

AN ORDINANCE

of the Council of the City of Berkley, Michigan
Amending Chapter 82, Article VIII, Division 3 Curfew,
of the Berkley City Code to Increase the Age of Minors Subject
to Curfew from Under 16 to Under 17 Years Old.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Chapter 82, Article VIII, Division 3 Curfew, of the Berkley City Code shall be amended, as follows:

Chapter 82

OFFENSES AND MISCELLANEOUS PROVISIONS

Article VIII. Offenses Involving Underage Persons

Division 3 Curfew

Sec. 82-361. - Minors under 17.

- (a) A minor under the age of 17 years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10:30 p.m. and 6:00 a.m.
- (b) The provisions of subsection (a) of this section shall not apply in the following instances:
 - (1) When a child is accompanied by a parent, guardian or other adult person having the lawful care and custody of the child;
 - (2) When a child is upon an emergency errand directed by a parent or guardian or other adult person having the lawful care and custody of a child;
 - (3) When a child is returning directly home by the most direct and efficient route, from a school activity, entertainment, recreational activity or dance;
 - (4) When a child is returning directly home, by the most direct and efficient route, from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;
 - (5) When a child is on the sidewalk abutting a child's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the public safety officer about a child's presence;
 - (6) When a child is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion; and
 - (7) When a child is in interstate travel through the city.

Sec. 82-362. - Assisting minors under 17 to violate curfew.

Any person 16 years of age or older who assists, aids, abets, allows, permits or encourages any minor under the age of 17 years to violate section 82-361 is guilty of a misdemeanor.

Sec. 82-363. - Responsibility of parent or guardian.

In addition to any penalties imposed by sections 82-361 and 82-362, the parent or guardian of a minor in violation of section 82-361 is also to be held responsible for enforcement of this article.

Secs. 82-364—82-385. - Reserved.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date


This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

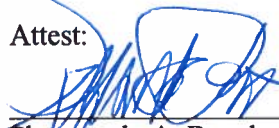
The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, June 5, 2017.

Passed on the Second Reading at the Regular City Council Meeting on Monday, June 19, 2017.



Phil O'Dwyer
Mayor

Attest: 

Phommady A. Boucher
City Clerk