

Councilman Virciglio moved that an ordinance introduced October 26, 2009, entitled and reading as follows, be taken up and enacted, seconded by Councilman Browning:

O-91

AN ORDINANCE TO AMEND SECTION 130.51, "LOITERING" OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Section 130.51 "Loitering." of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.51. LOITERING.

(A) No person under the age of seventeen (17) years shall loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 10:00 p.m. and 7:00 a.m. of the following day; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent as defined in §130.50 or where the minor is on emergency errand or legitimate business or activity directed by his or her parent.

(B) No person who is subject to compulsory education under any applicable state statute, shall wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 9:00 a.m. and 3:00 p.m. of the same day, or other hours as designated by the respective public school or non-public school that the child is, or would be if not suspended, required to attend under state law, on days when the child's school is in session.

(C) The provisions of subsection B do not apply in the following circumstances:

1. The child is accompanied by a parent as defined in §130.50.
2. The child is on an emergency errand or legitimate business activity directed by his or her parent.
3. The child is permitted to leave his or her school's campus and the child has in his or her possession a valid, school-issued, off-campus permit.
4. The child is being schooled at the child's home, or other selected venue, by his or her parent or legal guardian in an educational program as required or permitted by state law.

(D) Any minor violating the provisions of this section shall be deemed to be a delinquent child and may be complained against in the Probate Court for the County of Saginaw.

Section 2. This ordinance shall become effective November 19, 2009.

Enacted: November 9, 2009.

Adopted unanimously.

Gregory L. Branch
Mayor

Diane M. Herman
City Clerk