

Ordinance

No. 10-2025

AN ORDINANCE REPEALING CHAPTER 148, "CURFEW" OF THE CODE OF THE BOROUGH OF WESTVILLE AND ADOPTING A NEW CHAPTER 148 TO BE TITLED "MINORS/CURFEW" TO ESTABLISH CURFEW REGULATIONS AND TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF MINORS AND THE COMMUNITY

WHEREAS, the Mayor and Borough Council of the Borough of Westville find that there has been an increase in incidents involving minors occurring during late-night hours; and

WHEREAS, the Borough Council believes it is in the best interest of public safety and the general welfare of the community to establish reasonable curfew hours for minors;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Westville, County of Gloucester State of New Jersey, that Chapter 148 be and is hereby repealed and a new Chapter 148 is hereby adopted to read as follows:

Section 1. Title. Chapter 148 shall be titled "Minors/Curfew".

Section 2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

- **MINOR** – Any person under the age of 18 years
- **PARENT** – Any person having legal custody of a minor:
 - (1) As a natural or adoptive parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by court order.
- **PUBLIC PLACE** – Any place to which the public has access, including but not limited to streets, sidewalks, parks, playgrounds, shopping centers, parking lots, transportation facilities, restaurants, and other areas open to the public.

Section 3. Curfew Established.

It shall be unlawful for any minor to be or remain in or upon any public place within the Borough between the hours of 9:01 p.m. and 8:14 a.m., Sunday through Thursday, and between 10:01 p.m. and 8:15 a.m. on Friday and Saturday, unless accompanied by a parent or guardian, or engaged in a lawful employment activity, or traveling to or from such activity.

Section 4. Exceptions.

The provisions of this chapter shall not apply to any minor who is:

- (1) Accompanied by a parent or guardian;
- (2) Engaged in or traveling to or from a lawful employment activity;

(3) Attending or traveling to or from an official school, religious, or recreational activity supervised by adults and sponsored by the Borough, school, religious institution, or other civic organization;

(4) Involved in an emergency situation;

(5) Emancipated by a court order.

Section 5. Enumeration of offenses

A. Offenses against the public peace, safety and morals shall be punishable as herein provided.

B. Offense against the public peace, safety and morals are hereby defined to include:

1. A felony, high misdemeanor, misdemeanor or other offense.
2. Violation of any penal law or municipal ordinance.
3. Any act or offense for which he could be prosecuted in the method partaking of the nature of a criminal action or proceeding.
4. Being a disorderly person.
5. Habitual vagrancy.
6. Incurability.
7. Immorality.
8. Knowingly associating with thieves or vicious or immoral persons.
9. Growing up in idleness or delinquency.
10. Knowingly visiting gambling places, or patronizing other places or establishments, his admission to which constitutes a violation of law.
11. Idly roaming the streets at night.
12. Habitual truancy from school.
13. Deportment endangering the morals, health or general welfare of said child.
14. Including any and all state statutes under Title 39 of the Motor Vehicle Act as to violations in the operation and use of a motor vehicle, but not including violations for parking.
15. Sale and use of narcotics or other drugs.
16. Defacing the property of another (graffiti).
17. Destroying any property of another.
18. Mugging.
19. Assaults.

20. Assaults and battery.
21. Loitering in groups of three or more on any public streets, highways or alleys.
22. Littering or destruction or defacing of public property owned by the governments of the city, county or state.
23. Destruction of playground equipment and public parks.
24. Consumption of alcoholic beverages on a public street.
25. Drunkenness.
26. Begging.
27. Lack of supervision by a parent, legal guardian or other person having the care or custody of a minor child under the age of 18. A "person" is defined to include parents, guardians or persons having custody or control of minor children.
28. Indecent exposure.

Section 6. Parental responsibility.

It shall be unlawful for any parent, legal guardian or other person having the care or custody of a minor child under 18 years of age by any act or word, or the failure to act or by the lack of supervision and control over said minor child to encourage, contribute toward, cause or tend to cause said child to violate this ordinance by reason of the activity of said minor child within the Borough of Westville.

Section 7. Supervision.

Supervision is the exercise of control over a minor child, knowing his whereabouts, knowing with whom he associates and in what activities he or she may engage in which could affect or offend the public peace, safety and morals.

Section 8. Assisting in encouraging violations.

It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 to assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this ordinance or any other ordinance of the Borough of Westville as defined herein, either by overt act, by failing to act or by lack of supervision and control over said minor child.

Section 9. Presumption of evidence.

The fact that a child under the age of 18 years is apprehended while on any public streets, highways, alleys or parks during the hours of curfew shall be prima facie evidence of a violation of this ordinance on the part of the parents, legal guardian or other person having custody or care of said minor.

Section 10. Apprehension of violators.

When any person under the age of 18 years is apprehended in violation of this ordinance or violation of any laws of the state as outlined in this ordinance and has been brought before the Judge of the New Jersey Superior Court Family Division of Gloucester County and upon the Court's determination that the child is guilty of the offense within the purview of this ordinance, the parent, legal guardian or other person having care and custody of said minor may be summoned before a Judge of the Municipal Court of the

Borough of Westville and ordered to provide supervision of the minor. The failure of said parent, legal guardian or other person having legal custody of said minor child, upon a second offense, shall cause the parent, legal guardian or the other person having custody of said minor child to be subject to the penalties herein.

Section 11. Violations and penalties.

A. Any police officer of the Borough of Westville who finds a minor violating the provisions of this chapter shall:

- (1) Instruct the minor to leave the public place and return home immediately; and
- (2) Notify the parent or guardian of the violation.

B. Upon a second or subsequent violation, or if the minor refuses to comply with the officer's instruction, the minor may be taken into custody and the parent or guardian may be issued a summons.

C. Any person violating the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding \$2,000, or imprisonment in the county jail for a term not exceeding 90 days or community service for a term not exceeding 90 days, or any combination thereof, at the discretion of the Municipal Court Judge.

Section 12. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

Section 13. Effective Date

This ordinance shall take effect after final passage and publication as provided by law.

APPROVED by the Governing Body of the Borough of Westville, County of Gloucester, State of New Jersey.

Introduced: September 22, 2025

Adopted: October 27, 2025

BOROUGH OF WESTVILLE

**Fritz H. Sims, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**