

**CITY COUNCIL MEETING**

**AGENDA ITEM XII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting September 8, 2015*

**From:** David B. Goldstein, Chief of Police

**Subject:** City Council to consider the reinstatement of the Curfew Ordinance (Chapter 143) to include the sounding of the Curfew Signal (§143-4).

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**Recommending motion:**

*“I move that the Franklin City Council authorize the reinstatement of the Curfew Ordinance to include the Curfew Signal”.*

Mayor calls for a second, discussion, and the vote.

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**Discussion:**

The Curfew Ordinance and the associated Curfew Signal were suspended due to the fact that enforcement of the curfew was virtually impossible because of changes in the NH Juvenile Statutes. However, the existing City Ordinance (Chapter 143) and the state statute from which it was developed (NHRSA Section 31:43-a, c, d, e, f & g) allow for the reinstatement of the City's Curfew Ordinance. This is predicated on the fact that parents or guardians of any juveniles who violate the ordinance may be charged with the offense.

**Fiscal Impact:** Any anticipated fiscal impact might be found in relation to the maintenance of the Curfew Signal device.

**Conclusion:** Franklin police officers have had numerous contacts with juveniles during the late evening and early morning hours of the summer of 2015. The reinstatement of the Curfew and the Curfew Signal will provide police officers the ability and authority to deal properly and legally with juveniles who are out and about during late night and early morning hours.

**Alternatives:** The City of Franklin can choose not to reinstate the Curfew and Curfew Signal.

City of Franklin, NH  
Monday, August 31, 2015

## Chapter 143. CURFEW

[HISTORY: Adopted by the City Council of the City of Franklin 10-2-1995 by Ord. No. 95-4. Amendments noted where applicable.]

### § 143-1. Definitions.

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

#### **CURFEW SIGNAL**

The alarm signal located at the Central Fire Station on Bow Street within the City of Franklin.

#### **MINOR**

An individual who is under 16 years of age.

#### **SUBSEQUENT VIOLATION**

Any conviction based upon a complaint which alleges that the child has had one or more violations of this chapter within six months of the date of the offense complained of shall be considered a subsequent offense.

[Added 3-4-1996 by Ord. No. 96-1]

#### **SUITABLE PERSON**

An individual who is 18 years of age or older, of good moral character, not under the influence of intoxicating beverages, drugs or other debilitating substance and has been approved or designated by the minor's parents or guardian to supervise the minor.

### § 143-2. Curfew hours.

It shall be unlawful for any minor under the age of 16 years of age to be upon any public street within the City of Franklin or in any public place within the City of Franklin between the hours of 9:00 p.m. and 5:00 a.m. on the days of Sunday, Monday, Tuesday, Wednesday and Thursday. It shall similarly be illegal for such minors to be upon the public streets or in public places between the hours of 11:00 p.m. and 5:00 a.m. on the days of Friday and Saturday.

### § 143-3. Legal holiday extension.

The 9:00 p.m. curfew referred to in § 143-2 of the above shall be extended to the 11:00 p.m. curfew on an evening prior to any legal holiday celebrated formally by the State of New Hampshire and recognized as such by the City of Franklin within its personnel rules and regulations.<sup>[1]</sup>

[1]: *Editor's Note: See Ch. 347, Personnel.*

## § 143-4. Curfew signal.

The curfew signal, as described above, shall be sounded at the appointed time, after which all minors under 16 years of age shall be required to be off the public streets and out of the public places, unless they are in the company of a parent, guardian or other suitable adult person as defined above.

## § 143-5. Violations and penalties.

- A. Minors. For the first violation of this chapter by any child, he or she shall be released into the parents' custody at the police station or taken to his or her home by an officer of the Franklin Police Department, and the parents or guardian of such child shall be notified of the penalty for subsequent violations.
- B. Custodian. Any parent, guardian or person having the control of any minor under the age of 16 years of age who shall permit any such minor to be on any public street or in any public place in the City of Franklin in violation of this chapter shall be guilty of a misdemeanor.
- C. Second offense. Upon any subsequent violation by any child, the parents or guardians of such child shall be guilty of a misdemeanor.

# Curfew Regulations

## Section 31:43-a

**31:43-a Adoption of Curfew Law.** – Any city by vote of its city council, and any town at any meeting, may adopt the provisions of this subdivision.

**Source.** 1913, 172:1. PL 379:8. RL 441:8. RSA 571:8. 1973, 532:7, eff. Nov. 1, 1973.

## Section 31:43-b

**31:43-b City of Rochester.** – The city of Rochester may, in like manner as this subdivision was adopted, rescind such adoption, or suspend the operation of the provisions of this subdivision in said city during such period of the year as it may designate.

**Source.** 1963, 182:1. RSA 571:8-a. 1973, 532:7, eff. Nov. 1, 1973.

## Section 31:43-c

**31:43-c Minors under 16.** – In all such cities and towns it shall be unlawful for any minor under the age of 16 years to be upon any public street, or in any public place, after the hour of 9 o'clock in the evening, unless accompanied by a parent, guardian, or other suitable person.

**Source.** 1913, 172:1. PL 379:9. RL 441:9. RSA 571:9. 1973, 532:7, eff. Nov. 1, 1973.

## Section 31:43-d

**31:43-d Curfew Signal.** – Whistles which can be heard in every part of the city, town, or village shall be blown, or bells shall be rung at the appointed time, and shall be called the curfew signal, after which all children under 16 years of age shall be required to be off the street, except they are in company of a parent, guardian, or other suitable adult person.

**Source.** 1913, 172:3. PL 379:10. RL 441:10. RSA 571:10. 1973, 532:7, eff. Nov. 1, 1973.

## Section 31:43-e

**31:43-e Penalty, Custodian.** – Any parent, guardian, or person having the control of any minor under the age of 16 years who shall permit any such minor to be upon any public street or in any public place in any such city or town, in violation of this subdivision, shall be guilty of a misdemeanor.

**Source.** 1913, 172:2. PL 379:11. RL 441:11. RSA 571:11. 1973, 532:7, eff. Nov. 1, 1973.

## Section 31:43-f

**31:43-f Penalty, Minors.** – For the first violation of this subdivision by any child it shall be taken to its home by the officers, and the parents or guardian shall be notified of the penalty for any subsequent violation.

**Source.** 1913, 172:4. PL 379:12. RL 441:12. RSA 571:12. 1973, 532:7, eff. Nov. 1, 1973.

### **Section 31:43-g**

**31:43-g Second Offense.** – Upon any subsequent violation by any child said parents or guardians shall be guilty of a misdemeanor.

**Source.** 1913, 172:4. PL 379:13. RL 441:13. RSA 571:13. 1973, 532:7, eff. Nov. 1, 1973.