

**FRENCHTOWN CHARTER TOWNSHIP
CURFEW ORDINANCE
Ord. No. 212; Date of Adoption: October 27, 2009**

An Ordinance to regulate the hours that children or minors under the age of 16 years may be in or on the streets, alleys and public parks and places and to prescribe penalties for violators of the Ordinance.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Authority and Purpose.

The Frenchtown Charter Township Board acknowledges that the State of Michigan has enacted the Curfew for Children Act 41 of 1960, as amended which establishes certain curfews for minors under the age of 16 years. Section 4 of that Act provides that nothing in the Act shall be deemed to limit any powers of a city, village or township to regulate by ordinance a curfew for minors. Further, Charter Township Act 359 of 1947, Sections 15 and 16 authorize charter townships to enact such ordinances as may be necessary to provide for the public peace and health and for the safety of persons and property and to regulate the use of streets, alleys and public places within the township. The Frenchtown Charter Township Board acknowledges that truancy during school hours and the loitering of minors during the later evening hours can have deleterious effects on the citizens and property of Frenchtown Charter Township and that reasonable regulation and curfews can serve to deter such harmful effects.

Section 2. Curfew for Minors.

A. Establishment.

1. No person under 16 years of age shall be or remain in or upon the streets, alleys or public places in the Township between 10:00 PM and 6:00 AM of the following day unless such person is accompanied by a parent, adult chaperone, guardian or other legal custodian of such minor person.

2. No person 16 years of age shall be or remain in or upon the streets, alleys or public places in the Township between 12:00 midnight and 6:00 AM unless such person is accompanied by a parent, adult chaperone, guardian or other person having legal custody of such minor person.

3. No person subject to compulsory school attendance, or absent from school for a school mandated disciplinary reason, shall be or remain in or upon the streets, alleys, or public places within the Township except in attendance at school or at the person's place of residence, during the hours that person is required to be in attendance at school as required by law.

4. It shall be a defense to prosecution under Subsection A of this Section and shall not be deemed a violation of this Section for a person under the age of 17 years to be on the streets, alleys or public places during the hours prohibited as set forth in Subsection A above while the minor is:

(a.) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian.

(b.) In the performance of an errand or task at the direction of the minor's parent or guardian, without any detour or stop.

(c.) Engaged in an employment activity or going or returning home from an employment activity without any detour or stop.

(d.) 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, natural disaster, automobile accident, or other situation that requires immediate action to prevent injury.

(e.) Attending an official school, religious or other recreational activity supervised by adults or a civic organization or other similar entity which takes responsibility for the minor or going to or returning home from, without detour or stop, an official school, religious or other recreational activity supervised by adults or a civic organization or similar entity that takes responsibility for the minor.

(f.) Married or has had the disabilities of minority removed in accordance with the law.

B. Parental Responsibility.

No parent, guardian or other person having legal care and custody of any person under 17 years of age shall allow or permit any such minor, ward or other person under such age, while in his or her legal custody, to go or be in or upon any of the streets, alleys or public places in the Township within the times prohibited in this Section unless there exists a reasonable necessity therefore.

C. Enforcement.

1. Each Member of the Michigan State Police, the Monroe County Sheriff's Department, or any other duly appointed law enforcement personnel while on duty, are authorized to enforce this Ordinance as to any minor or person found violating any of the provisions of this Ordinance.

2. The Law Enforcement Officer enforcing the Ordinance shall investigate whether the minor was in the streets, alleys and public places by a parent's or guardian's orders, or with the permission of the parents or guardians, and if so, whether there was reasonable necessity therefor. If, after conducting said investigation, it is reasonably determined or found that the minor was in the streets, alleys and public places with the parent's or guardian's orders or permission, and there was no reasonable necessity therefor, the Sheriff's Officer shall file a complaint and warrant for

the arrest of the parent or guardian for violating this Section, and the parent or guardian shall be subject to the penalty provided for in Section 3 of this Ordinance.

D. Incurrable Children.

If, after an investigation by the Officer as provided in Subsection (C) hereof, it is found that the child is incorrigible or willfully absents himself or herself from the home and that the parents are unable to control such child, then an appropriate complaint shall be filed with the proper authorities under the juvenile laws of the State.

Section 3. Penalties and Enforcement.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment. As to violations of Section 2(A)(3), the Court may in its discretion determine to set aside the fine and/or imprisonment if it is the minor's first violation of this Ordinance and the minor produces proof satisfactory to the Court that the minor has had no prior unexcused absences from school.

Section 4. Repeal.

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 5. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 6. Effective Date.

This Ordinance shall become effective thirty days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.