

Ordinance No. 37

CURFEW ORDINANCE TOWNSHIP OF COVERT, MICHIGAN Eff. May 23, 1994

An Ordinance to regulate assembly and to regulate the hours that children under the age of eighteen (18) years may idle or congregate in or on the public streets, highways, alleys, parks, parking lots or other areas open to the public; and to prescribe penalties for violation of the provisions of this act.

THE TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN HEREBY ORDAINS:

Sec. 1. CURFEW FOR CHILDREN UNDER TWELVE (12) YEARS OLD.

No minor under the age of twelve (12) years shall be or remain in or upon any public street, highway, alley, park, parking lot or other area open to the public between the hours of 9:00 p.m. and 6:00 a.m., immediately following, unless where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 2. CURFEW FOR CHILDREN TWELVE (12) YEARS OLD AND UNDER THE AGE OF SIXTEEN (16) YEARS OLD.

No minor twelve (12) years old and under the age of sixteen (16) shall be or remain in or upon any public street, highway, alley, park, parking lot or other area open to the public between the hours of 10:00 p.m. and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor child. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 3. CURFEW FOR CHILDREN SIXTEEN (16) YEARS OLD AND UNDER THE AGE OF EIGHTEEN (18) YEARS OLD.

No minor sixteen (16) years old and under the age of eighteen (18) years old shall be or remain in or upon any public street, highway, alley, park, parking lot or other area open to the public between the hours of 11:00 p.m. and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor, or where the minor is on an errand or other reasonable business directed by his parent or guardian. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 4. PARENTAL RESPONSIBILITY.

It shall be unlawful for the parent, guardian or other person having the legal care and custody of a minor child under the age of eighteen (18) years to assist, aid, abet, allow, permit or encourage such minor to violate Section 1 [Section 48.001], Section 2 [Section 48.002], or Section 3 [48.003] of this Ordinance. A parent, guardian, or other person having the legal care and custody of a minor under the age of eighteen (18) years shall be deemed to have knowingly permitted a violation of this Ordinance when he willfully or negligently fails to exercise reasonable precautions including responsible oversight, to prevent any such child from violating this Ordinance. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

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Sec. 5. AIDING OR ABETTING.

It shall be unlawful for any person of the age of eighteen (18) years or over to assist, aid, abet, permit or encourage any minor under the age of eighteen (18) years to violate this division. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 6. PENALTY FOR VIOLATION OR FOR AIDING UNDER-AGED CHILDREN TO VIOLATE LAWS; MISDEMEANOR.

Any person who violates any section of this Ordinance or who assists, aids, abets, allows, permits, or encourages any minor to violate the provisions of any section of this act is responsible for a civil infraction to be fined fifteen dollars (\$15.00) for the first offense and twenty-five dollars (\$25.00) for a second offense. If any person violates this Ordinance a third time that person shall be guilty of a criminal misdemeanor offense to be punished by a fine in the amount of one hundred dollars (\$100.00) and comparable costs and/or up to ninety (90) days in the Van Buren County Jail. The Juvenile Division of the Probate Court of the County where the violation is alleged to have occurred have jurisdiction over the proceedings for civil infractions and misdemeanors for children under the age of eighteen (18) years. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 7. LOCAL REGULATIONS AFFECT.

Nothing in this act shall be deemed to limit any powers now or hereafter possessed by any Township Police Officer, or other law enforcement officers of the State of Michigan to enforce the State Curfew Act (Act 41, 1960, as amended; MCLA 722. 751 et seq.) or any other State Law or Covert Township Ordinance. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 8. SEVERABILITY.

The phrases, sentences, sections, articles and provisions of this Ordinance are hereby declared to be severable, and any such phrase, sentence, section, article or provision which is declared to be unconstitutional or invalid for any reason shall in no way affect the other provisions of this Ordinance. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)

Sec. 9. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication, and a true copy of the Ordinance can be inspected or obtained at the Covert Township Hall. (ord. No. 37 eff. May 23, 1994; amend. of March 24, 1995)