

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Jean-Francois

 Sec'd by Ald. Johnson

 Date of Adoption 10.03.22

 Index No: 228-22

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Tobin	X			
Ald. Jean-Francois	X			
Ald. Johnson	X			
Ald. Ramkissoon	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

Resolution Amending City Code to Create a New Section 216-6 Halloween Curfew

WHEREAS, the Common Council of the City of Middletown has annually imposed a Halloween juvenile curfew, and now wishes to formally add this curfew to the City Code, and

WHEREAS, the Common Council desires to assure the safety of the public both on the streets and in their homes during the celebration of Halloween, and,

WHEREAS, the Common Council has determined that it is in the best interest of the City of Middletown to adopt a permanent juvenile curfew during the Halloween period and to encourage parents and guardians to supervise, control and know the whereabouts of their children during such period,

Now therefore be it Resolved and Ordained by the Common Council of the City of Middletown, that Chapter 216, Curfew, of the City Code be and his hereby amended by adding a new Section 216-6 to read as follows:

216-6. Halloween Curfew.

A. Notwithstanding any of the provisions contained in Sections 216-1 through 216-5 of this Chapter, each year during the period of October 29 through November 1 between the hours of 9:00 pm through 6:00 am on each day, it shall be unlawful for any person under the age of eighteen (18) years (hereafter referred to as “minor”) to be in any public place (including but not limited to, any street, alley, highway or other public thoroughfare, sidewalk, park, playground, store, shop, restaurant, tavern, café, theater, shopping center and any other place devoted to amusement or open to the general public) or on private property other than such minor’s home or usual place of abode, within the City of Middletown, New York, either on foot or in a vehicle, except:

1. When accompanied by a parent or guardian; or
2. When the minor is on an emergency errand; or
3. When the minor is on a specific business or activity directed by his or her parent or guardian, in writing, identifying the minor, the specific business or activity, the location or locations of such business or activity and the time when such business or activity shall end, and signed by such parent or guardian; or
4. When the presence of such minor is required in connection with some legitimate employment, trade, profession or occupation.

B. It shall be unlawful for any person, operating or having charge of any public place to knowingly permit or suffer the presence of minors between the hours set forth above in Subsection A.

C. The following procedures shall be followed in the event of any violations of this Halloween curfew:

1. Any police or peace Officer, upon finding a minor in violation of the prohibitions set forth above in Subsection A shall ascertain the name and the address of the minor and warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police or peace officer shall report such action to the parents or guardian of the minor.

2. If such minor refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she was in violation of this curfew, such minor shall be taken to the City of Middletown Police Station and the parent or guardian of the minor shall be notified to come and take charge of such minor and return such minor to the minor’s home or usual place of abode. Such minor, in the discretion of the Chief of Police, may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of this curfew, and any operator of any

public place who has suffered the presence of such minor or minors may also be issued an appearance ticket to appear in the Middletown City Court to answer charges of violation of this curfew.

D. A violation of this Section by a child aged 16 or 17 years shall constitute an offense within the meaning of the Penal Law of the State of New York and shall be punishable by a fine of not more than \$250 or by 15 days' imprisonment, or by both such fine and imprisonment.

E. A second or subsequent violation of this Section by a child under 16 years of age shall be reported by the police to the juvenile authorities.