

## CHAPTER 688

### Curfew

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### CROSS REFERENCES

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#### **688.01 Definitions.**

The following words and phrases as used in this Chapter are defined as follows, to-wit:

- (1) The word "loiter" as used herein, shall include aimlessly driving, or riding in or on any automobile, motorcycle, motor driven cycle, or any other motor driven vehicle on the streets, alleys, highways, or public thoroughfares of the City without an immediate and predetermined destination.
- (2) The phrase "other public places" shall include privately owned places of business, and the premises thereof, serving the public or open to the public, such as restaurants, laundromats, gas stations, theaters and other places of public amusement.

#### **688.02 Minors under 17.**

It shall be unlawful for any person under the age of seventeen (17) years to loiter or remain in or upon any streets, alleys, or public places in the City of Ewart between the hours of 10 o'clock p.m. and 5 o'clock a.m., of the following day, on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, and between the hours of 11 o'clock p.m. and 5 o'clock a.m., of the following day, on Friday and Saturday of each week,

unless such person is accompanied by his parent, guardian, or other person having legal custody and control of such minor, or unless such person is in the pursuance of an errand directed by his parents, or guardian or other person having his care or custody, or while the performance of some lawful employment of such minor makes it necessary that said minor be upon said streets, alleys or other public places during: the night time, after such specified hours.

**688.03 Parental Responsibility.**

It shall hereafter be unlawful for any parent, guardian or other person having the legal care and custody of any minor under the age of seventeen (17) years, to allow or permit any such child, ward or other person under such age, while in his legal custody, to loiter or remain, unaccompanied, upon any of the streets, alleys or other public places in said City, within the time prohibited in Section 688.02, unless there exists a reasonable necessity therefor.

**688.04 Powers of Police.**

Each member of the police force, while on duty, is hereby authorized to arrest without warrant any person within his presence violating any of the provisions of Section 9. 92 and detain such person for a reasonable time until complaint can be made and warrant issued and served. No child or minor person arrested under the provisions of this Chapter shall be placed in confinement until the parent's wishes or the wishes of such guardian or legal custodian have been ascertained, and the said parents, guardians or legal custodians shall refuse to be held responsible for the observance of said Chapter by said minor person.

**688.05 Aiding Underage Children to Violate Law.**

Any person of the age of seventeen (17) years or over who shall assist, aid, abet, allow, permit or encourage any minor under the age of seventeen (17) years to violate the provisions of Section 688.02, or shall harbor any such child in any public place or on its

premises, contrary to the provisions of Section 688.02 shall be guilty of a violation of this Chapter and punished as provided in Section 688.08.

**688.06 Parents, Guardians, Etc.**

Any parent, guardian or other person having the legal care or custody of any minor child under the age of seventeen (17) years who shall allow or permit such minor child while in his legal custody, to loiter, idle or congregate in or upon any public street, highway, alley, park or other public place, contrary to Section 688.02 shall be guilty of a violation of this Code and punished as provided in Chapter 1 hereof.

**688.07 Juvenile Arrest Procedure.**

Arrests and prosecution of minors under the age of seventeen (17) years for violation of this Chapter shall be in accordance with Section 14 and the other provisions of (M.S.A. Sec.27.3178 (698.1) et seq.) of Act 288 of the Public Acts of 1939, State of Michigan , as amended.

**688.99 Penalty.**

Unless another penalty is expressly provided by this Chapter for any particular provision or section, every person convicted of a violation of any provision of this Chapter shall be punished as follows:

- (1) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.
- (2) **Second Offense** – The second violation of the above rules, in a 3-year period shall be a civil infraction, punishable by a fine not to exceed \$200.00 plus costs.
- (3) **Third Offense** – The third or more violation of the above rules, in a 3-year period shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.