



# Bayville Record



Mayor Douglas G. Watson

Board of Trustees Paul Rupp, Timothy Fay, Kate Naughton, Peter Valsecchi, Jr., Alfred Staab, Catherine Rapelje

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## ***Reminder!!***

### **HALLOWEEN JUVENILE CURFEW LAW**

We are taking this opportunity to reprint the Curfew Local Law which was adopted by the Mayor and Board of Trustees on September 25, 1995 and filed with the Office of The New York Secretary of State.

This Local Law is intended to give the Police a tool with which to deal with the special problems present on Halloween. This legislation also makes it safer for youngsters who are simply trick-or-tricking and have no intention of participating in destruction.

The Local Law will not interfere with scheduled events, whether it is the Haunted House, Ragamuffin Parade, Mass, etc.

Any person apprehended by the Police will be transported by a van to the Second Precinct later to be released to the custody of the parent or guardian.

## **CODE OF THE VILLAGE OF BAYVILLE**

### **CHAPTER 31 — (ANNUAL) HALLOWEEN JUVENILE CURFEW**

#### **SECTION 1.            SHORT TITLE**

The Local Law shall be known and may be cited as the "Village of Bayville Local Law Providing For an Annual Halloween Juvenile Curfew".

#### **SECTION 2.            DEFINITIONS**

For the purpose of this Local Law, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- A. "Village" is the Village of Bayville.
- B. "Minor" is any person under the age of nineteen.
- C. "Parent" is the natural or adoptive parent of a Minor.
- D. "Guardian" is any person other than a parent, who has legal guardianship of a minor.
- E. "Public place" shall mean any public or private street, alley, highway or other public thoroughfare, sidewalk, park, woods, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose in the Village.
- F. "Person" shall mean any individual, firm or corporation.
- G. "Emergency errand" shall mean a trip taken to perform a specific task to help bring aid or comfort to resolve an unexpected or sudden occurrence which immediately threatens private or public health or safety.

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SECTION 3.

CURFEW

During the periods from 7:00 PM on October 30th through 6:00 AM on October 31st and from 7:00 PM on October 31st through 6:00 AM on November 1st each year, it shall be unlawful for any minor to be in any public place or on private property, other than such minor's home or usual place of abode, without the permission of the owner, within the Village of Bayville, either on foot, on bicycle, or in a vehicle, between the hours of 7:00 PM through 6:00 AM, except:

- A. when accompanied by a parent or guardian; or
- B. when the minor is on an emergency errand; or
- C. when the minor is on a specific business or activity directed or permitted by his parent or guardian, in writing, identifying the minor, the specific business or activity, the location or locations of such business or activity shall begin and when it shall end, and signed by such parent or guardian; or
- D. when the presence of such minor is required in connection with some legitimate employment, trade profession or occupation; or
- E. when the minor is in a motor vehicle with the consent of his parent or guardian for interstate travel through the Village.

SECTION 4.

SPECIAL FUNCTIONS

Any minor attending a function sponsored by a School, Church or House of Worship, Political Organization, or other Non-Profit Organization that requires such minor to be out during the curfew called for in Section 3 of this Local Law, shall be exempt from the provisions of said Section 3 while traveling directly to such function from the minor's home or usual place of abode, while attending such functions and while traveling directly from such function to the minor's home or usual place of abode, provided the School, the Church, Political Organization, or other Non-Profit Organization shall register, in writing, in advance with the Village clerk of the Village to have the minor involved be out during said curfew. The registrant shall state the time when the function shall begin and when it shall end and the minor who attends the function shall be required to comply with all of the provisions of this Local Law before the function shall begin, when not attending the function and after the function has ended.

SECTION 5.

RESPONSIBILITY OF OWNERS OF PUBLIC PLACES

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 of 7:00 PM and 6:00 AM during the periods specified in Section 3 of this Local Law unless such minors are attending special functions which have been registered with the Village Clerk of the Village in accordance with Section 4 of this Local Law or are otherwise permitted to be in such public place pursuant to the exceptions to the curfew set forth in subdivision "A" through "E" of Section 3 of this Local Law.

SECTION 6.

PROCEDURES

- A. Any police or peace officer, upon finding a minor under the age of sixteen in violation of Section 3 of this Local Law, shall ascertain the name and address of the minor and warn the minor that he 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.
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- B. If such minor under the age of sixteen refuses to heed the warning or direction given by any police or peace officer or refuses to give the police or peace officer his correct name and address, or if the minor has been warned on a previous occasion that he was in violation of curfew, such minor shall be taken to the 2nd Precinct, Nassau County Police Department in Woodbury and the parent or guardian of the minor shall be notified to come and take charge of the minor.
- C. A minor between the ages of sixteen and nineteen in violation of Section 3 of this Local Law will be issued an appearance ticket and/or arrested.

SECTION 7.           AFFIRMATIVE DEFENSE

In the prosecution of any violation of this Local Law, it shall be an affirmative defense that the defendant was not a minor; had the permission of the owner to be in such public place or on such private property; was accompanied by a parent or guardian; was on an emergency errand; was on a specific business or activity directed by his parent or guardian, in writing, in accordance with Section 3 of this Local Law; was required to be in such public place in connection with some legitimate employment, trade, profession or occupation; was in a motor vehicle with the consent of his parent or guardian for interstate travel through the Village; or was traveling from his home or usual place of abode directly to a function previously registered with the Village Clerk of the Village in accordance with Section 4 of this Local Law, was attending such function, or was traveling directly to his home or usual place of abode from such function.

SECTION 8.           PENALTIES

Any person violating this Local Law shall be fined not more than two hundred fifty (\$250) dollars and/or sentenced to not more than fifteen (15) days in jail for each offense.

SECTION 9.           SEVERABILITY

In the event that any word, phrase or part of this Local Law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this Local Law and shall not effect the remainder of said Local Law which shall remain in full force and effect.

SECTION 10.           EFFECTIVE DATE

This Local Law shall take effect immediately.

## *Reminder:*

### **RAG-A-MUFFIN EVENT**

The Village of Bayville will once again sponsor the Rag-A-Muffin Costume Contest on Friday, October 28, 2011 at 6:00PM at St. Gertrude's Parish Center. All are welcome. Refreshments will be served. All participants will receive a prize.

### **TURKEY TROT**

A Turkey Trot (5K Run) for adults and a Chicken Run for children (1K Fun Run) will take place on November 12, 2011 at West Harbor Beach, to benefit the Matthew Fetzer Holiday Toy Drive. Toys are distributed to children in local hospitals throughout the year. Please feel free to bring an extra donation of a brand new unwrapped toy.

### **BOATING COURSE**

Conducted by the U.S. Coast Guard Auxiliary, Flotilla 12-3, cooperating with the Inc. Village of Bayville, in four sessions on January 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>. Provides certificate required by New York State for Boaters 10 through 18 years of age. For further information and registration call: Donna (516)628-1439 ext.16.

**SECOND HALF OF TAXES DUE DECEMBER 1, 2011  
5% PENALTY FOR LATE PAYMENT BEGINS JANUARY 4, 2012**



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