

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
NOV. 03 2003

MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of Copenhagen  
~~Town~~  
Village

Local Law No. 1 of the year 2003

A local law Establishing a Halloween Curfew  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Copenhagen as follows:  
~~Town~~  
Village

## Section 1. Title

This Local Law shall be entitled "Village of Copenhagen Halloween Curfew Law"

## Section 2. Authority

This Local Law is enacted pursuant to the authority of section 4-412 of the Village Law of the state of New York and section 10 of the Municipal Home Rule Law of the state of New York.

## Section 3. Findings

The Village Board has determined that large numbers of minors have on the night(s) when Halloween is celebrated congregated within the Village limits after dark and have behaved in a disorderly manner that has threatened the safety and property of the residents of the Village. The residents and Trustees of the Village and law enforcement agencies have been frustrated in their efforts to control these minors and to preserve the peace and protect the residents of the Village.

## Section 4. Purpose

In order to protect the health, safety and welfare of the citizens of the Village of Copenhagen, prevent the disorderly and unlawful conduct of minors, preserve the peace within the Village and protect the residents of the

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Village, the Village Board of Trustees deem it necessary to enact this Local Law imposing a curfew on the night(s) during which Halloween is celebrated every year.

#### **Section 5. Curfew Imposed**

Beginning on the evening of October 28th and ending on the morning of November 1st each year no person under 18 years old shall loiter, congregate or remain in or upon any public street, sidewalk, highway, park, vacant lot or other public place within the Village of Copenhagen between the hours of 10:00pm and 6:00am.

#### **Section 6. Additional Restrictions During Curfew**

It shall be unlawful to possess quantities of vegetables, eggs, shaving cream, toilet paper or other objects or to throw or discard same in a manner that threatens the safety and property of the residents of the Village or otherwise disturb the peace.

#### **Section 7. Exemptions**

Although a curfew is intended to achieve the purposes hereinbefore set forth the Village recognizes there are certain situations in which an exemption needs to be provided in order to properly apply the provisions of this article. The exemptions are as set forth in this section.

- A. Adult accompaniment. The provisions of this article shall not apply to persons under age 18 when accompanied by his or her parent, legal guardian or other responsible adult over the age of 21 years approved by the parent or legal guardian of the person under the age of 18 years.
- B. Employment. The provisions of this article shall not apply to persons under 18 years of age who are legally employed who are going directly between his or her home and place of employment. This exemption shall also apply to a person under the age of 18 years in a public place during the curfew hours as part of his or her employment, while acting in the course of such employment; provided, however, that a written statement from the employer attesting to the place and hours of employment shall be provided by the person under the age of 18 years upon request of the peace officer enforcing this article.
- C. Public event. The provisions of this article shall not apply to persons under the age of 18 years who are returning home from a school activity, an activity of a religious association or other voluntary association, a place of public entertainment or a public sporting event in which the person participates or has attended. This exemption applies for 1/2 hour after the completion of such event.
- D. Constitutional rights. The provisions of this article shall not apply to any person exercising their First Amendment rights, provided that the person exercising such rights has first given notice to the Mayor of the Village by delivering a written communication signed by such person and countersigned by a parent or guardian specifying when, where, in what manner and for what First Amendment purpose the person will be on the streets or in the public place during the curfew hours.

**Section 8. Violations**

Failure to comply with this Local Law shall be a violation as defined in sub-section 3 of section 55.10 and penalties may be imposed as prescribed in sub-section 4 of section 80.05 of the Penal Law of the state of New York.

**Section 8. Effective Date**

This Local Law shall take effect upon its filing in the office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of 2003 of the (County)(City)(Town)(Village) of \_\_\_\_\_ Copenhagen \_\_\_\_\_ was duly passed by the Board of Trustees \_\_\_\_\_ on October 30, 2003 in accordance with the applicable provisions of law. (Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law. (Name of Legislative Body) (Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Suzette Parker*

\_\_\_\_\_  
Clerk of the County/legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: October 30, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Judy Drabik*  
\_\_\_\_\_  
Signature

Village Attorney  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of Copenhagen  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: October 30, 2003