

CURFEW ORDINANCE OF THE BAY MILLS INDIAN COMMUNITY

Section 1. Purpose.

The purpose of this ordinance is to protect the children residing or present on the Reservation of the Bay Mills Indian Community from physical harm and to prevent delinquency.

Section 2. Definitions.

The following terms shall have the meanings described below for the purposes of this ordinance:

- a. ***Custodian*** means a person, other than a parent or guardian, to whom custody of the minor has been given for any period of time.
- b. ***Domicile*** shall mean a child's permanent home, legal home or main residence.
- c. ***Guardian*** shall mean a person assigned by a court of law, other than a parent, having the duty and authority to ~~provide care and control of a minor as set forth in~~ Chapter XIII of the Tribal Code.
- d. ***Minor*** shall mean a child seventeen (17) years of age or younger.
- e. ***Parent*** or ***parents*** means the biological parent with whom the minor resides or who has temporary physical custody of the minor.
- f. ***Reservation*** means all lands within the exterior boundaries of the Reservation of the Bay Mills Indian Community, as that may from time to time be amended, and all lands held in trust by the United States for the benefit of the Bay Mills Indian Community.
- g. ***Tribal Court*** shall mean the Bay Mills Indian Community Tribal Court.

Section 3. Curfew Hours for Minors.

No minor shall loiter, wander, stroll, or play in or upon any public street, highway, road, alley, park, public building, place of amusement or entertainment, vacant lot, beach, pond, lake or stream, or any other location which is unsupervised by adults. A minor found after the following time periods in a place other than his/her

domicile shall be presumed to be in violation of the specified curfew:

a. **Minors under age 14.** For minors under 14 years of age, the following curfew hours are established:

(1) On week nights during the school term, excepting vacation periods, the curfew shall be between the hours of 8:00 p.m. and 6:00 a.m.

(2) On weekend nights and during school vacation periods, the curfew shall be between the hours of 9:00 p.m. and 6:00 a.m.

b. **Minors aged 14 and older.** For minors aged 14 years and above, the following curfew hours are established:

(1) On week nights during the school term, excepting vacation periods, the curfew shall be between the hours of 9:00 p.m. and 6:00 a.m.

(2) On weekend nights and during school vacation periods, the curfew shall be between the hours of 11:00 p.m. and 6:00 a.m.

Section 4. Exceptions to Curfew Hours.

The curfew hours specified in this ordinance shall not be applicable to those minors who:

a. Are under the supervision of a responsible adult and are accompanied by such adult.

b. Are returning to his/her domicile after participating in an activity which ended after the age-specific curfew hour.

c. Are attending a function sponsored by a religious, educational, cultural, sport, or tribal organization.

Section 5. Penalties for Violations.

a. **Penalty for Minor.** Those minors who are found violating the age-specific curfew shall be considered a "child offender" under Chapter VII of the Tribal Code and shall be subject to the jurisdiction of the Tribal Court for adjudication. In addition to the dispositional alternatives provided by that Chapter, the Tribal Court may impose a community service obligation on the minor which is equivalent to not less than \$50 and not more than \$150 for each curfew violation.

b. **Penalty for Parent, Guardian or Custodian.** Any parent, guardian, or custodian, who shall negligently or purposefully permit a violation of the curfew hour for a minor under his/her care shall be liable for a fine of not less than \$50 and not more than \$250, and/or a jail term of not more than five (5) days.

c. **Penalty for other Adults.** Any adult who shall assist, aid, abet, counsel, or lure a minor to be in violation of this ordinance shall be subject to a jail term of not more than 10 days and a fine or not more than \$500.