

§ 96-1. Legislative intent.

Each year on Halloween and proximate dates, the Town of LaGrange is besieged by youths who congregate and rampage through sections of the Town creating problems for Town residents including acts of vandalism, nuisance, mischief, intimidation, and disorderly conduct which cause, or threaten, personal injury and property damage. During recent years, the number of complaints received from Town residents regarding such conduct has increased. In addition, the Town finds that many of such youths are nonresidents who are invited or attracted to the Town and who refuse to disperse, due to the fact that there was no law requiring them to be off the streets. The complaints received highlight the fact that the safety and welfare of Town residents were in jeopardy on these days. The Town Board believes that the only effective way to control the situation is to impose a limited curfew which will protect public property and the personal well-being of its residents. It is hoped that the curfew will serve to discontinue this disturbing tendency of youths to congregate for purposes of vandalism, nuisance, mischief, intimidation, and disorderly conduct in the Town so that a curfew law will be unnecessary.

§ 96-2. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

CUSTODIAN — Any person over the age of 21 who is in loco parentis to a minor.

GUARDIAN — Any person other than a parent who has legal guardianship of a minor.

MINOR — Any person under the age of 18.

PARENT — The natural or adoptive parent of a minor.

PUBLIC PARKS and PUBLIC AREAS — Include, but are not limited to, recreational and other places, whether privately or publicly owned and open to the general public, including parking lots, and those places visited by and accessible to the public.

STREET, ROAD and HIGHWAY — A way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. Such terms include the legal right-of-way, including but not limited to, traffic lanes, curbs, sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street, road or highway. Such terms apply irrespective to what they are called or formally named, whether alley, avenue, court, drive, boulevard or otherwise.

TOWN — The Town of LaGrange.

§ 96-3. Hours of restricted activity.

During the evening hours of October 30, October 31 and November 1, from 7:00 p.m. to 6:00 a.m., prevailing time, or any other period that the Town Board deems necessary, it shall be unlawful for any minor to congregate, stroll, wander, play or operate a motor

vehicle in, about or upon any public park, public area, street, road, or highway in the Town.

§ 96-4. Exceptions.

The following circumstances shall constitute valid exceptions to the operation of the curfew specified in § 96-3:

- A. If a minor is accompanied by a parent, guardian, custodian, or other adult person having custody or control of such minor;
- B. If a minor is on an emergency errand;
- C. If the presence of a minor is required in connection with some legal employment; provided, however, the minor is carrying a written statement from the employer briefly identifying the minor and attesting to the place and hours of the minor's employment; and
- D. If the minor is attending or participating in an adult-supervised event or function sponsored by a church, school, civic, not-for-profit, recreational or entertainment organization; provided, however, that the minor is carrying a written statement from the sponsor of the event or function attesting to the place and hours of such event or function and the attendance or participation of such minor therein.

§ 96-5. Responsibility of parents or guardians.

Subject to the exceptions set forth in this article, it shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of 18 to permit or, by inefficient control, to allow such minor to congregate, stroll, wander, play or operate a motor vehicle in, about or upon any public park, public area, street, road or highway in the Town.

§ 96-6. Penalties for offenses.

For each and every offense of the provisions of this article, the person violating the same shall be guilty of a violation and shall be punished by not more than a fine of \$250 or by imprisonment of not more than 15 days, or by both such fine and imprisonment.

§ 96-7. Severability.

If any clause, sentence, section, paragraph, subdivision or provision of this article shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall apply only to the clause, sentence, section, paragraph, subdivision or provision so adjudged and the remainder of this article shall remain valid and effective.