

TOWN OF MEXICO CURFEW ORDINANCE

SEC – 1-0 Title

This article shall be known as the Town of Mexico “Curfew Ordinance.”

SEC 1-1 Definitions

1. Curfew Hours means the hours from 9:00 p.m. to 6:00 a.m. of the following day.
2. Emergency means unforeseen circumstances, or the result situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring an action to avert serious injury for the loss of life.
3. Guardian means a person or at public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is a legal guardian of the minor. This definition also includes a person to whom parental powers has been delegated under 18-A M.R.S.A. § 5-104.
4. Minor means any person who is 17 years of age or younger.
5. Parent means a person who is a natural parent, adoptive parent, or step-parent of the minor.
6. Public place means a place located in the town of Mexico 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.
7. 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 the other person control of a public place. This term also encompasses activities which may be mobile, such as walking, driving and riding around in a public place.

SEC 1-2 Offenses

1. It shall be unlawful for a minor to remain in a public place during curfew hours.
2. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or allow by exercise and insufficient control, the minor to remain in a public place during curfew hours.

SEC 1-3 Defenses

It is a defense to prosecute under **Section 1-2 Offenses** of this ordinance that the minor was:

1. Accompanied by the minor's parents or guardian;

2. Involved in an emergency or on an errand necessitated by an emergency;
3. Engaged in an employment activity, or on the way to or from an employment activity, without needing to stop except as necessary to drop off or pick up a co-employee;
4. In a motor vehicle involved in interstate travel;
5. On an errand directed by a parent or guardian, without any detour or stop;
6. On the sidewalk abutting the minor's home;
7. Attending a school, religious, or government activity which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;
8. Attending a recreational activity sponsored by the Town of Mexico, a civic organization, or a similar entity which is supervised by adults, or traveling to or from such an activity without detour stop;
9. Exercising rights protected by the First Amendment of the United States Constitution;
10. Married or otherwise legally emancipated;

SEC 1-4 Enforcement

Before taking any action to enforce this ordinance, a police officer shall ask the parent offender's age. The officer may ask for proof of the apparent offender's age, and may 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 into custody while contacted his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proven otherwise immediately, the officer shall ask the reason for the apparent offenders 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 responses as well as the circumstances, no defense provided in **Section 1-3 Defenses** 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 parents or guardian to come to take control of the minor. The police officer may summons the minor and the minor's parents 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 limitations, 17-A M.R.S.A. § 17.

SEC 1-5 Penalties for Minor's

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

1. For the first offense, the police officer will take the minor to the police department and notify the parent/guardian and provide a copy of the curfew ordinance to both the minor and parent/guardian;
2. For the second offense, five (5) hours of community service and/or a fine of \$50.00 and any court cost;
3. For the third offense, ten (10) hours of community service and/or a fine up to \$100.00 plus court cost;
4. For any subsequent offenses, fine of \$150.00 plus any court cost;

Any community service will be supervised by the Mexico Police Department.

SEC 1-6 Penalties for Parents or Guardians

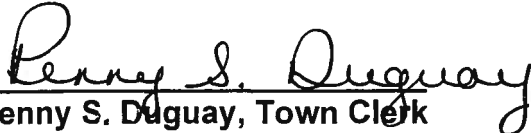
The penalty for a parent or guardian who violates this ordinance shall be:

1. For the first offense, a fine of \$100.00 plus court cost;
2. For each subsequent offense, a fine of \$200.00 plus court cost.

SEC 1-7 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion therefore.

Adopted June 9, 2015

Attested: 
Penny S. Duguay, Town Clerk