

**ORDINANCE NO. 309**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BESSEMER BY ADDING A NEW CHAPTER TO TITLE IX, WHICH SHALL BE DESIGNATED AS CHAPTER 119.**

**THE CITY OF BESSEMER HEREBY ORDAINS:**

The Code of the City of Bessemer is hereby amended to add the following Chapter 119 (BESSEMER CURFEW) of Title IX of the Bessemer City Code.

9.171 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the City of Bessemer Ordinance providing for a City Curfew; and to provide for sanctions for the violations of said Curfew.

9.172 CURFEW. It shall be unlawful for any person fifteen (15) years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, cemetery, playground, public building or any other public place in the City of Bessemer between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefore.

9.173 EXCEPTIONS. This section shall not apply to a child:

- (a) Who is performing an errand as directed by his parents, guardian or person having lawful custody.
- (b) Who is on his own premises or in the area immediately adjacent thereto.
- (c) Whose employment makes it necessary to be upon the streets, alleys or public places or be in any motor vehicle during such hours.
- (d) Who is returning home from a supervised school, church or civic function.

These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

9.174 PARENTAL RESPONSIBILITY. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person fifteen (15) years of age or under to allow or permit such person to violate the provisions of Section 9.172 of this Ordinance. Any parent, guardian or custodian herein who shall have made a missing person notification to the Gogebic County Sheriff Department shall not be considered to have allowed or permitted any person fifteen (15) years of age or under to violate this Section.

9.175 RESPONSIBILITY OF BUSINESSMAN/ORGANIZATION. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor fifteen (15) years of age or under to loiter, loaf, or idle in such place during the hours prohibited by this Ordinance. Whenever the owner or person in charge of or in control of any place of amusement, entertainment, refreshment or any other place of business during the hours prohibited by this Ordinance shall find persons fifteen (15) years of age or under loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Gogebic County Sheriff Department and inform them of the violation.

9.176 ENFORCEMENT. All Officers and Deputies of the Gogebic County Sheriff Department, working under the Bessemer Contract, are hereby authorized to detain any minor (fifteen years and younger) violating the provisions of the above, until such time as the parent, guardian, or person having legal custody of the minor shall sign a release for him/her. If no response is received, the Sheriff Department shall take whatever action is deemed necessary, in the best interest of the child.

9.177 PENALTY. Any parent, guardian or person having legal custody of a child described in Section 9.172 who violates any of the provisions of this Ordinance shall be subject to a penalty as provided in Section 1.12 of Chapter one and Section 1.197 of Chapter eight, Title I of the Bessemer City Code.

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9.178 SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

9.179 EFFECTIVE DATE. This Ordinance shall become effective twenty (20) days after the Notice of adoption has been published in a newspaper of general circulation in the City of Bessemer.

Adopted and approved by the City Council for the City of Bessemer, Michigan this 2nd day of October, 1995.

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Vivian Coleman, Mayor

ATTEST:

  
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Bruce Carlson, Clerk

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