

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
CURFEW ORDINANCE
NO. 96-1

ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN ORDAINS:

SECTION 1. HOURS OF CURFEW

It shall be unlawful of any minor person under the age of 16 years to be or remain in or upon any street, alley, playground, public place, place of amusement or other unsupervised place, in Ontwa Township, Edwardsburg, Michigan, between the hours of 10:00 P.M. and 6:00 A.M., Michigan Standard Time, or the same may be varied from time to time by the Ontwa Township Board, on the following days, on Sunday, Monday, Tuesday, Wednesday, and Thursday of each week during the months of September, October, November, December, January, February, March, April, and May; between the hours of 11:00 P.M. and 6:00 A.M. of Friday and Saturday of each week during the months of September, October, November, December, January, February, March, April and May, and also every night during the months of June, July, and August. Provided however that the provisions of this section do not apply to such minor accompanied by his or her parent, guardian or other person having legal custody and control of said minor, or when the minor is in the performance of an errand of duty directed in writing by his or her parent, guardian or other person having his or her care or custody, or where the employment of said minor makes it necessary that said minor be upon any street, alley, playground public place, place of amusement, or other unsupervised place during the night time after said specified hours; or if said minor is returning directly home from attending a special entertainment of an instructive or beneficial charter for the attendance of which said minor shall have received permission in writing from his parent, guardian or other person having custody of said minor.

SECTION 2. PERMITTED EXCEPTIONS

It shall be unlawful for any parent, guardian or other person having the legal care and custody of a minor under the age of 16 years to allow or permit any such minor to go or be upon any street, alley, playground, public place, place of amusement or other unsupervised place between the hours as set forth in

Section 1 of this ordinance. Provided however that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other person having the legal care and custody of said minor, or when the minor is in the performance of an errand or duty directed in writing by his or her parent, guardian or other person having his or her care or custody, or where the employment of said minor makes it necessary that said minor be upon any street, alley, playground, public place, place of amusement or other unsupervised place during the night time after said specified hours; if said minor is returning directly home from attending a special entertainment of an instructive or beneficial character for the attendance of which said minor shall have received permission in writing from his parent, guardian or other person having custody of said minor.

SECTION 3. LACK OF KNOWLEDGE OF VIOLATION NO DEFENSE

It shall not constitute a defense hereto that the parent, guardian or other person having the legal care and custody of minor who violates any provision of this ordinance did not have knowledge of the presence of said minor in and upon any street, alley, playground, public place, place of amusement, or other unsupervised place prohibited in Section 1 hereof.

SECTION 4. BUSINESS ESTABLISHMENTS, VIOLATIONS PROHIBITED

It shall be unlawful for the operator of any theater, restaurant, or other business establishment, either by himself or by any employee or agent, to permit any such minor to be or remain in such business establishment in violation of Sections 1 and 2 or this ordinance.

SECTION 5. DUTIES OF POLICE DEPARTMENT

It shall be the duty of each member of the Ontwa Township/Edwardsburg Police Department to enforce the provisions of this ordinance and each member of the Police Department is hereby authorized to question any person suspected of violating any of the provisions of this ordinance, and to take into custody and detain any minor person or persons so found to be violating this ordinance and thereupon to take, or cause to be taken said minor person or persons to the Ontwa Township/Edwardsburg Police Department Headquarters or the Cass County Jail, whereupon the name of the parent, guardian or other person having authorized custody, or the employer, of said minor person shall be ascertained; and upon determination, such parent, guardian or other person having authorized custody of said minor person, shall

be notified or summoned by the investigating officer or member of the Police Department to appear at the Ontwa Township/Edwardsburg Police Department Headquarters or the Cass County Jail to complete an investigation, and assume custody of the said minor person and/or persons. If the parent, guardian, or person having authorized custody of said minor person cannot be located within a reasonable time, the officer shall notify the County Juvenile Authorities to cause the proper proceedings to be had and taken as authorized by the laws of the State of Michigan.

SECTION 6. WARNING NOTICE

Whenever any minor shall be taken into custody, as herein provided, written notice shall be given forthwith, or as soon as may be thereafter, to any parent, guardian, or other person having legal care or custody of such minor; in the form hereinafter provided. Such notice shall be substantially in the following form on Police Department Letter Head.

WARNING NOTICE

To _____

You are notified on the _____ day of _____, _____ at _____ o'clock ____M. a minor child under 16 years of age, named _____ for whom you are responsible was taken into custody for being in violation of Sections 1 and 2 of Ordinance Number 96-1 of Ontwa Township, known as the "Curfew Ordinance". A copy of Sections 1 and 2 are attached to this notice.

You are further notified that you are charged in the future with the responsibility for compliance by said minor with the provisions of said ordinance. Failure to do so will subject you to the penalty therein provided.

Ontwa Township/Edwardsburg Police Department

By _____

If the Police Department so deems to may use the "State of Michigan Uniform Law Citation", a copy is attached.

SECTION 7. PENALTIES FOR VIOLATION

The penalty for the first offense violation of the provisions of this ordinance by any minor person or persons may be no more than the detention provided in Section 6. The parent or guardian or any person having authorized custody of, or the employer of said minor, upon being ascertained, shall be notified by the Police Department of the violation by said minor person and summoned to report for completion of investigation of violation. The penalty for the second and subsequent violations of the provisions of this ordinance by any minor person or persons shall be cause, whereby the parent, guardian or other person having authorized custody or the employer of such minor person, contributing to the neglect of said minor person or persons may be directed to appear along with the minor person before the juvenile authorities of Cass County for disposition.

Any minor found in violation of this ordinance may be referred to the Juvenile Authorities of Cass County, Michigan.

Any person violating any provision of this ordinance may, upon conviction, be punished by a fine not to exceed One Hundred (\$100.00) Dollars or imprisonment in the Cass County Jail for a period of not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the Court. In the event a fine is imposed, the Court shall have power to commit the offender to the County Jail until such time as said fine is paid, not exceeding, however, a period of thirty (30) days.

SECTION 8. SEVERABILITY

It is the intention of Ontwa Township that each separate provision of this ordinance shall be deemed independent of all other provision herein, and it is the further intention of the Ontwa Township Board that if any provision of this ordinance shall be declared invalid, all other provision shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE

This ordinance to become effective and be in force from and after thirty (30) days after publication of this ordinance.

SECTION 10. ADOPTION PROVISION

This Ordinance is hereby declared to have been adopted by the Ontwa Township Board, Cass County, Michigan at a regular meeting held on the 9th day of September, 1996, and is ordered to be given publication in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Motion made by Trustee W. Leist and supported by Trustee J. Durben that the foregoing Ordinance be adopted.

Votes:

Yes 6

No 1

Absent 0

Ordinance declared adopted 9/9/96

CERTIFICATION

I hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Ontwa Township Board, Cass County, Michigan on September 9, 1996, and published in the Edwardsburg Argus on November 20, 1996.



HELEN J PARSONS
Township Clerk