

ORDINANCE NO. 123

JUVENILE CURFEW AND PARENTAL RESPONSIBILITY ORDINANCE.

"The City of Detroit, Oregon ordains as follows:"

Section 1. Definitions. For the purposes of this ordinance, the following terms shall have the meanings hereafter stated. When not inconsistent with the content, the singular shall include the plural, plural shall include singular, masculine shall include feminine, and present tense shall include future tense. The word "shall" is mandatory and not merely directory.

A. "MINDR" means any person under the age of 18.

B. "PARENT" means the natural or adoptive mother or father, guardian or other adult person having the legal care, custody or control of a minor.

C. "PUBLIC PLACE" means any street, alley, highway, park, playground, or other place to which the general public has access and right to be for business, entertainment, or other lawful purpose.

A public place shall include but not be limited to any store, shop, restaurant, tavern, cafe, grocery store, convenience store, parking lot, gas station and any other place devoted to use of the general public. It shall also be the immediate surrounding area of the above.

Section 2. Curfew for Minors.

A. It shall be unlawful for any minor to be or remain in any public place between the hours of 10:00 p.m. and 5:00 a.m.

B. During school vacations and holidays, and on nights

3. When the minor is on an emergency errand, or specific business or activity directed or permitted by his parent.

4. When the minor is in a motor vehicle and engaged in interstate travel with the consent of a parent.

5. When the minor is attending or traveling by direct route to or from an activity including, but not limited to: a dance, movie, theater presentation, or sporting event. Minors attending such activities shall return to their residences within a reasonable time, but no more than one hour after the activity has ended if it ends during curfew hours.

Section 3. Parental Responsibility. It shall be unlawful for the parent of a minor to permit, or by inefficient control to allow the minor to be or remain in any public place in violation of Section 2.

Section 4. Procedures.

A. Law enforcement officers may stop and question a person they reasonably believe to be a minor in order to obtain the name, address and age of such person, the nature of his presence in a public place, and the name and address of his parents.

B. Any law enforcement officer upon finding a minor in violation of Section 2, shall advise the minor that he/she is in violation of curfew, and shall direct the minor to proceed immediately to his/her place of residence. The law enforcement officer may report such action to the parents of the minor, or may report such action to the law enforcement dispatcher, who in turn may notify the parents.

C. If such minor refuses to heed such warnings or direction by any law enforcement officer, or refuses to

minor into protective custody and deliver or arrange to deliver the minor to:

1. The parent, or
2. The law enforcement department, or
3. An appropriate children services facility.

Section 5. Violations.

A. A violation of this ordinance shall be a civil infraction, to be heard and determined by the Detroit Municipal Court.

1. A law enforcement officer has the authority to issue a infraction complaint when the infraction is committed in the officer's presence or if an officer, upon investigation, has reasonable cause to believe that a person has committed a violation of this ordinance.

2. The infraction complaint shall be in the same form as prescribed in the Detroit Enforcement Ordinance.

B. All proceedings for responding to a infraction complaint under this ordinance and conducting a hearing on any contested infraction complaint, or a mitigation hearings shall be the same procedures prescribed for responding to traffic infractions. If any person issued an infraction complaint fails to respond as required, or fails to appear at a hearing requested by him, the court shall find that the infraction was committed.

C. A person found to have committed an infraction shall be assessed a monetary penalty of no more than \$50.00 for a first offense.

D. The maximum penalty that may be assessed is \$300.00.

E. In all infraction complaint cases court costs, law enforcement officer costs, and any transportation costs shall be assessed in addition to any monetary

H. All proceedings under this ordinance shall be civil in nature.

Section 6. Severability. Each separate provision of this ordinance shall be deemed independent of all other provisions. If any provisions or portions thereof shall be declared invalid, all other provisions, as part thereof, shall remain valid and enforceable.

Section 7. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first by title only on February 8, 1994 after copies were provided to each council member; and notice of availability of copies for public inspection in the city office were posted at the city hall, post office, and hardware store on January 31, 1994. Read a second time by title only on February 8, 1994. Passed by a vote of 5 ayes and 0 nays of the city council this 8th day of February 1994.

Signed and approved by the mayor this 8th day of February 1994.

MAYOR

ATTEST this 8th day of February, 1994.

CITY RECORDER

Margaret Stiles