

CHARTER TOWNSHIP OF VAN BUREN
COUNTY OF WAYNE, STATE OF MICHIGAN
ORDINANCE 05-18-10(1)

AN ORDINANCE TO REPEAL THE TOWNSHIP CODE OF ORDINANCES, CHAPTER 58, ARTICLE VIII OFFENSES CONCERNING UNDERAGED PERSONS, SECTION 58-365, CURFEW FOR MINORS AND REPLACE IT WITH NEW CHAPTER 58, ARTICLE VIII OFFENSES CONCERNING UNDERAGED PERSONS, SECTION 58-365, CURFEW FOR MINORS

THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:

ARTICLE VIII, OFFENSES CONCERNING UNDERAGED PERSONS

Section 58-356 Curfew for Minors

- (a) Definition of public place. For purposes of this section, public place means any street, highway, alley, park, public building, or place of business or assembly open to or frequented by the public, or any other place which is open to the public view or to which the public has access.
- (b) Curfew hours. It is unlawful for any minor under 17 years of age to be in any public place between 12:00 midnight and 6:00 a.m. It is unlawful for any minor under 13 years of age to be in any public place between 10:00 p.m. and 6:00 a.m.
- (c) Defenses to prosecution. It is a defense to prosecution under subsection (b) of this section that the minor was:
- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian.
 - (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, property damage, or loss of life;
 - (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Township, a civic organization, or another similar entity that takes responsibility for the minor
 - (7) Married or had been married or had disabilities of minority removed in accordance with law.

- (d) Aiding minors to violate the law.
- (1) It is unlawful for the parent, guardian or other person having custody or control of any minor to allow, assist, and, permit or encourage minor to violate the provisions of subsection (b) of this section.
- (2) It is unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises in violation of subsection (b) of this section. It is a defense to prosecution under this subsection that the owner, operator, or employee of an establishment promptly notified the public safety department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
- (e) Non-compliance as misdemeanor; penalty. A minor, parent or other person in parental relation or any other person identified in subsection (d)(2) of this section who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not less than 2 nor more than 90 days, or both.
- (f) Conflicts. If any provision of the Code of Ordinances conflicts with this amendment to the Code of Ordinances, the most restrictive provision shall apply. This Amendment replaces current Ordinance Section 58-35(a)(e).
- (g) Severability. This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.
- (h) Effective Date. This Ordinance shall be effective upon publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the 1st day of June, 2010.

YEAS: Wright, Budd, Ostrowski, Partridge and White.
NAYS: None.
ABSENT: Hart (excused) and Jahr (excused).
ABSTAINED: None.

I hereby approve the foregoing Ordinance.

Leon Wright, Township Clerk

Paul D. White, Township Supervisor

Adopted: June 1, 2010
Published: May 27, 2010 & June 10, 2010
Effective: June 10, 2010