

**Town of Stratford**

# **Curfew Ordinance**



**Do You Know Where Your Children Are?**

**March 29, 1977**

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TEL. 788-2525

April 5, 1977

Mr. Paul Hawley  
Selectmen's Office  
No. Stratford, NH 03590

Re: Curfew

Dear Paul:

You inquired by your letter of March 29th as to the legality of a curfew ordinance which was adopted at the Town Meeting and you provided me with the text of such ordinance.

It is legal for any town at any town meeting to adopt a curfew - see RSA 31:43-a. However, the way in which the statute is worded would limit such an ordinance to the curfew provisions as expressed in the statute (RSA 31:43-a through g). The language which you indicate is part of your ordinance involves a specified ten dollar fine which is contrary to the provisions of the statute. Hence, it would appear to me that although it is legal for a town to adopt a curfew, what you adopted is not legal. The penalty provision you indicate in your ordinance is a ten dollar fine. The statutory penalty classifies violation thereof on the parent, guardian, etc., as a misdemeanor and, as it affects the minor for a second and subsequent offenses, that too is a misdemeanor. Where the statute specifies the penalty you, by your own ordinance, cannot limit such a penalty contra to that specified in the statute. I would think that if the Town desired to adopt a curfew, it is limited to adopting that which is specified in RSA 31:43-a through g.

Please advise if you have any questions.

Sincerely yours,



Paul F. Donovan

PFD:jmb