

Bay City Ordinances

ORDINANCE NO. 583

AN ORDINANCE ESTABLISHING A JUVENILE CURFEW; AND REPEALING ORDINANCE NO. 316.

The City of Bay City ordains as follows:

Section 1. Curfew. It shall be unlawful for any person or for any parent or guardian to allow any person under the age of 18 years, to be upon any street, highway, park, alley or any other public place in the City of Bay City between the hours specified herein, unless such child is accompanied by a parent, guardian or other person 21 years of age or over and authorized by the parent to have the care or custody of the minor; provided, however, that nothing herein contained shall be deemed to apply to any such child while actually engaged in traveling to and from a place of employment, school class, religious meeting, or while upon any errand of mercy or emergency under direction of his parent or guardian or other person 21 years of age or over having the immediate care, custody or control of such child. For the purposes of this ordinance, the applicable hours of curfew shall be:

- 1.1 Under 16. As to minors under 16 years of age, the hours shall be between 10:30 p.m. and 6:00 a.m. on the following morning.
- 1.2 16 to 18. As to minors 16 years of age and under 18 years, the hours shall be between 11:30 p.m. Sunday, Monday, Tuesday, Wednesday or Thursday to 6:00 a.m. of the following morning, and between 12 midnight on Friday or Saturday, or any day prior to a legal holiday when no school is scheduled for said legal holiday, and 6:00 a.m. of the following morning.

Section 2. Parent Violation. It shall be unlawful for any parent or guardian, or the person having the care, custody or control of any child under the age of 18 years, to permit or by inefficient control to allow such child to be in or remain in or upon any street, alley, park or other public place within the City between the hours set forth in Section 1 of this ordinance contrary to the provisions of this ordinance. Proof that such child was on any street, alley, park or other public place at a time prohibited shall, prima facie, be sufficient evidence to sustain a conviction of a violation of this ordinance.

Section 3. Custody of Child. All peace officers, juvenile department counselors, state or county welfare department employees, code enforcement officers or any other person authorized by the juvenile court of the county in which the child resides or is found may take into temporary custody any child violating any of the provisions of this ordinance and, for the first violation, shall as soon as practicable thereafter, notify the child's parent, guardian or other person

responsible for the child of the violation, and shall take or send such child home and release the child to the custody of his parent or other responsible person, except where the juvenile court or other authority otherwise orders. In case any child under the age of 18 years shall again violate any of the provisions of this ordinance, such child may be apprehended and taken into temporary custody as a juvenile offender and delinquent, and may be brought before the juvenile court of the county in which such child resides or is found.

Section 4. Violations. Any person found guilty of violating any provision of Section 1 and/or 2 of this ordinance, shall be punishable as a Class B violation, for each violation, as determined by the Tillamook County Justice Court, plus court costs. *Modified 05/08/01 by Ordinance 591*

Section 5. Repeal. Ordinance No. 316 codified as 5-3 is hereby repealed. The repeal of Ordinance No. 315 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 6. Severability. The sections and subsection of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections of subsections.

Section 7. Savings Clause. The repeal of any ordinance by Section 5 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Passed by the City Council and approved by the Mayor this 11th day of July, 2000.

/s/ James A. Cole, Jr., Mayor
James A. Cole, Jr., Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder

First Reading: July 11, 2000
Second Reading: July 11, 2000
Ayes: 5
Nays: 1
Abstentions: 0