

**An Ordinance Establishing a Curfew within the Town of Hartland
Hartland, Maine**

WHEREAS, there has been an increase in juvenile violence and property crimes, and an increased presence of juvenile gang activity in the Town of Hartland; 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 Hartland is obligated to provide for: the protection of minors from each other and from other persons, the protection 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 TOWN OF HARTLAND,
MAINE:**

Curfew Ordinance - SECTION

1101. Title

1102. Definitions

1103. Offenses

1104. Defenses

1105. Enforcement

1106. Penalties

1107. Severability

Section 1101. Title

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

Section 1102. Definitions

**a. Curfew Hours means the hours from 10:01 p.m. until 6:00 a.m. of the
following day.**

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 testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under M.R.S.A. Title 18-A, Secs 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 Hartland 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, hospitals, schools, shops and places of entertainment such as movie theaters.

g. Remain means to linger or stay, as well as to 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.

Section 1103. 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 to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

Section 1104. Defenses

It is a defense to prosecution under Section 1103 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 as necessary to drop off or pick up a co-employee;

- d. in a motor vehicle involved in interstate travel,
- e. on an errand directed by a parent or guardian, without any detour or stop;
- f. on the sidewalk abutting the minor's home;
- g. attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;
- h. attending a recreational activity sponsored by the Town of Hartland, a civic organization, or a 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.

Section 1105. Enforcement

Any officer of the Maine State Police or the Somerset County Sheriff's Department, as well as any officer employed by the Town of Hartland receiving a complaint or observing an apparent violation of this ordinance shall have authority to investigate, enforce this ordinance, and issue appropriate summonses.

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 1104 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purpose of contacting the minor's parent or guardian to come to take control of the minor. The police officer may 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 officer complies with all requirements of law, including, without limitation, M.R.S.A. Title 17-A, Sec 1-7.

Section 1106. Penalties

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

1. for the first offense, five hours of community service and a fine of up to \$50.00; and

2. for each subsequent offense, ten hours of community service and a fine of up to \$100.00.

b. The penalty for a parent or guardian who violates 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 1107. 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.

Adopted this 6th day of Aug.

Attest:

Jayne P. Halford