

## **CHAPTER 23 MINORS**

Art. I. In General, §§ 23-1 – 23-15

Art. II. Curfew, §§ 23-16 – 23-20

### **ARTICLE I. IN GENERAL**

#### **Sec. 23-1. Parental responsibility for neglected or delinquent children.**

Any parent, legal guardian or other person having the care or custody of a minor child under the age of seventeen (17) years who shall, by any act, or by any word, or by the failure to act, or by lack of supervision and control over such minor child, encourage, contribute toward, cause or tend to cause such minor child to become neglected or delinquent so as to come or tend to come under the jurisdiction of the Juvenile Division of the Probate Court as defined in Section 2 of Chapter XII-a of Act No. 288 of the Public Acts of 1939, as added by Act No. 54 of the Public Acts of the First Extra Session of 1944, and any amendment thereto [MCL 712A.2, MSA 27.3178(598.2)], whether or not such child shall, in fact, be adjudicated a ward of the probate court, shall be guilty of a misdemeanor. (Gen. Code 1946, Ch. 4 402.1; Code 1972, 9.267)

**Secs. 23-2 – 23-15. Reserved.**

### **ARTICLE II. CURFEW**

**Sec. 23-2 – 23-15. Reserved.**

### **ARTICLE II. CURFEW**

#### **Sec. 23-16. Hours**

It shall be unlawful for any person under the age of seventeen (17) years to be or remain in or upon any of the streets, alleys, playgrounds, public places or places of amusement, or other unsupervised places in the city, between the hours of 10:30 p.m. and 6:00 a.m. of the following day, on Sunday, Monday, Tuesday, Wednesday and Thursday of each week and 11:30 p.m. and 6:00 a.m. of the following day on Friday and Saturday of each week; provided, however, that the provisions of this section shall not apply to a minor under the age of seventeen (17) years accompanied by his or her parent, guardian or other person having legal custody and control of such minor, or where the employment of a minor makes it necessary that such minor be upon such streets, alleys, playgrounds, public places or places of amusement, or other unsupervised places during the nighttime after such specific hours. (Gen. Code 1946, Ch. 4, 401.1; Code 1972, 9.261)

#### **Sec. 23-17. Parental responsibility.**

It shall be unlawful for any parent, guardian or other person having the legal care and custody of a minor under the age of seventeen (17) years to allow or permit any such minor to go or be upon any of the streets, alleys, playgrounds, public places or places of amusement, or other unsupervised places between the hours as set forth in section 23-16. Provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian or other person having the legal care and custody of such minor, or where the employment of such minor makes it necessary that such minor be upon such streets, alleys, playgrounds, public places or places of amusement, or other unsupervised places during the night-time after such specified hours. (Gen. Code 1946, Ch. 4, 401.2; Code 1972, 9.262)

#### **Sec. 23-18. Knowledge of offense by parent.**

It shall not constitute a defense hereto that the parent, guardian or other person having the legal care and custody of a minor who violates any of the provisions of this article did not have knowledge of the presence of such minor in and upon any streets, alleys, playgrounds, public places or places of amusement or other unsupervised places prohibited in section 23-16. (Gen. Code 1946, Ch. 4, 401.3; Code 1972, 9.263)

**Sec. 23-19. Arrest of minors.**

Each member of the police force is hereby authorized to take into custody and detain, without warrant, any minor within his presence violating any of the provisions of section 23-16, but such officer shall immediately communicate with the parent, guardian or other person having legal care or custody of such minor and shall release such minor to such person. (Gen. Code 1946, Ch. 4, 401.4; Code 1972, 9.264)

**Sec. 23-20. Notice to parents of arrest of minor.**

- (a) Whenever any minor shall be taken into custody, written notice shall be given to the parent, guardian or other person having legal care or custody of such minor in the form hereinafter provided, which notice shall be served upon such person by handing such person a copy of the same personally, or by leaving a copy thereof at his or her place of residence and informing any person upon the premises of suitable age and understanding of the contents thereof. Such notice shall be in substantially the following manner:

To \_\_\_\_\_

You are hereby notified that on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, your minor child named \_\_\_\_\_ was taken into custody for being upon the streets of the City of Benton Harbor in violation of section 23-16 of the Benton Harbor Code of Ordinances, known as the "Curfew Ordinance," a portion of which is printed upon the back of this notice.

You are further notified that failure to observe the provisions of the Code may result in your liability for the penalty provided. \_\_\_\_\_ (Police Officer)

- (b) A synopsis of sections 23-16 and 23-17 shall be printed upon the back of every such notice. (Gen. Code 1946, Ch. 4, 401.5; Code 1972, 9.265)