

## Chapter 10

### Offenses\*

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#### ARTICLE I. IN GENERAL

##### **Sec. 10-1. Statutory definitions.**

Whenever any words and phrases as used in this chapter are not defined, but are defined in the state penal code, any such definition therein shall be deemed to apply to such words and phrases used herein.

**Cross reference-**Definitions and rules of construction generally, § 1-2.

##### **Sec. 10-2. Abolition of distinction between accessory and principal.**

Every person concerned in the commission of an offense under this Code, whether he directly commits the act constituting the offense or procures, counsels, aids or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed the offense.

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\* **Cross references-**Animals, Ch. 3; fire prevention and protection, Ch. 5; garbage, trash and rubbish, Ch. 6; nuisances, Ch. 9; peddlers and solicitors, Ch. 11; police, Ch. 13; traffic and motor vehicles, Ch. 15.  
**State law reference-**Crimes, MSATitle 28.

**State law reference**-Similar provisions, MCL767.39, MSA28.979.

### **Sec. 10-3. Begging.**

It shall be unlawful for any person within the village to beg in a public place from passersby, either by words, gestures or by the exhibiting of a sign.

**State law reference**-Persons found begging in a public place defined as disorderly persons, MCL750.167(1)(b),MSA28.364(1)(b).

### **Sec. 10-4. Window peeping.**

It shall be unlawful for any person to look, peer or peep into, or be found loitering around or within view of any window not on his own property, with the intent of looking through the window in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy without the occupant's express or implied consent.

**State law reference**-Such person defined as a disorderly person, MCL 750.167(1)(c), MSA 28.364(1)(c).

### **Sec. 10-5. Fortunetelling.**

(a) It shall be unlawful for any person within the village to pretend for money or gain to tell fortunes, or to predict future events by cards, tokens, trances, the inspection of the hands or the conformation of the skull of any person, by mind reading, or by consulting the movements of the heavenly bodies or by other means.

(b) It shall be unlawful for any person within the village to pretend by or through means of palmistry, phrenology, clairvoyancy, astrology or fortunetelling by cards or other devices for money or gain, to enable anyone to get or recover lost or stolen property, or to give success in business, enterprise, speculation or games of chance, or to make one (1) person dispose of property, business or valuable thing in favor of another.

(c) It shall be unlawful for any person within the village to publish by card, circular, sign, newspaper or any other means whatsoever, that he shall or will predict future events, and any person whose fortune may have been told as aforesaid shall be a competent witness against all persons charged with any violation of the preceding subsections.

**State law reference**-Similar provisions,MCL750.267et seq.,MSA28.478et seq.

### **Sec. 10-6. Loitering near place of illegal occupation or business.**

It shall be unlawful for any person within the village to knowingly loiter in or about any place where an illegal occupation or business is being conducted.

**State law reference**-Such person deemed a disorderly person, MCL 750.167(1)(0), MSA 28.364(1)(0).

### **Sec. 10-7. Loitering near public buildings to seek employment of legal services or services of sureties.**

It shall be unlawful for any person within the village to loiter in or about any police station, police headquarters building, jail, hospital, court building or any other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizance.

**State law reference**-Such person deemed a disorderly person, MCL 750.167(1)(k), MSA 28.364(1)(k).

**Secs. 10.8-10.25. Reserved.**

**Article II. Offenses Affecting Governmental Functions**

**Sec. 10-26. Hindering village officers and employees.**

No person shall hinder, resist or oppose any village officer or employee, including police officers and firefighters, in the performance of their duties.

**State law reference**-Obstruction of police officer, MCL 750.479, MSA 28.747.

**Sec. 10-27. Resisting, interfering with police officer.**

It shall be unlawful for any person to resist any police officer or other law enforcement agent while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

**State law reference**-Resisting officer in discharge of duty, MCL 750.479, MSA 28.747.

**Sec. 10-28. Impersonation of officers.**

It shall be unlawful for any person to falsely assume or pretend, to be an employee of the village, an employee of the county, an employee of the state, or an employee of any public utility for the purpose of gaining entry into any home or business located in the village.

**State law reference**-False personation of officers, MCL 750.215, MSA 28.412.

**Sec. 10.29. Obstructing, disobeying firefighters.**

It shall be unlawful for any person within the village to knowingly and willfully hinder, obstruct or interfere with any firefighter in the performance of his duties, or who shall, while in the vicinity of any fire, willfully disobey and/or disregard any order, rule or regulation of the officer commanding any fire department at such fire.

