

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 60

CURFEW ORDINANCE

An Ordinance to protect and secure the public health, safety, and general welfare by the prohibition of loitering in or upon public or private places within the Charter Township of Hampton by specified minors during specified hours; to create a provision for parental responsibility for violations of this Ordinance; to provide penalties for the violation of the provisions of this Ordinance; and to repeal any Ordinances or part of Ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN
ORDAINS:

Section 1 Title

This Ordinance shall be known and cited as the Charter Township of Hampton “Curfew Ordinance.”

Section 2 Purpose

The purpose of this Ordinance shall be to prohibit the gathering of minors in public or private places for unlawful or mischievous purposes; to prohibit minors from loitering or standing in, near, or upon public or private places during specified hours; and to require that proper parental responsibility be exercised by persons to whom this Ordinance shall apply.

Section 3 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- a. "Delinquent Acts" means those acts which violate the laws of the United States, the laws of the State, the Ordinances of this Township and those acts which would cause the minor to come under the jurisdiction of the juvenile division of the probate court as defined by MCLA 712A.2. Delinquent Acts do not include traffic violations which are designated as civil infractions.
- b. "Minor" means any unemancipated person under seventeen (17) years of age.
- c. "Parent" means a mother, father, or legal guardian of a minor who has the responsibility for care and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.

Section 4 Curfew

No minor under the age of seventeen (17) years shall loiter, idle, wander, congregate, or play in or upon the public streets, highways, roads, alleys, parks, public places, vacant lots, or privately owned places of business, amusement, or entertainment, or other unsupervised places, between the hours of 12:01 a.m. and 5:00 a.m., and no minor under the age of sixteen (16) years shall loiter, idle, wander, congregate, or play in or upon the public streets, highways, roads, alleys, parks, public places, vacant lots, or privately owned places of business, amusement, or

entertainment, or other unsupervised places, between the hours of 10:00 p.m. and 5:00 a.m., provided, however, that the provisions of this Section do not apply in the event that:

- a. The minor is accompanied by their parent, legal guardian or other adult who has been delegated by the parent or legal guardian to accompany the minor; or
- b. Where the minor is on an emergency errand or legitimate business or activity directed by their parent or legal guardian; or
- c. The minor is engaged in employment activity, or going to or returning home from employment activity, without detour or stop; or
- d. The minor is in the immediate vicinity of the minor's residence and the minor's parent is currently at the premises; or
- e. The minor is attending, going to or returning from without detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a governmental agency, a civic or religious organization, or another similar entity which takes responsibility for the minor; or
- f. The minor is in a motor vehicle involved in inter-state travel.

Section 5 Parental Responsibility

- a. The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

- b. Whenever a minor is arrested or detained by the Charter Township of Hampton Police Department for the commission of any delinquent act, the parent of the minor shall be notified in writing within seven (7) days by the Police Department of the minor's arrest or detention, the reason therefor and the parent's responsibility under this Section. Such written notification shall be personally delivered to the parent, posted at the parent's residence or sent by certified mail, return receipt requested. A record of such notification shall be kept by the Police Department.
- c. If the minor of a parent residing within the Township commits a delinquent act, the parent shall be guilty of a violation of this Section if:
 - 1. It is proven that by act or word the parent encouraged or caused the commission of the delinquent act by the minor; or
 - 2. It is proven that the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If at any time within forty-five (45) days following the giving of notice as provided in subsection (b) of this Section, the minor to whom said notice related or applied commits a delinquent act as defined in this Section, it shall be rebuttably presumed that the minor committed the act with the knowledge, allowance, permission or sufferance of the parent.

Section 6 Penalty

Any person in violation of any Section of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days or a fine of not more than \$500.00, or both, in the discretion of the Court.

Section 7 Saving Clause

The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any other portion of this Ordinance.

Section 8 Effective Date

This Ordinance shall take effect on the 31st day after publication following adoption as required by law.