

Guidance on Imposing Curfews

Several questions have arisen in regard to imposing a curfew within a municipality, including:

- May a mayor impose an overall curfew without the vote of a city council?
- May a mayor impose a curfew on juveniles exclusively without a council vote?
- If a mayor may impose a curfew, may he prescribe penalties in the curfew without an ordinance or council approval?
- Is the governor's disaster declaration a sufficient compelling reason to impose a curfew?

From Executive Director Mark Hayes:

"The law isn't particularly clear on this point. My advice, however, is to have the council make the declaration or give you the authority to do so. As you heard yesterday, the governor is the exclusive authority to issue quarantines (stay at home, curfews, etc.) regarding commerce. Commerce is the key word in that declaration. What the governor did note yesterday is that he's a partner with cities and towns and knows each locality has its own unique problems. Thus, a well-tailored policy/ordinance will be met with positivity from the governor's office."

See paragraph 12 of Executive Order 20-13: <https://bit.ly/2RkFjQM>.

- Does enacting a curfew require an ordinance to be in place? *That is the League's preference.* You can submit your ordinance to the League for review via this form: <https://bit.ly/2JLJUY9>.