**Sec. 10.30. False alarm of fire.**

Any person who shall knowingly and willfully commit anyone (1) or more of the following actions shall be guilty of a misdemeanor:

- (1) Raise a false alarm of fire at any gathering or in any public place;
- (2) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof for the purpose of creating a false alarm of fire;
- (3) Raise a false alarm of fire orally, by telephone or in person.

**Secs. 10-31-10-45. Reserved.**

### **Article III. Offenses Against The Person**

#### **Sec. 10-46. Assault and battery.**

It shall be unlawful for any person within the village to attempt or offer, with force and violence, to do a corporal hurt to another, or assault and/or batter any other person.

**State law reference**-Similar provisions,MCL750.81,MSA28.276.

#### **Sec. 10-47. Harassment.**

A person commits the offense of harassment if, with intent to harass, annoy or alarm another person, he:

- (1) Follows a person in or about a public place; or
- (2) Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

**State law reference**-Similar provisions,MCL750.240,MSA28.437.

#### **Sec. 10-48. Malicious annoyance by writing.**

It shall be unlawful for any person within the village to knowingly send or deliver, or to make, for the purpose of being delivered or sent, to part with the possession of any letter, postal card or writing containing any obscene language with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation with the intent thereby to cause annoyance to any person, within the village or with a view or intent to extort or gain any money or property of any description belonging to another.

**State law reference**-Similar provisions,MCL750.390,MSA28.622.

#### **Sec. 10-49. Malicious acts.**

Any person is guilty of a misdemeanor who maliciously uses any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or to disturb the peace and quiet of any other person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation;
- (2) Falsely and deliberately reporting by telephone or telegraph message that any person has been injured, has suddenly taken ill, has suffered death or has been the victim of a crime or of an accident;
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other

equipment provided for the transmission of messages by telephone, thereby interfering with any communications service;

- (4) Using any vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in the course of a telephone conversation.  
**State law reference**-Similar provisions,MCL750.540e,MSA28.808(5).

**Sec. 10-50. Nonsupport of family.**

It shall be unlawful for any person of sufficient ability within the village to refuse or neglect to support his family.

**State law references**-Desertion and nonsupport, MCL 750.161,MSA28.358; person neglecting family deemed a disorderly person, MCL 750.167(1)(a),MSA 28.364(1)(a).

**Secs. 10-51-10-65. Reserved.**

**Article IV. Offenses Against Property**

Division 1. Generally

**Secs. 10-66-10-90. Reserved.**

Division 2. Theft\*

**Sec. 10-91. Larceny of goods valued up to one hundred dollars.**

It shall be unlawful for any person within the village to steal, or unlawfully take any money, goods, chattels or property of any other person of the value of one hundred dollars (\$100.00) or less.

**State law reference**-Similar provisions,MCL750.356,MSA28.588.

**Sec. 10-92. Larceny from vacant buildings.**

It shall be unlawful for any person within the village to steal or unlawfully remove or in any manner damage any fixture, attachment or other property belonging to, connected with or used in the construction of any vacant structure or building, whether built or in the process of construction, or to break into any vacant structure or building with the intention of unlawfully removing, taking therefrom or in any manner damaging any fixture, attachment or other property belonging to, connected with or used in the construction of such vacant structure or building, whether built or in the process of construction.

**State law reference**-Similar provisions,MCL750.359,MSA28.591.

**Sec. 10-93. Larceny from public libraries.**

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\* **State law reference**-Larceny, MCL 750.356, MSA 28.588.

It shall be unlawful for any person within the village to procure or take in any way from the public library in the village any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, with intent to convert the same to his own use.

**State law reference**-Similar provisions, MCL 750.364, MSA 28.596.

#### **Sec. 10-94. Breaking and entering coin box.**

It shall be unlawful for any person within the village to maliciously and willfully, by and with the aid and use of any key, instrument, device or explosive, blow or attempt to blow, or force or attempt to force an entrance into any coin box, depository box, newspaper coin box, or other receptacle established and maintained for the convenience of the public, or of any person not making payment for any articles of merchandise or service, or for any person to extract or obtain or attempt to extract or obtain therefrom any such money or thing of value so deposited or contained therein.

