

# LINCOLN TOWNSHIP CLARE COUNTY

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Joyce A. Branam, Trustee  
Gerald E. Galloway, Trustee

## LINCOLN TOWNSHIP ORDINANCE NUMBER 34

An Ordinance pertaining to Parental Responsibility and hours of Curfew.

The Lincoln Township Board of Trustees Ordains:

### **Section 1. Delinquent Acts, Parental Responsibility.**

#### 1. Definitions:

- (a) Delinquent acts means those acts which violate the laws of the United States, the laws of the State of Michigan or the ordinances of the Township of Lincoln. In addition, those acts which cause or tend to cause the minor to come under the jurisdiction of the juvenile division to the Probate Code as defined by MCL 712A.2 or those acts by which the minor intentionally causes physical harm to another or deliberately creates a reasonable risk of physical harm to himself, herself, or to others. Delinquent acts, as used in this article, include traffic violations.
- (b) Drugs means any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in part 72 of the Health Code, being sections 333.7201 et seq., of the Michigan Compiled Laws.
- (c) Minor means any unemancipated person under seventeen (17) years of age.
- (d) Parent means a mother, father or legal guardian of a minor who had the responsibility for the health, welfare, care, maintenance and supervision of a minor at the time a delinquent act is alleged to have been committed by the minor.
- (e) The Ordinance is adopted pursuant to MCL 41.181, et seq., which gives the Township the authority to enact ordinances regulating the public health, safety and general welfare.

#### 2. Parental duties.

- (a) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.
- (b) Included (without limitation in this continuous duty of parental control, are the following parental duties:
  - 1. To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor, except those used for hunting in accordance with local ordinances, state law and with the knowledge and supervision of a parent.
  - 2. To know the curfew ordinance of the township and /or state, and to require the minor to observe the curfew ordinance.
  - 3. To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission.

4. To properly supervise the minor, and to arrange proper supervision for the minor when the parent must be absent.
5. To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal or mixed property which belongs to the township or is located in the township.
6. To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents and to seek help from appropriate governmental authorities and private agencies in handling or controlling the minor when necessary.
7. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, and from intentionally and recklessly taking any action which would directly or indirectly cause injury to others.

### **Section!: Hours of Curfew.**

It shall be unlawful for any person under the age of seventeen years to loiter or remain in or upon any street, alley or public place in the Township of Lincoln after the hour of 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday of each week, and after the hour of 11:00 o'clock p.m. on Friday or Saturday of each week, or after thirty (30) minutes following any authorized school function, whichever time shall be later, unless such person is accompanied by his parent, guardian or other person having legal custody and control of such minor, or unless such person is in the pursuance of an errand directed by his parent or guardian, or other person having his care or custody, or while in the performance of some lawful employment of such minor makes it necessary that said minor be upon said streets, alleys or other public places during the nighttime after such hours.

#### **1. Notification of parents, penalty for failing to properly act upon notification.**

Any parent of a minor child who is notified that his or her minor child had been taken into custody for a violation of the Lincoln Township Ordinance 34 or state law, and who thereafter fails or refuses to collect said minor child from the authorities or make provisions therefor within a period of three (3) hours after notification, shall be guilty of a misdemeanor. Upon conviction for violation of this section, a parent shall be subject to a fine in the amount of the actual costs of the police department in arresting and detaining the minor child.

#### **2. Parental violation and penalty.**

- (a) If a minor commits a delinquent act or curfew violation, the parent shall be guilty of a misdemeanor if it is proven that any act, work or non-performance of the parental duty by the parent encouraged, contributed toward, caused or tended to cause the commission of a delinquent act or curfew violation by the minor.
- (b) Upon first conviction of violation of this article, the parents shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than one hundred dollars (\$100.00), and or sixteen (16) hours of community service.
- (c) Upon the second conviction of a violation of this article, the parent shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and up to twenty-four (24) hours of community service, and in addition, that parent shall be sentenced to probation with the condition that the parent participate in, through completion, a court approved community based treatment program (such as parenting skills, family services, employment and training, etc.) or in the discretion of the court, be imprisoned for a period of not less than (14) days nor more than thirty (30) days.
- (d) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) and community service in an amount of not less than thirty-two (32) hours or more than sixty-four (64) hours, and in the discretion of the court, imprisonment for a period of not less than fifteen (15) days nor more than ninety-three (93) days.

The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection paragraph or sentence is declared to be void or inoperable for any reason, it shall not effect any other portion thereof.

Section 4.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5.

This Ordinance will take effect and be in force thirty (30) days after publication thereof.

Adopted this 10<sup>th</sup> day of July, 2006, by the Lincoln Township Board of Trustees.

Roll Call as follows: Ringley -yes West-yes Galloway- :yes Branam -yes. 3Majewski-yes

Attested: ' Approved:

\_\_\_\_\_ Gene Ringlev jr., Supervisor  
Carol Majewski

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