

THE CITY OF PETERSBURG  
ORDINANCE NO.06-125

AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS WITHIN THE CITY OF PETERSBURG, MICHIGAN, AND PROVIDING ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE

The City of Petersburg ordains:

Section 1     Title.

This ordinance shall be referred to as the “Petersburg Curfew Ordinance.”

Section 2     Curfews.

- (a) It shall be unlawful for any minor under the age of 16 years to loiter, idle, congregate or travel on any public street, alley or other place open to the general public at any time between 10:30 p.m. and 6:00 a.m. unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.
- (b) It shall be unlawful for any person of the ages of 16 and 17 years to be on the streets, alleys or public places in the City at any time between 12:00 midnight and 6:00 a.m. from May 1 to Labor Day, and after 10:30 p.m. from Labor Day to April 30, unless such person is accompanied by a parent, adult chaperon, guardian or other person having legal custody of such minor person;

provided, that it shall not be deemed a violation of this ordinance for a person under the age of 18 years to be on the streets, alleys and public places while engaged in, traveling to or promptly returning from legal employment, an organized school function, an errand for his parent, guardian or legal custodian, or religious, assembly or speech activity protected by the First Amendment of the United States Constitution.

- (c) It shall be unlawful for any parent, guardian or legal custodian of a minor to allow such young person to be in the streets, alleys or other public places in the City of Petersburg within the times prohibited in subsections (a) and (b) of this section, unless there exists a reasonable necessity therefor.

Section 3     Enforcement.

- (a) Each member of the police force, while on duty, is hereby authorized to take into custody any young person found violating any provision of this ordinance.
- (b) It shall be the duty of the investigating officer to inquire on the young person’s reason for being in public after curfew. If the officer reasonably believes that the young person is engaged in, traveling to, or promptly returning from legal employment, an organized

school function, or a religious, assembly or speech activity protected by the First Amendment to the United States Constitution, the officer shall not take the person into custody solely for the curfew violation.

- (c) It shall be the duty of the officer taking any young person into custody to investigate whether such person was in the streets, alleys and public places by the parents,' guardian's or legal custodian's orders, and whether there was reasonable necessity therefor. If after investigation the officer finds that the parents, guardian or legal custodian had allowed a curfew violation that was not reasonably necessary, the officer shall make out a complaint and warrant for the arrest of such parents, guardian or legal custodian for violating the provisions of this ordinance.
- (d) If the investigating officer reasonably finds that the child is incorrigible or willfully absents himself from home and that the parents are unable to control such child, then a complaint in that case shall be made to the proper authorities under the juvenile laws of the state.

Section 4      Penalties.

Any minor, parent, guardian or legal custodian violating any of the provisions of this section is guilty of a misdemeanor, and shall be subject to punishment by a fine of up to Five Hundred Dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both.

Section 5      Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed separate, and the same shall not affect the validity of the remainder of this Ordinance.

Section 6      Effective Date.

This Ordinance will take effect ten days after final passage and publication.

I hereby certify that this Ordinance was passed at a regular meeting of the City of Petersburg City Council, Petersburg, Michigan held on Monday, the 21<sup>st</sup> of August, 2006.

Trudy L. Goodin  
Deputy City Clerk

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