**State law reference**-Similar provisions, MCL 750.356b, MSA 28.588(2).

#### **Sec. 10-95. Breaking and entering outside showcases.**

It shall be unlawful for any person in the village to break and enter, or to attempt to break and enter, or enter without breaking at any time any outside showcase or other outside enclosed counter used for the display of goods, wares or merchandise, with intent to steal or to commit the crime of larceny therein.

#### **Sec. 10-96. Weights and measures.**

Any person who shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who shall sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in any manner contrary to law, or any person who shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a violation of this Code.

**State law reference**-Similar provisions, MCL 750.561, MSA 28.829.

#### **Sec. 10-97. Frauds.**

It shall be unlawful for any person within the village to engage in any fraudulent scheme, device or trick to obtain money or other valuable thing, or to aid or abet, or in any manner to be concerned therein.

**State law reference**-Frauds and cheats, MCL 750.271 et seq., MSA 28.482 et seq.

#### **Sec. 10-98. False statements for welfare aid.**

It shall be unlawful for any person within the village to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device:

- (1) Aid, relief or welfare assistance to which he is not entitled; or
- (2) Aid, relief or welfare assistance greater than that to which he is entitled; or knowingly aids or abets in buying or in any way disposing of the property of a recipient of aid, relief or welfare assistance.

**State law reference**-False statements to obtain public relief or assistance, MCL 400.60, MSA 16.460.

### **Sec. 10.99. Bad checks.**

Any person who, with intent to defraud, shall make or draw or utter or deliver within the village any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in or credit with such bank or other depository, for the payment of such check, draft or order, in full, upon its presentation, or any person who, with the intent to defraud, shall make, draw, utter or deliver within the village any check, draft or order for the payment of money to apply on account or otherwise, upon any bank or other depository and who shall not have sufficient funds for the payment for same when presentation for payment is made to the drawee, except where such lack of funds is due to garnishment, attachment, levy or other lawful cause, and such fact was not known to the person who made, drew, uttered or delivered the instrument at the time of so doing, shall, if the amount payable in the check is fifty dollars (\$50.00) or less, be guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL750.131,MSA28.326.

### **Sec. 10.100. Use of stolen, revoked or canceled credit card.**

Any person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services or anything of value, a credit card which has been stolen or which has been revoked or canceled by the issuer thereof, as distinguished from expired, and notice of such revocation or cancellation has been received by such person through registered or certified mail or by personal service, shall be guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL750.1575,MSA28.354(18).

### **Sec. 10-101. Receiving, concealing, stolen, etc., property.**

(a) A person who buys, receives, possesses, conceals, or aids in the concealment of stolen, embezzled or converted money, goods or property knowing the money, goods or property to be stolen, embezzled or converted is guilty of a misdemeanor, if the value of the stolen, embezzled or converted money, goods or property is one hundred dollars (\$100.00) or less.

(b) A person who is a dealer in or collector of merchandise or personal property, or the agent, employee or representative of a dealer or collector who fails to make reasonable inquiry that the person selling or delivering the stolen, embezzled or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen,

embezzled or converted property which has a registration, serial or other identifying number altered or obliterated on an external surface of the property, shall be presumed to have bought or received the property knowing the property to be stolen, embezzled or converted. This presumption may be rebutted by proof.

**State law reference**-Similar provisions,MCL750.535,MSA28.803.

### **Sec. 10-102. Possession of burglar's tools.**

Any person who shall knowingly have in his possession any nitroglycerine or other explosive, thermite, engine, machine, tool (including, but not limited to, tools commonly known as slim jims and slammers), or implement, device, chemical or substance adapted and designed for cutting or burning through, forcing or breaking open any building, room, vault, safe, motor vehicle, motor vehicle trunk or glove compartment, or other depository, or for starting the engine of a motor vehicle or driving a motor vehicle without the regular key, or for removing sensor tags, in order to steal any money or other property, knowing the same to be adapted and designed for one (1) or more of the purposes aforesaid, with intent to use or employ the same for one (1) or more of the purposes aforesaid, shall be guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL750.116,MSA28.311.

### **Sec. 10-103. Retail fraud.**

It shall be unlawful for any person to do any of the following in a store or in its immediate vicinity:

- (1) While a store is open to the public, alter, transfer, remove and replace, conceal or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale;
- (2) While a store is open to the public, steal property of the store that is offered for sale;
- (3) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

### **Secs. 10-104-10.120. Reserved.**

#### Division 3. Destruction Of Property\*

### **Sec. 10.121. Malicious destruction of property generally.**

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\* **State law reference**-Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

It shall be unlawful for any person within the village to willfully and maliciously destroy or injure the real or personal property of another, or the appurtenances thereof, and where the damage done shall be one hundred dollars (\$100.00) or less.

