

## ORDINANCE NO. 173

### **AN ORDINANCE TO REGULATE THE CURFEW OF CERTAIN MINORS WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.**

#### **THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

##### **Section 1: Purpose.**

The purpose of this Ordinance is to regulate the curfew of certain minors in public places and other unsupervised places within the Village of Decatur, Michigan, and to provide penalties for violation thereof. This Ordinance is made pursuant to the authority of Michigan Act 41 of the Public Acts of 1960, MCL 722.751 et seq.

##### **Section 2: Hours of Curfew.**

A. It shall be unlawful for any minor person under the age of 12 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 9:30 p.m. and 6:00 a.m. Michigan Standard Time

B. It shall be unlawful for any minor person under the age of 15 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 10:00 p.m. and 6:00 a.m. Michigan Standard Time.

C. It shall be unlawful for any minor person under the age of 17 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 11:00 p.m. and 6:00 a.m. Michigan Standard Time.

D. The provisions of this Section shall not apply to a minor accompanied by his parent, grandparent, guardian, sibling of at least 18 years of age, or other responsible adult over the age of 21 years. Nor shall the provisions of this Section apply where the employment of the minor person makes it necessary that the minor is upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place during the nighttime after the specified hours; or if the minor is returning directly home from attending an organized community or social event, school or religious activity for which the minor shall have received permission in writing from his parent, grandparent, guardian or other person having custody of the minor.

##### **Section 3: Responsibility of Parent, Guardian or Other Person having legal care and custody to Enforce Curfew.**

It shall be unlawful for any parent, guardian or other person having the legal care and custody of a minor person under the age of 17 years to allow or permit any such minor to be in violation of Section 2 of this Ordinance.

**Section 4: Lack of Knowledge of Violation no Defense.**

It shall not constitute a defense to a complaint charging a violation of Section 3 of this Ordinance, that the parent, guardian, or other person having the legal care and custody of a minor person who violates the provisions of Section 2 of this Ordinance, did not have knowledge of the presence of said minor in and upon any street, alley, playground, public place, closed business, place of amusement, or other unsupervised place as prohibited in Section 2 of this Ordinance.

**Section 5: Business Owners Prohibited to Allow Minors to Violate Curfew Hours on Their Premises.**

It shall be unlawful for the owner/operator of any business establishment within the Village of Decatur, Michigan either by himself or by any employee or agent, to permit any such minor person to be, or remain in or about such business establishment in violation of Section 2 of this Ordinance, unless the minor is employed and working at said business establishment during curfew hours.

**Section 6: Duties of Police Department.**

It shall be the duty of each member of the Decatur Police Department to enforce the provisions of this Ordinance, and each member of the police department is hereby authorized to question any person suspected of violating any of the provisions of this Ordinance and to take into custody and detain any minor person so found to be in violation of this Ordinance, and to further ascertain the name of the parent, guardian or other person having authorized custody, or the employer of the minor person.

Upon determination, such parent, guardian, or other person having authorized custody of the minor person shall be notified or summoned by the investigating officer or member of the Decatur Police Department to appear at the police department to complete an investigation and assume custody of the minor person. If the parent, guardian, or person having authorized custody of the minor cannot be located within a reasonable time, the officer shall notify the county juvenile authorities to cause the proper proceedings to be had and taken, as authorized by the laws of the State of Michigan.

**Section 7: Warning Notice.**

Whenever any minor person in violation of this Ordinance shall be taken into custody by the Decatur Police Department, as provided in Section 6 of this Ordinance, written notice shall be given immediately, or as soon thereafter as possible, to any parent, guardian, or other person having legal care or custody of such minor, or the owner/operator of any business establishment, in the form provided in this Section. Such notice shall be substantially in the following form:

To \_\_\_\_\_

You are notified on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m, a minor person under 17 years of age named \_\_\_\_\_ for whom you are responsible, was taken into custody for being in violation of Section 2 of Ordinance No. 173 of the Village of Decatur, a portion of which is printed on the back of this notice.

You are further notified that you are charged in the future with the responsibility for the compliance by said minor with the provisions of said Ordinance No. 173. Failure to do so will subject you to the penalty therein provided.

Village of Decatur Police Department

By: \_\_\_\_\_  
\_\_\_\_\_

**Section 8: Penalties**

A. MINORS - The penalty for the first violation of the provisions of this Ordinance by any minor person shall be the detention provided in Section 6, and the warning notice provided in Section 7 and possible referral to the juvenile authorities of Van Buren County Michigan. Upon the second and subsequent violations of the provisions of this Ordinance by the minor person, in additions to the provisions of Section 6 and Section 7 of this Ordinance, the matter shall be referred to the juvenile authorities of Van Buren County Michigan.

B. PARENT, GUARDIAN, PERSON HAVING AUTHORIZED CUSTODY OF THE MINOR PERSON, OR BUSINESS OWNER/OPERATOR - The penalty for the first violation of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, or business owner/operator shall be the detention of the minor as provided in Section 6, and the warning notice provided in Section 7 of this Ordinance. The second and subsequent violations of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, or business owner/operator, shall constitute a Municipal Civil Infraction subject to a civil fine not exceeding \$500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

**Section 9: EFFECTIVE DATE.**

This Ordinance shall become effective the 1st day of July, 2007.

Adopted by the Village Council of the Village of Decatur, Michigan on the 4th day of June, 2007.