

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2378-22

**AN ORDINANCE REPEALING AND CHAPTER 76, CURFEW, OF THE CODE BOOK
OF THE CITY OF WOODBURY**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey as follows:

Section 1. Chapter 76, Curfew, is hereby repealed and replaced to read as follows:

§76-1 Findings and Purpose

- A. The City Council of the City of Woodbury ("Council") has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of 18 years in the City of Woodbury and that much of said activity takes place during night and evening hours.
- B. The Council has further determined that there has been a significant breakdown in the supervision and guidance normally provided by parents and guardians for persons under the age of 18 years, resulting in juveniles being involved in a wide range of unacceptable behavior and illegal activities.
- C. The Council has further determined that persons under the age of 18 years are particularly susceptible, because of their lack of maturity and experience, to involvement in unlawful activities and to be victims of perpetrators of crime.
- D. The Council has further determined that the offensive and illegal activities of minors are not easily controlled by existing laws and ordinances because the activities are easily concealed whenever police officers are present, and the establishment of reasonable curfew regulations will enable the community to better control the free and unobstructed access to the streets and public places by the majority of residents and will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.
- E. The Council has further determined that a curfew for persons under the age of 18 years meets a local need and that curfew ordinances in other communities have been a significant factor in minimizing juvenile delinquency. The regulation of juveniles is an attempt to minimize danger to juveniles and the community during nighttime hours when criminal activity is more prevalent.
- F. The Council determines that passage of a curfew will protect the welfare of juveniles by:
 - (1) Reducing the likelihood that juveniles will be the victims of criminal acts during the curfew hours;

- (2) Reducing the likelihood that juveniles will become involved in criminal acts or exposed to narcotics trafficking during the curfew hours; and
- (3) Aiding parents and guardians in carrying out their responsibility to exercise reasonable supervision of juveniles entrusted to their care.

§76-2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

CURFEW HOURS

Any time between the hours of 11:00 p.m. and 6:00 a.m.

EMERGENCY

An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes but is not limited to a fire, a natural disaster, an automobile accident or any situation that requires immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT

Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN

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

JUVENILE

An individual who is under the age of 18 years.

NARCOTIC TRAFFICKING

The act of engaging in any prohibited activity related to narcotic drugs or controlled substances as set forth in N.J.S.A. 2C:35-1 et seq. and 2C:36-1 et seq.

PARENT

A natural parent, adoptive parent, stepparent or any person who has legal custody by court order or marriage or any person not less than 21 years of age who is authorized by the natural parent, adoptive parent, stepparent or custodial parent of a child to be a caretaker for the child.

PUBLIC PLACE

Any place to which the public or a substantial group of the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

REMAIN

To loiter, idle, wander, stroll or play in or upon any establishment or public place.

SERIOUS BODILY INJURY

Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

§76-3 Prohibited Acts

- A. It shall be unlawful for any juvenile under the age of 18 years to be on any public street or in a public place between 11:00 p.m. and 6:00 a.m. unless accompanied by a juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this state authorize a juvenile to perform. This section shall include exceptions permitting juveniles to engage in errands involving medical emergencies, to attend extracurricular school activities, and to participate in other cultural, educational and social events sponsored by religious or community-based organizations during curfew hours.
- B. It is unlawful for a juvenile of any age under 18 years to be in any public place during the hours when the juvenile is required to be in attendance at either a public or nonpublic school unless the juvenile is accompanied by a parent or guardian or is carrying written permission from the juvenile's educational authority allowing the juvenile to be in a public place.

§76-4 Parent or guardian responsibility

It shall be unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during curfew hours.

§76-5 Defenses

It is a defense to prosecution under this chapter that the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- C. In a motor vehicle, train or bus involved in interstate travel;
- D. Engaged in, or traveling to or from, without detour or stop, a business or occupation which the laws of the State of New Jersey authorize a minor to perform;
- E. Involved in an emergency;
- F. In attendance at an official school, religious or other recreational activity supervised by adults and sponsored by the City of Woodbury Board of Education, the City of Woodbury, a civic organization or another similar entity that takes responsibility for the minor; or going to or returning home, without any detour or stop, from an official school, religious or other recreational activity supervised by adults and sponsored by the City of Woodbury Board of Education, the City of Woodbury, a civic organization or another similar entity that takes responsibility for the minor; or
- G. Exercising First Amendment rights protected by the United States Constitution, including free exercise of religion, freedom of speech and the right of assembly. To the extent this chapter does not violate an individual's First Amendment rights in the exercise of the municipality's police authority, the provisions of this chapter shall remain in full force and effect.

§76-6 Enforcement; violations and penalties.

- A. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 76-5 of this chapter is proffered or is present.
- B. If a police officer determines that a minor is committing a curfew offense, the police officer shall take the minor to the police headquarters or other area designated by the City of Woodbury Police Department or the State of New Jersey.
- C. A minor who violates this chapter shall be detained by the City of Woodbury Police Department at the police headquarters or other area designated by the City of Woodbury Police Department and released into the custody of the minor's parent, guardian or an adult person acting in loco parentis. The minor's parent, guardian or an adult person acting in loco parentis with respect to the minor shall be called to the police headquarters or substation or other designated area to take custody of the minor. A minor who is released to a person acting in loco parentis with respect to the minor shall not be taken into custody for violation of this chapter while returning home with the person acting in loco parentis. If no one claims responsibility for the minor, the minor may be taken to the minor's residence.
- D. Violators must perform community service and may be subject to a fine of up to \$1,000. If both a juvenile and the juvenile's parent or guardian violate this chapter, they shall be required to perform community service together.

Section 3. The “Planning & Zoning Board Application Packet” attached hereto as Exhibit “A” be and is hereby adopted for use by the City of Woodbury and the Planning and Zoning Board of the City of Woodbury.

Section 4. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 5. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
REED A. MERINUK,
President of Council

ATTEST:

CASSIDY L. SWANSON,
City Clerk

APPROVED:

By: _____
PEG SICKEL,
MAYOR

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2378-22 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **October 26, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Hagerty				
Councilwoman Harwell				
Councilwoman Miller				
Councilman Miller				
Councilwoman O'Connor				
Councilman Pisarcik				
Council President Merinuk				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy L. Swanson hereby certify that the foregoing Ordinance 2378-22 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **November 16, 2022** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy L. Swanson,
City Clerk