**State law reference**-Similar provisions, MOL 750.377a, MSA 28.609(1).

#### **Sec. 10.122. Malicious destruction of public property.**

It shall be unlawful for any person within the village to maliciously destroy, damage, injure, mar or deface any building, monument, sign or structure or fence, tree, shrub, plant, park or public property of any kind which is owned, controlled, or managed by the state, county, village, any school district within the village, or by any other unit or agency of government whose operating budget is raised in whole or in part by public taxation, or to commit any act of vandalism on or in any such property.

#### **Sec. 10.123. Responsibility of smokers.**

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar, pipe or tobacco in any form for which lighters or matches are used, or in the use of inflammable liquids, to set fire to any bedding, furniture, curtain, drape, house or household furnishings in any licensed establishment.

#### **Sec. 10-124. Tampering with utility appurtenances.**

It shall be unlawful to tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fire hydrant, topographical survey instrument, water meter, water stop box, or any other personal property erected or placed by the village; or to make unauthorized taps into the water lines or any unauthorized use of fire hydrants.

**State law reference**-Tampering with property of utility, MCL 750.383a, MSA 28.615(1).

#### **Sec. 10-125. Tampering with motor vehicle.**

Any person shall be guilty of a violation of this Code who shall:

- (1) Intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of the motor vehicle;
- (2) Intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top, covering or upholstery of any motor vehicle, the property of another, or intentionally cut, mash, mark, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof;
- (3) Intentionally release the brake upon any standing motor vehicle, with intent to injure said machines and cause the same to be removed without the consent of the owner; provided, that this section shall not apply in case

of moving or starting of motor vehicles by the police under authority of local ordinance or by members of fire departments in case of emergency in the vicinity of a fire.

**State law reference**-Similar provisions, MCL 750.416, MSA 28.648.

**Secs. 10-126-10-140. Reserved.**

Division 4. Trespass\*

**Sec. 10-141. Upon lands or premises of another.**

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do, or after such lands or premises have been previously posted with a conspicuous notice forbidding any trespass thereon by the owner or occupant, or agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or agent or servant of either, who, without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor.

**State law reference**-Similar provisions, MCL 750.552, MSA 28.820(1).

**Sec. 10-142. Breaking and entering, entering without authority.**

(a) Any person who shall break and enter, or shall enter without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boathouse, hunting or fishing lodge, garage or the outbuildings belonging thereto, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent or person having immediate control thereof shall be guilty of a misdemeanor.

(b) This section shall not apply:

- (1) To entering without breaking of any place which at the time of such entry was open to the public, unless such entry has been expressly denied;
- (2) Where the breaking and entering or entering without breaking was committed by a peace officer or other person authorized by law to break and enter or otherwise enter without breaking provided the breaking and entering or entering without breaking was committed in the lawful performance of their duties as a peace officer or other person authorized by law to break and enter or otherwise enter without breaking;
- (3) Where the breaking and entering or entering without breaking was committed by someone under the direction of a person exempted from the applicability of this section as noted in subsection (2) above.

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\* **State law reference**-Trespassing, MCL 750.546 et seq., MSA 28.814 et seq.

(c) Complaint for violation of this section may be made by the owner, lessee or occupant of the structure, place, or area as set out in subsection (a) above, or the agent thereof, or the police department. The police department shall enforce this section.

**State law reference**-Similar provisions,MCL750.115,MSA28.310.

**Sec. 10-143. Unauthorized entrance upon private parking area.**

(a) Any person who enters upon or loiters upon any private parking area, either in a vehicle or on foot, without the express or implied permission of the owner, lessee, occupant or agent shall be guilty of a misdemeanor.

(b) Before this section shall be effective in any parking area, suitable signs must be first posted which would apprise the ordinarily observant person of the restricted use of the parking area. For the purpose of this section, implied permission shall be deemed granted to any person for the use designated by such signs. Implied permission shall not be deemed granted to any person, found upon any private parking area after business hours of the owner, lessee, occupant or agent of the parking area.

(c) The posting of signs upon a parking area pursuant to this section shall constitute authority by the owner, lessee, occupant or agent of the property for the police department to enforce this section.

