

ORDINANCE NO. _____

An ordinance to amend Chapter 31, "General Offenses," Article I, In General, of the Code of the City of Flint by amending certain sections and adding §31-9.4, Special Public Events Curfew – Minors Under 17 and §31-9.5, Exceptions to Curfew Hours for special public events.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the provisions of Chapter 31, Article I, In General, be revised to amend certain sections and to add §31-9.4, Special Public Events Curfew – Minors Under 17 and §31-9.5, Exceptions to Curfew Hours for special public events, which shall read in their entirety as follows:

§ 31-7 CURFEW — MINORS 12 AND UNDER.

No minor of the age of 12 years or under shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 10:00 p.m. and 6:00 a.m. unless the minor child is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the child.

§ 31-7.1 SCHOOL YEAR CURFEW — MINORS 12 AND UNDER.

No minor of the age of 12 years or under, from Monday through Thursday, during the school year, shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 9:00 p.m. and 6:00 a.m. unless the minor child is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the child. Section 31-7 shall be applicable when school is not in session.

§ 31-8 CURFEW — MINORS 14 AND UNDER.

No minor the age of 14 years or under shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 11:00 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.

§ 31-8.1 SCHOOL YEAR CURFEW — MINORS 14 AND UNDER.

No minor of the age of 14 years or under, from Monday through Thursday, during the school year, shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 10:00 p.m. and 6:00 a.m. unless the minor child is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the child. Section 31-8 shall be applicable when school is not in session.

§ 31-9 CURFEW — MINORS UNDER 17.

No minor under the age of 17 years shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of midnight and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian or some adult over the age of 21 years, delegated by the parent or guardian to accompany the minor child or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

§ 31-9.1 SCHOOL YEAR CURFEW — MINORS UNDER 17.

No minor under the age of 17 years ~~or under~~, from Monday through Thursday, during the school year, shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 11:00 p.m. and 6:00 a.m. unless the minor child is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the child. Section 31-9 shall be applicable when school is not in session.

§ 31-9.2 DAYTIME CURFEW — MINORS UNDER 17.

No minor under the age of 17 years shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between 9:00 a.m. and 2:00 p.m. during the school year, except where the minor is accompanied by a parent or guardian or some adult over the age of 21 years, delegated by the parent or guardian to accompany the minor child or where the minor is upon an errand or other legitimate business directed by his or her parent or guardian. "School year" is defined by the minor's assigned school.

§ 31-9.3 CURFEW — FAILURE OF PARENT OR GUARDIAN TO COLLECT MINOR.

Any guardian or parent of a minor child who is notified that his or her minor child has been taken into custody for a violation of the Flint City Code, and who thereafter fails or refuses to collect the minor child from the authorities or make provisions therefor within a period of three hours after notification shall be guilty of a misdemeanor. Upon conviction of a violation of this section, a parent also shall be subject to costs in the amount of the actual cost to the Police Department in arresting and detaining the minor child.

§ 31-9.4 SPECIAL PUBLIC EVENTS CURFEW — MINORS UNDER 17

(A) THE PRESENCE OF UNSUPERVISED MINORS UNDER THE AGE OF 17 AT CERTAIN SPECIAL PUBLIC EVENTS CREATES A PUBLIC NUISANCE AND HEALTH AND SAFETY HAZARD. UNSUPERVISED MINORS CREATE DISORDERLY AND DANGEROUS SITUATIONS AT SUCH EVENTS. THERE IS A NEED TO RESTRICT THE PRESENCE OF UNSUPERVISED MINORS AT SUCH EVENTS AS THE CHIEF OF POLICE SHALL DEEM NECESSARY FROM TIME

TO TIME TO PRESERVE THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

THE PROVISIONS OF THIS SECTION SHALL EXTEND THE CURFEW HOURS FOR MINORS UNDER THE AGE OF 17 DURING SPECIAL PUBLIC EVENTS AS DEEMED NECESSARY BY THE CHIEF OF POLICE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

(B) DURING SPECIAL PUBLIC EVENTS, FROM 6:00 P.M. TO 6:00 A.M., IT SHALL BE UNLAWFUL FOR AN UNSUPERVISED MINOR UNDER THE AGE OF 17 YEARS TO BE ON DESIGNATED PUBLIC PLACES SPECIFICALLY IDENTIFIED IN A PUBLIC NOTICE BY THE CHIEF OF POLICE.

