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Sec. 9.501. - Minors 15 years of age and younger.

It shall be unlawful for any minor fifteen (15) years of age or younger to loiter, idle or congregate in or on any public street, highway, alley, park, or other place open to the general public between the hours of 10:00 p.m. and 6:00 a.m., immediately following, unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

(Ord. No. 1232, § 1, 6-8-87)

Sec. 9.502. - Minors 16 or 17 years of age.

It shall be unlawful for any minor sixteen (16) or seventeen (17) years of age to loiter, idle or congregate in or on any public street, highway, alley, park, or other place open to the general public between the hours of 11:00 p.m. and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian or some adult 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.

(Ord. No. 1232, § 1, 6-8-87)

Sec. 9.503. - Spray paint.

- (1) For the purpose of this section, "spray paint" means any can or similar container of paint, varnish, lacquer, stain, pigment, or similar solvent or substance commonly used in painting and applied by a spraying method, atomizer or similar technique.
- (2) No person under eighteen (18) years of age shall possess a can of spray paint, except a person under age eighteen (18) may possess spray paint for use at or in the course of lawful employment or for other lawful uses with written proof of the same from an employer, parent or guardian.

(Ord. No. 1397, § 1, 11-12-96)

Sec. 9.504. - Curfew during state of disaster or emergency.

In the event the city is subject to a declaration of a state of disaster or emergency, the mayor may order a curfew in all or part of the city during such hours as deemed necessary in the interest of the public safety and welfare. It shall be unlawful for any person to violate or disobey the terms of such curfew.

(Ord. No. 1499, § 1, 9-29-03)

Sec. 9.505. - Parental responsibility.

- (1) For purposes of this section, the following definitions apply:
 - (a) *Delinquent acts* means those acts which violate the laws of the United States, the laws of the state, or city ordinances; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Division of the Probate Court as defined by MCL 712A.2; or those acts by which the minor intentionally causes physical harm to another or deliberately creates an

unreasonable risk of physical harm to himself or herself or to others. "Delinquent acts" do not include traffic violations which are designated as civil infractions.

- (b) *Drugs* means the controlled substance as defined by the Public Health Code for the state.
 - (c) *Minor* means any unemancipated person under eighteen (18) years of age.
 - (d) *Parent* means a mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.
- (2) The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act. The parental responsibility to exercise reasonable control includes the following duties, set forth for the purposes of illustration and not limitation:
- (a) To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;
 - (b) To keep firearms out of the possession of the minor except those used for hunting in accordance with state law and with the knowledge and supervision of a parent;
 - (c) To know the curfew ordinance of the city and to require the minor to observe the curfew ordinance;
 - (d) To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission;
 - (e) To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others;
 - (f) To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.
- (3) Whenever a minor is arrested or detained by the police department for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the police of the minor's arrest or detention and the reason therefore, and of the parent's responsibility under this section. A record of such notification shall be kept by the police department.
- (4) If the minor of a parent commits a delinquent act, the parent shall be responsible for a violation of this section if:
- (a) Any act, word or nonexercise of parental responsibility by the parent encouraged, caused or allowed to occur the commission of the delinquent act by the minor, or
 - (b) The parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If, at any time within forty-five (45) days following the giving of notice as provided in subsection (3) above, the minor to whom such notice related or applied commits a delinquent act as defined in this section, it shall be rebuttably presumed that the minor committed the delinquent act with the knowledge of the parent.

(Ord. No. 1400, § 1, 1-13-97)

Sec. 9.506. - Possession of tobacco by minors.

- (1) For purposes of this section, the following definitions shall apply:
- (a) *Chewing tobacco* means loose tobacco or a flat, compressed cake of tobacco that is inserted into the mouth to be chewed or sucked.
 - (b) *Tobacco snuff* means shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.
- (2) A person under eighteen (18) years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement.
- (3) (a) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense.
- (b) In addition to the fine stated in subsection (a), a minor who violates this section may be required by the court to participate in a health promotion and risk reduction assessment program, if available. A minor who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a minor who violates this section is subject to the following:
- (i) For the first violation, the court may order the minor to do one of the following:
 - a. Perform not more than sixteen (16) hours of community service in a hospice, nursing home, or long-term care facility.
 - b. Participate in a health promotion and risk reduction program, as described in this subsection.
 - (ii)

For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the minor to perform not more than thirty-two (32) hours of community service in a hospice, nursing home, or long-term care facility.

- (iii)** For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the minor to perform not more than forty-eight (48) hours of community service in a hospice, nursing home, or long-term care facility.

(Ord. No. 1448, § 1, 8-23-99)