**CITY OF WILDWOOD**
Cape May County, New Jersey

# ORDINANCE NO. 1016-14

## AN ORDINANCE AMENDING ORDINANCE NO. 328-93 re: CHAPTER 3 SECTION 2 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF WILDWOOD ENTITLED "CURFEW FOR MINORS".

Section 1. Repealer.
Ordinance 328-93 shall be repealed in its entirety and replaced with the herein provisions.

Section 2. Findings of Fact.

a. New Jersey Law, annotated at N.J.S.A. 40:48-2.52, grants authority to municipalities to establish a curfew for juveniles.
b. The health, welfare and safety of the residents of this City, including juveniles of this City, requires a curfew be enacted and enforced so as to prevent juveniles from engaging in improper activities to the detriment of themselves and others, while maintaining an appropriate level of parental control and authority.
c. A curfew for juveniles meets a very real local need to minimize juvenile delinquency, to protect juveniles from the dangers of nocturnal crime and to minimize conduct associated with and stemming from the congregation of juveniles during late night hours.

Section 3. Definitions.
The definitions of N.J.S.A. 40:48-2.52 are incorporated herein.

Section 4. Prohibition.
In the interest of public safety it shall be unlawful for any juvenile to loiter, idle, wander, stroll, play or remain in any public place, as well as all public or quasi-public places, either on foot or in any vehicle, between the hours of 1:00 A.M. and 6:00 A.M.

Section 5. Exceptions.
Exceptions from the foregoing prohibition, which shall constitute a defense to a charge for violation of same, shall be:

1. The juvenile is accompanied by a parent or guardian;
2. Such conduct is in furtherance of transit to or from a lawful activity which has been specifically permitted by a parent or guardian;
3. Such conduct is in furtherance of transit to or from employment, an extracurricular activity or an activity sponsored by a religious or community-based organization; and/or,
4. Such conduct is in furtherance of receiving necessary medical attention or seeking protection or shelter from any harm or danger.

The burden of establishing an exception to the herein prohibition shall be on the juvenile or his or her parent or guardian, either at the time of the offense or at trial.

Section 6. Notification of Parents; further action.
If any juvenile should be found to be violating the provisions of this section, a police officer of the City shall, at that time, give notice of same to the parent or guardian of such juvenile. If such communication has established the parent or guardian has specifically permitted the juvenile to engage in a lawful activity in which the juvenile had been engaged, the juvenile shall not be apprehended for violation of this section but shall be permitted to continue his or her transit to or from such lawful activity.
If parental approval for violation of the curfew cannot be established by telephone, and no other exception provided for herein applies to the conduct of the juvenile, such juvenile shall be taken into the custody of the police, to be returned to the care and control of his or her parent or guardian, and shall be issued a summons for violation of this section.

Section 7. Presumption.
If a parent or guardian is not available at the time of the offense so as to establish the juvenile's conduct was with parental or guardian permission, it shall be a presumption the juvenile's conduct was not done with the permission of the parent or guardian.

Section 8. Penalty.
Violators of the herein provisions shall be required to perform a mandatory sentence of community service of a nature and duration as prescribed by the court, and shall be subject to a fine of not less than $100.00 and not more than $1000.00.

Section 9. Severance Provision.
If any provision herein shall be found to be unenforceable by reason of law, then it shall be severed from the remainder of this section with the remainder remaining in full force and effect.

Section 10. Effective Date.
This Ordinance shall become effective 20 days from final passage into law.

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Peter Byron, Commissioner

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Anthony Leonetti, Commissioner

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Ernest Troiano, Jr., Mayor

Attest:_____
Christopher H. Wood, City Clerk
or
Karen M. Gallagher, Deputy City Clerk

**The above ordinance was introduced and passed first reading on October 8, 2014.**
**Second Reading/Public Hearing on the above ordinance was held on October 22, 2014.**
**The above ordinance passed second reading on October 22, 2014.**

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CHRISTOPHER H. WOOD, CITY CLERK