direct route to or from a place of employment;

(G) Reacting or responding to an emergency;

(H) Attending or traveling to or from, by direct route, an official school, religious or recreational activity that is supervised by adults and sponsored by a public or private school, the Town of Enfield or other governmental entity, a civic organization, a church or other similar entity that accepts responsibility for the juvenile;

(I) Exercising rights protected by the United States or North Carolina Constitution such as the free exercise of religion, freedom of speech and the right of assembly;

(J) Traveling in instances of reasonable necessity, if the juvenile possesses a written statement signed by the juvenile's parent or guardian that: identifies the juvenile; states the purpose and reasonable necessity of the travel; and specifies the time, origin and destination of travel; or

(K) Engaged in a lawful activity on a sidewalk immediately adjacent to the juvenile's residence.
(Ord. passed 6-24-2003)

§ 131.05 DEFENSE.

An owner, operator or employee of an establishment may not be prosecuted under § 131.03 if the person promptly notified the Police Department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.
(Ord. passed 6-24-2003)

§ 131.99 PENALTY.

(A) A juvenile who violates this chapter is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative that is provided in the North Carolina Juvenile Code for a juvenile who is delinquent.

(B) Any person other than a juvenile who violates this chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100, and imprisonment in the discretion of the court in accordance with G.S. § 14-4.

(Ord. passed 6-24-2003)