

VILLAGE OF AKRON
LOITERING AND CURFEW ORDINANCE
ORDINANCE NO. 1320

**AN ORDINANCE OF THE VILLAGE OF AKRON, MICHIGAN THAT PROHIBITS
LOITERING ON ANY STREET OR PUBLIC PLACE AND REGULATES THE HOURS OF
JUVENILES UNDER THE AGE OF 17**

**BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF AKRON,
MICHIGAN THAT:**

SECTION 1. CURFEW IMPOSED

It shall be unlawful for any person under the age of 17 years to loiter, idle, wander, congregate or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots and other unsupervised places between the hours of 12:00 midnight and 5:00 a.m., and it shall be unlawful for any person under the age of 16 years to so loiter, idle, wander, congregate or play in such places between the of 10:00 p.m. and 5:00 a.m.; provided, however, that the provisions of this section do not apply to a minor accompanied by his/her parent, legal guardian or other adult who has been delegated by the parent or legal guardian to accompany the minor, or where the minor is on an emergency errand or legitimate business or activity directed by his/her parent or legal guardian.

SECTION 2. PARENTAL RESPONSIBILITY

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

Delinquent Acts: means those acts which violate the laws of the United States, the laws of the state, the ordinances of the village and those acts which would cause the minor to come under the jurisdiction of the juvenile division of the probate court as defined by MCLA 712A.2, MSA 27.3178 (598.2). "Delinquent Acts" do not include traffic violations which are designated as civil infractions.

Minor: means any unemancipated person under 17 years of age.

Parent: means mother, father or legal guardian of a minor who has the responsibility for care and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.

- A. 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.
- B. Whenever a minor is arrested or detained by the Village Police Department for the commission of any delinquent act, the parent of the minor shall be notified in writing within seven days by the Village Police Department of the minor's arrest or detention, the reason therefor and the parent's responsibility under this article. Such written notification shall be personally delivered to the parent, posted at the parent's residence or sent by certified mail, return receipt requested. A record of such notification shall be kept by the Village Police Department.
- C. If the minor of a parent residing within the Village commits a delinquent act, the parent shall be guilty of a violation of this article if:
 - a. It is proven that by act or word the parent encouraged or caused the commission of the delinquent act by the minor; or
 - b. It is proven that 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 45 days following the giving notice as provided in subsection (C) of this section, the minor to whom said 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 allowance, permission or sufferance of the parent.

SECTION 3. LOITERING

It shall be unlawful for any person to loiter on any street, walk, overpass or public place. For the purpose of this Ordinance, Loitering is defined as the act of standing or idling in or about any street, sidewalk, overpass, or public place within the Village of Akron so as to hinder or impede or tend to hinder or impede the passage of pedestrians or vehicles.

SECTION 4. LOITERING PENALTY

Any person violating any section of this provision hereof shall be a misdemeanor and may be punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment for not more than 90 days, or by both, at the discretion of the court.

SECTION 5. VALIDITY

- A. All Ordinances or part of any Ordinance in conflict herewith are hereby repealed.
- B. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from and after its passage and approval and publication by law.

This Ordinance enacted by the Village Council of the Village of Akron at a regular meeting held at the Council Chambers in said Village on _____ day of _____, 20____.


Yeas: 7

Nays: 0

Absent: 0


James L. Dickinson, Village President

I, Shari Hadaway, Clerk of the Village of Akron, do hereby certify that the above Ordinance is a true and correct copy of an Ordinance is a true and correct copy of an Ordinance passed by the Village Council of Village of Akron, Tuscola County, Michigan, at a regular meeting on 23rd day of January, 2018.


Shari, Hadaway, Village Clerk