

# **ORDINANCE NO. 99-1-1**

## **Township of Chester Ottawa County, Michigan**

An Ordinance to protect the public from the illegal acts of minors which are committed after the curfew hour; to protect minors from improper and harmful influences that are prevalent after the curfew hour; to protect minors from criminal activity which occurs after the curfew hour; and to require parents to exercise control over their minor children.

The Township of Chester, Ottawa County, Michigan, ORDINANS:

Section One. TITLE: This Ordinance shall be known and referred to as the Township of Chester Curfew Ordinance.

Section Two. DEFINITIONS: As used in this Ordinance, the following words and terms shall have the definitions indicated:

- A. "Minor" shall mean any person under the age of seventeen (17) years;
- B. "Parent" shall mean, and include, the mother, father, legal guardian, or any other person who has the care or custody of a minor.
- C. "Residence" shall mean a home, apartment, condominium, or other dwelling and includes the curtilage of such dwelling.

Section Three. CURFEW HOURS FOR MINORS: EXCEPTIONS: No minor shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place during the hours hereinafter specified, unless one of the exceptions provided in this Section applies.

- A. Curfew Hours for minors less than Thirteen (13) years of age: No minor under the age of thirteen (13) years of age shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 10:00 p.m. and 7:00 a.m.
- B. Curfew hours for minors less than Seventeen (17) years of age, but at least thirteen (13) years of age: No minor who is thirteen (13) years of age or older, but less than seventeen (17) years of age, shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
- C. Exceptions: A minor shall not be in violation of this ordinance if he or she is found upon, in, or on any public street, highway, alley, park, vacant lot, or other public place during the hours proscribed in subsections A and B, above, in any of the following circumstances:

1. Whenever the minor is accompanied by his or her parent, guardian, or another adult who is at least twenty-one (21) years of age to whom the parent or guardian has given permission for the minor to be in the company of the adult for a designated period of time and for a specified purpose within a specified area.
2. Whenever the minor is traveling through or within the Township of Chester and is in a motor vehicle with parental consent. However, this exception shall not apply to any minor who is sitting in a parked motor vehicle.
3. Whenever the minor is lawfully employed, or is in the course of traveling to or from such employment by the most direct route between his or her place of employment and his or her residence.

**Section Four. PARENTAL RESPONSIBILITY FOR CURFEW VIOLATIONS BY MINORS:**

The parent of a minor who is charged with a violation of this Ordinance shall also be deemed to be responsible for a violation of this Ordinance in the following circumstance:

- A. The parent has been notified by the police or sheriff department that his/her child is being detained for a curfew violation and the parent fails, neglects or refuses to pick up the child within a reasonably prompt time after the notification.
- B. Or, the parent has been previously notified of a curfew violation by his/her child on two prior occasions, and the minor child has been detained for another curfew violation. However, it shall be a defense to a charge against a parent in this circumstance if it is shown that the parent made reasonable efforts to have the child obey the requirements of this ordinance and the child has failed, neglected or refused to comply with the parent's reasonable efforts.

**Section Five. RESPONSIBILITY OF AIDERS AND ABETTORS:** Any person seventeen (17) years of age or older who assists, aids, abets, allows, permits or encourages a minor under the age of seventeen (17) years to violate the provisions of this Ordinance shall be deemed to have violated the provisions of this Ordinance.

**Section Six. VIOLATIONS CONSTITUTE A MUNICIPAL CIVIL INFRACTION:** Any violation of this Ordinance shall be deemed to be a municipal civil infraction. Any person which violates the provisions of this ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of no more than Fifty Dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this ordinance is a second or subsequent violation of this Ordinance committed by a person within six months of a prior violation of this Ordinance, and for which the person admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred, Fifty Dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than Two Hundred, Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), plus costs and other sanctions. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

Section Seven. MISCELLANEOUS: The Township Supervisor, the Township Attorney, the Ottawa County Sheriff or a duly appointed deputy sheriff, and any other police officer or ordinance enforcement official duly appointed by the Township of Chester, are hereby authorized to issue citations for violations of this Ordinance.

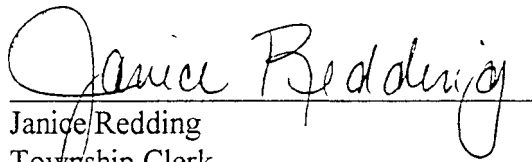
Section Eight. EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

INTRODUCTION: 12-15-98

ADOPTION: 1-19-99

PUBLICATION: 2-4-99

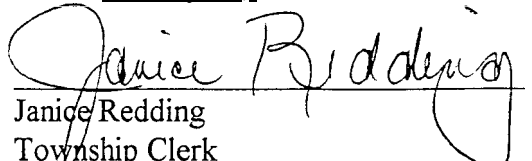
EFFECTIVE DATE: 3-4-99

  
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Janice Redding  
Township Clerk

#### CERTIFICATION

I, Janice Redding, the duly appointed and acting Township Clerk of the Township of Chester, Ottawa County, Michigan, do hereby certify that the foregoing is a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Chester, Ottawa County, Michigan, said meeting being held on

Dated: January 20, 1999

  
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Janice Redding  
Township Clerk