

**VILLAGE OF MORLEY  
CURFEW FOR MINORS  
06-2020-01 (Additions in italics)  
AMENDEMENT TO ORDINANCE NO. 05-2002**

**AN ORDINANCE ESTABLISHING CURFEW TIMES FOR MINORS AND  
PARENTAL RESPONSIBILITY FOR MINORS, AND PENALTIES FOR  
VIOLATIONS.**

**Section 1. PURPOSE.** This ordinance is intended to prevent crimes by minors within the Village of Morley, and to protect minors from being involved in criminal activity and from being victimized by crime, and to encourage parental responsibility for minor children.

**Section 2. DEFINITIONS.**

- (a) Minor: any unemancipated person less than 18 years of age.
- (b) Parent: the mother, father, guardian or adult legally responsible for a minor.

**Section 3.** No person under the age of 12 years shall be on or within any public street, highway, sidewalk, alley, parking lot, park or other public place between the hours of 10:00 pm and 5:00 am of the following day, except as allowed in Section 5.

**Section 4.** No person thirteen through *sixteen* years of age shall be on or within any public street, highway, sidewalk, alley, parking lot, park or other public place between the hours of *11:00 PM* and 5:00 AM of the following day, except as allowed in Section 5.

**Section 5.** Persons otherwise subject to the curfew times specified above shall not be in violation if any of the following exceptions apply:

- (a) the minor person is accompanied by a parent, guardian, or some adult 18 years of age or older designated by the parent or guardian to accompany the minor person for a specific purpose.
- (b) the minor person is engaged in employment or is traveling to or from his or her place of employment in a direct route.
- (c) the minor person is engaged in interstate travel.
- (d) the minor person is engaged in an organized school, church, or governmental activity.
- (e) the minor person is involved in an emergency.
- (f) the minor person is on the sidewalk that abuts his or her residence.  
the residence next door.

**Section 6.** ***RESPONSIBILITY OF PARENT, GUARDIAN OR OTHER PERSON HAVING LEGAL CARE AND CUSTODY TO ENFORCE CURFEW.*** *It shall be unlawful for any parent, guardian or other person having the legal care and custody of a minor person under the age of 17 years to allow or permit any such minor to be in violation of Section 3 and Section 4 of this Ordinance.*

**Section 7. LACK OF KNOWLEDGE OF VIOLATION NO DEFENSE.** *It shall not constitute a defense to a complaint charging a violation of Section 3 and Section 4 of this Ordinance, that the parent, guardian, or other person having the legal care and custody of a minor person who violates the provisions of Section 3 and Section 4 of this Ordinance, did not have knowledge of the presence of said minor in and upon any street, alley, playground, public place, closed business, place of amusement, or other unsupervised place as prohibited in Section 3 and Section 4 of this Ordinance.*

**Section 8.** No person 17 years of age or older shall assist, aid, abet, harbor or encourage minor persons in violating the curfew times specified in this ordinance.

**Section 9: DUTIES OF POLICE DEPARTMENT.** *It shall be the duty of each member of the Morley 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 so found to be in violation of this Ordinance, and to further ascertain the name of the parent, guardian or other person having authorized custody, or the employer of the minor person. Upon determination, such parent, guardian, or other person having authorized custody of the minor person shall be notified or summoned by the investigating officer or member of the Morley Police Department to appear at the police department to complete an investigation and assume custody of the minor person. If the parent, guardian, or person having authorized custody of the minor 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 10: WARNING NOTICE.** *Whenever any minor person in violation of this Ordinance shall be taken into custody by the Morley Police Department, as provided in Section 9 of this Ordinance, written notice shall be given immediately, or as soon thereafter as possible, to any parent, guardian, or other person having legal care or custody of such minor, or the owner/operator of any business establishment, in the form provided in this Section. Such notice shall be substantially in the following form:*

To \_\_\_\_\_  
You are notified on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_ m, a minor person under 17 years of age named \_\_\_\_\_ for whom you are responsible, was taken into custody for being in violation of Section 3 and/or Section 4 of Ordinance No. 05-2002 of the Village of Morley, a portion of which is printed on the back of this notice. You are further notified that you are charged in the future with the responsibility for the compliance by said minor with the provisions of said Ordinance No. 05-2002. Failure to do so will subject you to the penalty therein provided.  
Village of Morley Police Department  
By: \_\_\_\_\_

**Section 11: PENALTIES**

**MINORS** – *The penalty for the first violation of the provisions of this Ordinance by any minor person shall be the detention provided in Section 9, and the warning notice provided in Section 10 and possible referral to the juvenile authorities of Mecosta County Michigan. Upon the second and subsequent violations of the provisions of this Ordinance by the minor person, in additions to the provisions of Section 9 and Section 10 of this Ordinance, the matter shall be referred to the juvenile authorities of Mecosta County Michigan.*

**PARENT, GUARDIAN, PERSON HAVING AUTHORIZED CUSTODY OF THE MINOR PERSON, OR BUSINESS OWNER/OPERATOR** - *The penalty for the first violation of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, or business owner/operator shall be the detention of the minor as provided in Section 9, and the warning notice provided in Section 10 of this Ordinance. The second and subsequent violations of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, shall constitute a Municipal Civil Infraction subject to a*

*civil fine not exceeding \$250.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.*

**Section 12. EFFECTIVE DATE**

*This Ordinance shall take effect on the 27<sup>th</sup> day of June 2020, such date being twenty-three (23) days after the passage of such Ordinance. The Ordinance will be published within 15 days of passage.*

This ordinance was enacted by the Village of Morley Council at a regular meeting held at the Council Chambers in said Village on June 8, 2020.

Yeas: Robert Jusino, Teresa Havens, Linda Kizer, Henry Petersen, Serine Petersen, Paul Block.

Nays: None

Absent: Roger Polston

The President declared the ordinance passed unanimously.

I hereby certify to the adoption of this ordinance on June 8, 2020 at a regular council meeting and cause the same to be published as required by law.



Henry Petersen, Village President



Terry Stilson, Village Clerk

Publish date: June 16, 2020