(d) Complaint for violation of this section may be made by the owner, lessee or occupant of the parking area, or the agent thereof, or the police department, and the police department shall enforce this section.

**Secs. 10.144-10.160. Reserved.**

Article V. Offenses Against Public Peace

**Sec. 10.161. Breach of peace, disorderly conduct.**

Any person who shall make or assist in making any noise, disturbance, trouble or improper diversion, or any rout or riot, by which the peace and good order of the village are disturbed, shall be guilty of a breach of the peace, and disorderly conduct.

**State law reference**-Disturbing public places, MCL 750.170, MSA 28.367.

**Sec. 10.162. Permitting gathering of disorderly persons.**

It shall be unlawful for any person within the village to permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons.

**Sec. 10.163. Jostling.**

It shall be unlawful for any person within the village to be found jostling or roughly crowding people unnecessarily in a public place.

**State law reference**-Such person defined as a disorderly person, MCL 750.167(1)(1), MSA 28.364(1)(1).

#### **Sec. 10-164. Fighting.**

It shall be unlawful for any person within the village to engage in any disturbance, fight or quarrel in a public place.

#### **Sec. 10.165. Disorderly intoxication.**

It shall be unlawful for any person within the village to be intoxicated in a public place and to either endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.

**State law reference**-Intoxicated person defined as a disorderly person, MCL 750.167(1)(e), MSA 28.364(1)(e).

#### **Sec. 10-166. Gatherings and meetings.**

It shall be unlawful for any person within the village to willfully interrupt or disturb on any day of the week any assembly of people met for the worship of God within the place of such meeting or out of it, or to make or excite any disturbance or contention in any tavern, dance hall, beer garden, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, ground or park or at any election or other public meeting in the village where any persons are peaceably and lawfully assembled.

**State law references**-Disturbance of religious worship, MCL 750.169, 752.525, MSA 28.133, 28.366; disturbing public places, MCL 750.170, MSA 28.367.

#### **Sec. 10.167. Loitering.**

(a) In this section the following words and phrases shall have the meanings respectively ascribed to them:

*Loitering* means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression "hanging around."

*Public place* means any place to which the general public has access and a right of resort for business, entertainment or for lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

(b) It shall be unlawful for any person within the village to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians after having been told to move on by a police officer;
- (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto after having been told to move on by a police officer;
- (3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.  
**State law reference**-Certain loiterers deemed disorderly persons, MCL 750.167, MSA 28.364.

#### **Sec. 10-168. Committing riot.**

It is unlawful and constitutes the crime of riot for five (5) or more persons within the village acting in concert to wrongfully engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

**State law reference**-Similar provisions, MCL 752.541, MSA 28.790(1).

#### **Sec. 10-169. Incitement to riot.**

It is unlawful and constitutes incitement to riot for a person within the village intending to cause or to aid or abet the institution or maintenance of a riot to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, the unlawful burning or destroying of property or the unlawful interference with a police officer, peace officer, firefighter or a member of the state national guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.

**State law reference**-Similar provisions, MCL 752.542, MSA 28.790(2).

#### **Sec. 10-170. Unlawful assembly.**

It is unlawful and constitutes an unlawful assembly for a person within the village to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot or to be present at an assembly that either has or develops such a purpose and to remain there with intent to advance such purpose.

**State law reference**-Similar provisions, MCL 752.543, MSA 28.790(3).

#### **Secs. 10-171-10-185. Reserved.**

## Division 1. Generally

### **Sec. 10.186. Indecent exposure.**

It shall be unlawful for any person within the village to knowingly make any open or indecent exposure of his person or of the person of another.

**State law reference**-Similar provisions,MCL750.335a,MSA28.567(1).

### **Sec. 10.187. Indecent or obscene conduct.**

It shall be unlawful for any person within the village to engage in any indecent or obscene conduct in any public place.

**State law reference**-Such person deemed a disorderly person, MCL 750.167(1)(D, MSA 28.364(1)(f).

### **Secs. 10.188-10.205. Reserved.**

## Division 2. Prostitution\*

### **Sec. 10.206. Generally.**

(a) It shall be unlawful for any person within the village to commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion.

(b) It shall be unlawful for any person within the village to secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.

(c) It shall be unlawful for any person within the village to be in or near any place frequented by the public or any public place for the purpose of inducing, enticing or procuring another to commit a lewd act or an act of prostitution or moral perversion.

(d) It shall be unlawful for any person within the village to knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.

