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DIVISION 3. - CURFEW FOR MINORS ^[52]

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Sec. 28-291.- Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Harbor includes the tacit or express permission to a child by the owner, proprietor or occupant, or any of their agents, to remain on or about the premises for a time longer than reasonably necessary for the child to transact such business as he may have on or about such premises.

Loiter includes 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.

Other public places includes 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.

(Code 1985, § 9.147)

Cross reference— Definitions generally, § 1-2.

Sec. 28-292.- Minors under 17 years of age.

It shall be unlawful for any person under the age of 17 years to loiter or remain in or upon any street, alley or public place in the city between the hours of 10:00 p.m. and 5:00 a.m. of the following day on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, and between the hours of 11:00 p.m. and 5:00 a.m. of the following day on Friday and Saturday of each week.

(Code 1985, § 9.141)

Sec. 28-293.- Exemptions.

The following activities shall be exempt from the curfew requirements of this division where the minor is:

- (1) Accompanied by his parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor;
- (2) On an errand, without any detour or stop, at the direction of his parent, guardian or caretaker;
- (3) In a vehicle involved in interstate travel;
- (4) Engaged in a certain employment activity, or going to or from employment, without any detour or stop;
- (5) Involved in an emergency;

- (6) On the sidewalk that abuts the minor's or the nextdoor neighbor's residence, if the neighbor has not complained to the police;
- (7) In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such an activity, without any detour or stop, and supervised by adults;
- (8) Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

(Code 1985, § 9.141)

Sec. 28-294.- Parental responsibility.

It shall be unlawful for any parent, guardian or other person having the legal care and custody of any minor under the age of 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 the city, within the time prohibited in section 28-292, unless there exists a reasonable necessity therefor.

(Code 1985, § 9.142)

Sec. 28-295.- 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 28-292 and detain such person for a reasonable time until complaint can be made and a warrant issued and served. No child or minor person arrested under the provision of this section shall be placed in confinement until the parent's wishes or the wishes of such guardian or legal custodian have been ascertained, and the parent, guardian or legal custodian shall refuse to be held responsible for the observance of such section by the minor person.

(Code 1985, § 9.143)

Sec. 28-296.- Adults aiding children under 17 years of age to violate curfew.

Any person 17 years of age or older, who shall assist, aid, abet, allow, permit or encourage any minor under the age of 17 years to violate the provisions of section 28-292, or shall harbor any such child in any other public place or on its premises, contrary to the provisions of section 28-292, shall be guilty of a violation of this Code.

(Code 1985, § 9.144)

Sec. 28-297.- Parents, guardians and persons having legal care or custody of minors allowing the minors to violate curfew.

Any parent, guardian or other person having the legal care or custody of any minor child under the age of 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 the provisions of section 28-292, shall be guilty of a violation of this Code.

(Code 1985, § 9.145)

Sec. 28-298.- Arrest and prosecution procedure.

Arrests and prosecution of minors under the age of 17 years for a violation of this division shall be in accordance with section 14 and the other provisions of Public Act No. 288 of 1939 (MCL 712A.1 et seq.).

(Code 1985, § 9.146)

Secs. 28-299—28-320.- Reserved.

FOOTNOTE(S):

⁽⁵²⁾ *State Law reference*— Curfew for minors, MCL 722.751; power of city to regulate by ordinance a curfew for minors, MCL 722.754. ([Back](#))