

TOWNSHIP OF LAKETOWN

Ordinance No. 61

CURFEW ORDINANCE

AN ORDINANCE TO ESTABLISH A CURFEW FOR MINORS WITHIN THE TOWNSHIP OF LAKETOWN, REQUIRE PARENTAL CONTROL OF MINORS, AND PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The People of the Township of Laketown enact this ordinance to:

- (a) Protect the public from the illegal acts of minors committed after the curfew hour;
- (b) Protect minors from improper influences that prevail after the curfew hours;
- (c) Protect minors from criminal activity that occurs after the curfew hour; and
- (d) Require parents to exercise control of their minor children.

Section 2. Definitions. In the interpretation of this section, the following definitions shall apply:

- (a) Minor shall mean any person under the age of seventeen (17) years.
- (b) Parent shall mean and include mother, father, legal guardian, and any other person having the care or custody of a minor or such other adult with whom a minor may be found residing.
- (c) Residence shall mean a home, apartment, condominium, or other dwelling unit and includes the curtilage of such dwelling unit.

Section 3. Curfew for Minors.

- (a) Minors twelve (12) years and under. No minor the age of twelve (12) or under shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 10 p.m. and 6:00 a.m. of the following day, unless subject to the exceptions set forth in Section 4.

(b) Minors 13 years to 16 years. No minor the age of or between the age of sixteen (16) and thirteen (13) years shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 12:00 midnight and 6:00 a.m. of the following day, unless subject to the exceptions set forth in Section 4.

Section 4. Exceptions to the operation of the curfew. A minor shall not violate the provisions of this section if any of the following exceptions are found to exist.

(a) Where the minor is accompanied by a parent, guardian, or some adult over twenty-one (21) years of age delegated by the parent or guardian to accompany the minor child for a designated period of time and for a specific purpose within a specified area.

(b) Where the minor is travelling through the Township of Laketown or the Township of Laketown is the origin destination of interstate travel. This exception shall not apply to minors sitting in parked vehicles without parental consent.

(c) Where the minor is employed in the course of lawful employment or for a period of one half hour before to one half hour after work, while travelling a direct route between such place of employment and his or her residence, and carries on his person a written statement signed by his employer showing the time when the minor left work on that day.

Section 5. Parental responsibility for minors violating curfew. No parent shall knowingly fail, permit, or neglect to supervise a minor from violating the provisions of Section 3. A rebuttable presumption of a violation shall occur if the following is found to exist:

(a) The parent of such minor is immediately notified by the Allegan County Sheriff's Department, or any other police department having jurisdiction, advising the parent of the arrest or detention of the minor; the reason for such detention; and the parent's responsibility under this section. A record of such notification(s) shall be maintained by the Allegan County Sheriff's Department, or any other police department having jurisdiction.

(b) Any parent who fails to pick up a minor with in their control who is being detained by the Allegan County Sheriff's Department, or any other police department having

jurisdiction, upon notification by the department, shall be guilty of a misdemeanor and subject to the penalties described in Section 7.

(c) Any parent who has received two prior notifications regarding curfew violations of any minor with in their control by the Allegan County Sheriff's Department, or any other police department having jurisdiction, shall be guilty of a misdemeanor and subject to the penalties described in Section 7.

Section 6. Aiding or Abetting Violations; Misdemeanor. Any person of the age of 17 years or over assisting, aiding, abetting, allowing, permitting, or encouraging any minor under the age of 17 years to violate the provisions of Section 3 hereof is guilty of a misdemeanor and subject to the penalties described in Section 7.

Section 7. Penalties. In addition to any other charges, fines, or penalties for which an adult person may be liable under other applicable law or local ordinance, any violation of this Ordinance constitutes a misdemeanor, and shall be punishable by a fine not in excess of Five Hundred (\$500) Dollars, plus costs of prosecution, or imprisonment in the Allegan County Jail not in excess of ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day during which any violation of Ordinance occurs shall be deemed a separate and distinct offense.

Section 8. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Repeal. All resolutions, ordinances, orders or parts thereof in conflict in whole or part with any provision of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10. Effective Date. This Ordinance was approve and adopted by the Township Board on May 12, 1993. This Ordinance shall be effective on the day following its publication.

Gene Berghorst, Supervisor

Robert Jaskulski, Clerk

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