(e) It shall be unlawful for any person within the village to knowingly receive or offer to or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion or to knowingly permit any person to remain in any place or building for any such purpose.

(f) It shall be unlawful for any person within the village to direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

### **Sec. 10.207. Houses of ill fame-Keeping, maintaining.**

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\* **State law reference**-Prostitution, MCL 750.448 et seq., MSA 28.703 et seq.

It shall be unlawful for any person within the village to keep or maintain a house of ill fame or assignation or place for the practice of prostitution or lewdness.

**State law reference**-Similar provisions,MCL750.452,MSA28.707.

**Sec. 10.208. Same-Patronizing.**

(a) It shall be unlawful for any person within the village to patronize, frequent, be found in or be an inmate of any house of ill fame or assignation or place for the practice of prostitution or lewdness.

(b) It shall be unlawful for any person to accept the solicitation of or solicit a prostitute for the practice of fornication, prostitution or lewdness. .

**State law references**-Admitting to place for purpose of prostitution, MCL 750.449, MSA 28.704; engaging or offering to engage services of female, MCL 750.449a, MSA 28.704(1).

**Sec. 10.209. Same-Leasing premises.**

It shall be unlawful for any person within the village to lease to another any house, room or other premises, in whole or in part, for any of the uses or purposes set forth in sections 10-207 and 10-208 or to knowingly permit a house, room or other premises to be used or occupied for such purposes.

**State law reference**-Similar provisions, MCL 750.454, MSA 28.709.

**Sec. 10-210. Soliciting and accosting.**

It shall be unlawful for any person within the village, male or female, seventeen (17) years of age or older, to accost, solicit or invite another in any public place or in or from any building or vehicle by word, gesture or any other means to commit prostitution or to do any other lewd or immoral act. This section shall not apply to a law enforcement officer while in the performance of his duties as an enforcement officer.

**State law reference**-Similar provisions,MCL750.448,MSA28.703.

**Secs. 10-211-10-225. Reserved.**

Division 3. Gambling<sup>\*</sup>

**Sec. 10-226. Keeping or occupying building for gambling.**

It shall be unlawful for any person, or his agent or employee, within the village, to directly or indirectly keep or occupy, or assist in keeping or occupying any common gambling house, or any building or room therein, or place within the village where gaming is permitted or suffered, or to suffer or permit on any premises owned, occupied

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<sup>\*</sup> **State law reference**-Gambling, MCL 750.301 et seq., MSA 28.533 et seq.

or controlled by him, any apparatus used for gaming or gambling, or to use such apparatus for gaming or gambling in any place within the village.

**State law reference**-Similar provisions,MCL750.302,MSA28.534.

**Sec. 10-227. Gambling, frequenting gambling places prohibited.**

It shall be unlawful for any person to deal in, play or engage in gaming such as faro, roulette, dice, cards or other device or game of chance, hazard or skill, either as bookmaker, dealer, keeper, player or otherwise for the purpose of gambling for money or other valuable thing or to knowingly attend or be found frequenting any place where gambling is permitted or allowed or is taking place.

**Sec. 10-228. Cappers, steerers, loiterers.**

It shall be unlawful for any person to engage in the work or occupation of a roper, steerer, doorman or capper, so-called, for any gambling room, gaming house or place where gaming is carried on, or for any gambling, game of chance, trick or device, or for any place where gambling or games of chance may be permitted or allowed or are being carried on. It shall be unlawful for persons to knowingly frequent, attend or be found present in any of such places.

**Sec. 10-229. Keeping gaming room for hire, gain or reward.**

It shall be unlawful for any person within the village to keep or maintain for hire, gain or reward a gaming room or gambling table or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or to knowingly suffer a gaming room or gaming table, or any such game to be kept, maintained or played on any premises within the village occupied or controlled by him, or for any person to aid, assist or abet in the keeping or maintaining of any such gaming room, gaming table or game within the village.

**State law reference**-Similar provisions,MCL750.303,MSA28.535.

**Sec. 10-230. Gambling place and equipment.**

It shall be unlawful for any person, or his agent or employee, within the village, to directly or indirectly keep, maintain, operate or occupy any building or room, or any part thereof, or any place with apparatus, books or any device for registering bets, or buying or selling pools upon the result of a game, competition, political competition, appointment or election, or any purported event of like character, or to register bets, or buy or sell pools, or to be concerned in buying or selling pools, or to knowingly permit any grounds or premises owned, occupied or controlled by him to be used for any of the purposes aforesaid.