(C) IF A MINOR IS IN VIOLATION OF THE SPECIAL PUBLIC EVENTS CURFEW IT WILL BE PRIMA FACIE EVIDENCE THAT THE MINOR'S PARENT OR GUARDIAN IS IN VIOLATION OF THEIR PARENTAL RESPONSIBILITY TO EXERCISE REASONABLE CONTROL AND SUPERVISION OVER THE MINOR CHILD

(D) A PARENT OR GUARDIAN WHO VIOLATES SUBSECTION (C) IS GUILTY OF FAILURE TO MEET THEIR PARENTAL RESPONSIBILITY TO ENSURE THEIR MINOR CHILD COMPLIES WITH THE SPECIAL PUBLIC EVENTS CURFEW.

(E) ANY INDIVIDUAL FOUND RESPONSIBLE FOR A VIOLATION OF § 31-9.4 SHALL PAY A TWO HUNDRED AND FIFTY DOLLAR (\$250.00) FINE AND WILL BE SUBJECT TO COSTS IN THE AMOUNT OF THE ACTUAL COST TO THE POLICE DEPARTMENT IN

**ARRESTING AND DETAINING THE
MINOR CHILD.**

**§ 37-9.5 EXCEPTIONS TO CURFEW
HOURS FOR SPECIAL PUBLIC EVENTS
CURFEW**

THE CURFEW RESTRICTIONS OF §31-9.4 OF THIS CODE SHALL NOT APPLY TO A MINOR UNDER THE AGE OF 17 OR UNDER WHO IS ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN; OR

1) WHO IS GOING TO OR RETURNING FROM EMPLOYMENT, PROVIDED THAT:

(A) THE MINOR'S HOURS OF EMPLOYMENT DO NOT VIOLATE FEDERAL, STATE, OR LOCAL LAW;

(B) THE MINOR POSSESSES A SIGNED STATEMENT ISSUED BY HIS OR HER EMPLOYER WITHIN THE PREVIOUS THIRTY (30) DAYS SETTING FORTH THE MINOR'S HOURS OF EMPLOYMENT AND THE LOCATION OF THE EMPLOYMENT; AND

(C) THE MINOR IS EXEMPT FROM THE CURFEW HOURS SET FORTH IN §31-9.4 OF THIS CODE FOR NOT MORE THAN ONE (1) HOUR BEFORE THE MINOR'S WORK DAY BEGINS AND FOR NOT MORE THAN ONE (1) HOUR AFTER THE MINOR'S WORK DAY ENDS; OR

(3) WHO IS GOING TO OR RETURNING FROM AN EDUCATIONAL OR TRAINING PROGRAM, PROVIDED THAT:

(A) THE MINOR POSSESSES PROOF OF ENROLLMENT IN A PUBLIC OR PRIVATE SCHOOL, COLLEGE, OR OTHER EDUCATIONAL INSTITUTION LICENSED OR RECOGNIZED AS AN EDUCATIONAL INSTITUTION BY THE

MICHIGAN DEPARTMENT OF EDUCATION OR BY ANOTHER FEDERAL, STATE, OR CITY AGENCY; AND

(B) THE MINOR IS EXEMPT FROM THE CURFEW HOURS SET FORTH IN §31-9.4 OF THIS CODE FOR NOT MORE THAN ONE (1) HOUR BEFORE THE MINOR'S CLASS BEGINS AT SUCH RECOGNIZED EDUCATIONAL INSTITUTION, AND FOR NOT MORE THAN ONE (1) HOUR AFTER THE MINOR'S CLASS ENDS AT SUCH EDUCATIONAL INSTITUTION; OR

(4) WHO IS GOING TO OR RETURNING FROM AN ORGANIZED SPONSORED RECREATIONAL ACTIVITY PROVIDED THAT:

(A) THE MINOR POSSESSES PROOF OF ATTENDANCE, ENROLLMENT, OR PARTICIPATION IN A SPONSORED ACTIVITY, AND

(B) THE MINOR IS EXEMPT FROM THE CURFEW HOURS SET FORTH IN §31-9.4 OF THIS CODE FOR NOT MORE THAN ONE (1) HOUR BEFORE THE ORGANIZED SPONSORED RECREATIONAL ACTIVITY AND FOR NOT MORE THAN ONE (1) HOUR AFTER THE ORGANIZED SPONSORED RECREATIONAL ACTIVITY.

SEC. 2. THIS ORDINANCE IS DECLARED NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE OF THE CITY OF FLINT.

Sec. 3. This ordinance shall become effective immediately upon publication.

Adopted this _____ day of _____

_____ A.D., 2014.

APPROVED AS TO FORM:



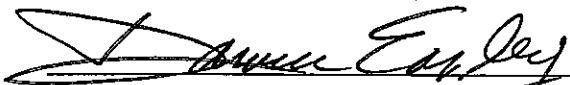
Peter M. Bade, City Attorney

EM DISPOSITION: EME 3392014

ENACT ✓

FAIL _____

DATED: 6-25-14



Darnell Earley, Emergency Manager

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