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CURFEW

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Chapter 41

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[HISTORY: Adopted by the Township of Barnegat 3-1667. Amended 9-2-71; amended in its entirety 3-7-05 by Ord. No. 2005-10. Subsequent amendments noted where applicable.]

§ 41-1. Curfew established.

It shall be unlawful for any juvenile to be on any public street or public place between the hours of 11:00 p.m. and 6:00 a.m.

§ 41-2. Responsibility of parent or guardian.

It shall also be unlawful for any parent or guardian to allow a juvenile in their custody or control to be on any public street or public place between the hours specified in Section 41-1, unless such juvenile is accompanied by a parent or guardian, or unless any other exception as set forth in Section 41-5 applies. In the event a juvenile is found to be in violation of this

section, it shall be presumed that such was allowed by that juvenile's parent or guardian, but such presumption shall be rebuttable.

§ 41-3. Responsibility of owners or operators of establishments.

It shall be unlawful for any owner or operator of any place or amusement and entertainment, or any place of business carried on for profit to which the public is invited to permit any juvenile to loiter, idle, wander, stroll or play in or remain in or be upon his or her property between the hours specified in Section 41-1.

§ 41-4. Definitions.

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

GUARDIAN — A person, other than a parent, to whom legal custody of a juvenile has been given by a court order, or who is acting in place of the parent, or who is responsible for the care and welfare of a juvenile.

JUVENILE — An individual who is under the age of eighteen (18) years.

PUBLIC PLACE — Any place to which the public has access, including but not limited to a public street, road, sidewalk, bridge, alley, plaza, park, recreation or shopping area, parking lot or any other public building, structure or area, and any other area or structure in which the public generally has access.

§ 41-5. Exceptions.

The provisions of this ordinance shall not apply to any juvenile who is gainfully employed, a bona fide student of a school of evening instruction, in attendance at a function

sponsored by a religious or school organization, or in attendance at a properly supervised recreational program during the time necessary to travel between the juvenile's residence and the place of assembly.

§ 41-6. Penalty.

Any person violating any provision of this ordinance shall be required to perform community service and may be subject to a fine of up to one thousand dollars (\$1,000.), in the discretion of the Municipal Court Judge in those cases wherein the Court has jurisdiction. If both a juvenile and the juvenile's parent or guardian are found to be in violation of this ordinance, they shall be required to perform community service together.

§ 41-7. Posting of regulations.

Notice of the existence of this ordinance and of the curfew regulation established by it shall be posted in or at such public or quasi-public places as may be determined by the Chief of Police in order that the public may be constantly informed of the existence of this ordinance and its regulation.