**State law reference**-Similar provisions, MCL 750.304, MSA 28.536.

**Sec. 10-231. Policy or pool tickets; confiscation of articles of gaming.**

It shall be unlawful, within the village, for any person to be in possession of any policy or pool tickets, slips or checks, memoranda or any combination thereof, bet slips, number slips, or of any article associated and/or connected with commercial gambling. Any and all such articles may be confiscated and destroyed by the police department, or used in evidence in any prosecution for violation of this Code.

**State law reference**-Similar provisions,MCL750.306,MSA28.538.

**Secs. 10-232-10.250. Reserved.**

Division 4. Controlled Substances \*

**Sec. 10.251. Possession, sale, etc., prohibited generally.**

it shall be unlawful for any person to manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance as defined in Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq., MSA 14.15(7101) et seq.), as amended, except as authorized by this division and the public health code.

**Sec. 10-252. Lawful possession, dispensation.**

A manufacturer, wholesaler, apothecary, medical doctor, osteopathic physician, dentist, veterinarian, chiroprapist, public or private hospital, sanitarium or institution maintained or conducted in whole or in part for the treatment of disability, disease, inebriety or drug addiction may purchase, receive, possess, sell, distribute, prescribe, administer or dispense the controlled substances described in section 10-252; provided he or they shall Have complied with all provisions as required by the United States Internal Revenue Code, as the same now exists or may be hereafter amended.

**Sec. 10-253. Possession of hypodermic syringes, needles, etc.**

- (a) No person shall at any time have or possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction and which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one (1) year; provided, that the prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiroprapists, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

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\* **State law reference**-Controlled substances, MCL 333.7101 et seq., MSA 14.15(7101)et seq.

- (b) No medical doctor, osteopathic physician or other person specified in this section in any manner authorized to prescribe controlled substances shall prescribe such substances for his own use, nor shall any druggist honor such a prescription.
- (c) All controlled substances obtained pursuant to this section shall be kept in the original package or container in which they were received; provided, that this requirement should not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian or chiropractor, or to any authorized person acting directly under their supervision or control.

**Sec. 10-254. Distribution of hypodermic syringes, needles, etc.**

- (a) It shall be unlawful for any person to deliver, furnish, supply or give away any empty gelatin capsules or hypodermic syringe or needle or other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction to any person known to be a nonmedical habitual user of controlled substances.
- (b) For the purpose of this section, a "nonmedical habitual user of controlled substances" shall mean any person who uses controlled substances merely to satisfy a craving for such substances and who does not have a legitimate medical need for controlled substances.

**Sec. 10-255. Fraud, deceit in obtaining drugs, syringes, etc.**

Any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact, or the use of a false name or the giving of a false address for the purpose of obtaining any controlled substances or barbituric acid or any derivative, compound, preparation or mixture thereof, or hypodermic syringe or needle or other instrument or implement or empty gelatin capsules or false statement on any prescription blank shall be deemed a violation of this section. No person who shall have obtained the possession of any controlled substances, hypodermic syringes, needles or other instruments or implements adapted for the use of such substances or empty gelatin capsules pursuant to the terms of this section shall use the same or permit or authorize their use for any purpose other than that specifically authorized in the prescription or order by means of which such possession was obtained.

**Sec. 10-256. Fraud, deceit in sale, etc.**

Any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or any other form of concealment for the purpose of obtaining money or any other thing of value by the sale, furnishing, supplying or giving away of any substance represented to be a drug as described in section 10-251, when it may or may not be the same, shall be deemed a violation of this division.

**Sec. 10-257. Possession for transportation, enforcement.**

The provisions of this division restricting the possession of controlled substances or barbituric acid or any derivative, compound, preparation, or mixture thereof or hypodermic syringes, needles or other implements or instruments adapted to the use of such substances by means of subcutaneous injection or intracutaneous injection or any other manner or method of introduction or empty gelatin capsules shall not apply to common carriers or warehousemen or their employees engaged in the lawful transportation or storage of such substances, syringes, needles or capsules or to public officers or employees while engaged in the performance of their official duties nor to temporary incidental possession on the part of employees or agents of persons lawfully entitled to possession.

