

ORDINANCE NUMBER 77

CURFEW ORDINANCE

SECTION 1.0 NAME

This Ordinance shall be known and cited as the Eureka Charter Township Trespass and Emergency Curfew Ordinance.

SECTION 2.0 PURPOSE

The purpose of this Ordinance shall be to prohibit the gathering of people in public places for unlawful or mischievous purposes; to prohibit persons from trespassing upon public or private places, unless for a valid, proper, peaceful and lawful purpose; to establish emergency curfew regulations and authority for use in times of civil disturbances and disorder; and to provide authority to obtain police assistance of any agency pursuant to any agreement heretofore or hereafter made with such agency, in times of civil disturbance and disorder.

SECTION 3.0 REGULATIONS

- A. Crowds – No person or persons shall collect or congregate in crowds, nor arrange, encourage or abet the collection of persons or crowds, nor arrange, encourage or abet the collection of persons or crowds for illegal, violent, destructive or mischievous purposes on any street, alley, public or private road, sidewalk, park, ground, public land, or other place open to public use.
- B. Inciting – No person or persons shall incite any disturbance, violence or damage to persons or property nor aid or abet the assemblage of persons where such gathering might reasonably be expected to cause such public or private disturbance, violence, damage or riot.
- C. Trespassing – No person or persons shall enter or remain upon lands or premises of another without lawful authority after having been forbidden to do so by the owner, occupant, or agent of the owner or occupant.

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- D. Declaration – Emergency curfew regulations (to include an expiration date) may be put into effect as provided in this section by order of the township supervisor (or in his or her absence, the township clerk) at any time such supervisor or clerk shall determine that any of the following conditions exist in the township:
1. A violation of law or creation of disorder, disturbance, destruction or rioting by groups or gangs of persons.
 2. Emotional, volatile, threatening and hostile conduct or action by any group, crown or gang of persons within the township.
 3. Public demonstrations threatening the peace, health or general welfare of the people within the township.
 4. Occurrence of a natural disaster, interruption of public services or utilities, or accident disrupting the normal daily lives of the residents, particularly in cases where looting or other threats to the residents might reasonably be expected to occur.
- A. Definition – Upon issuance of such an emergency curfew order by the township supervisor or clerk, as provided in the Section, no person shall be upon the streets or in any public place within the township between the hours of 10 p.m. and 6 a.m. unless he or she is in the performance of his or her lawful employment; or can justify the necessity of his or her presence in the street or public place by some other lawful and sufficient reason.
- B. Enforcement – The township supervisor (or in his or her absence, the township clerk), after making such emergency curfew order, may request the assistance of the police of any agency pursuant to any agreement heretofore or hereafter made with such agency for such purpose by the Eureka Township Board.

SECTION 4.0 SAVING CLAUSE

The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of such ordinance.

SECTION 5.0 PENALTIES

Any person, firm, or corporation that violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment in a county jail not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

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