**Sec. 10-258. Commitment of addicts.**

(a) No person shall unlawfully use or be addicted to the unlawful use of narcotic or dangerous drugs or their derivatives or barbituric acid or derivative or mixtures, compound or preparation thereof. Any unlawful use or addiction shall be deemed a violation of this section. Any nonmedical habitual user of controlled substances who shall make voluntary application to the district court judge may, upon the presentment of a certificate executed by a practicing physician in the state stating that he is a nonmedical habitual user of controlled substances, be committed, at the discretion of the court, to any correctional or charitable institution, hospital, sanitarium or institution authorized for the treatment of disease or inebriety or drug addiction. Whenever the medical officer or head of such institution shall certify to the committing judge or court that any person so committed has been sufficiently treated or gives any other reason which is deemed by such judge or court to be adequate and sufficient, the court may, in accordance with the terms of commitment, discharge the person so committed or return him to await further action of the court.

(b) Any addicted person who does not make voluntary application for treatment as provided in this section shall be deemed to be in violation of this section.

**Sec. 10-259. Loitering, etc., about places where substances stored, kept.**

No person shall knowingly loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, airplane or other place of any description whatsoever where controlled substances, hypodermic syringes, needles or other instruments or implements or empty gelatin capsules are manufactured, administered, delivered, possessed, distributed, prescribed, dispensed, stored or kept illegally.

**Sec. 10-260. Disposition of first offenders.**

When any person who has not previously been convicted of any offense under this division or any statute of the United States or of any state relating to narcotic drugs, coca leaves, marijuana or stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance, or of use of a controlled substance the court, without entering a judgment of guilt, and with the consent of the accused, may

defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilty and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. There may be only one (1) discharge and dismissal under this section with respect to any person. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to any court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered in this section has already once availed himself of the provision of this section.

**Sec. 10-261. Instruction, rehabilitation program.**

If a person is convicted of a violation of this division the court, as part of his sentence, during either the period of his confinement or the period of his probation, or both, may require him to attend a course of instruction or rehabilitation program approved by the department of mental health on the medical, psychological and social effects of the misuse of drugs. The court may order him to pay a fee, as approved by the director of mental health, for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of his probation.

**Secs. 10-262-10.280. Reserved.**

Division 5. Model Glue\*

**Sec. 10-281. Definitions.**

As used in this division, the term "model glue" means any glue, adhesive cement, mucilage, dope, plastic solvent or other adhesive of the type commonly used in the construction of model airplanes, automobiles, boats and other unassembled model kits, containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate or other toxic ingredient.

**Sec. 10-282. Sale, possession by minors.**

No person under the age of eighteen (18) shall possess or buy any model glue and no person shall sell or transfer possession of any model glue to another person under eighteen (18) years of age, except:

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\* **State law reference-** Use of chemical agents, MCL 752.271, MSA 28.643(11).

- (1) A person may sell or transfer possession of model glue to a person under eighteen (18) years of age for model building or other lawful use where such juvenile has in his possession and exhibits the written consent of his parent or guardian.
- (2) A person may sell or transfer possession to a person under the age of eighteen (18) years, not more than one (1) assembly kit which contains not more than one (1) container of model glue not to exceed one (1) fluid ounce, as a necessary part of model assembly.

**Sec. 10-283. Parental consent.**

A person making a sale or transfer of possession of model glue to a person under eighteen (18) years of age who exhibits the written consent of his parent or guardian shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent-type register available for inspection by the police department for a period of at least six (6) months.

**Sec. 10-284. Inhalation of fumes.**

No person shall inhale, drink, eat or otherwise introduce into his respiratory or circulatory system any compound, liquid, chemical or any substance known as glue, adhesive cement, mucilage, dope, plastic solvent or combination thereof with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting the eyesight, thinking process, judgment, balance or coordination of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

**Sec. 10-285. Medical use.**

The provisions of this division shall not pertain to any person who inhales, drinks, eats or otherwise introduces into his circulatory or respiratory system such material or substance pursuant to the direction or prescription of any doctor, dentist or other person authorized to do so, direct or prescribe.

**Sec. 10-286. Aiding or abetting violation.**

No person shall, for the purpose of violating or aiding another to violate any provision of this division, intentionally possess, buy, sell, transfer possession or receive possession of any model glue. It shall be unlawful for any person to assist, aid, abet or encourage any minor to violate any provisions of this division.

**Secs. 10-287-10-305. Reserved.**

Article VII. Offenses Against Public Safety

Division 1. Generally

**Sec. 10.306. Abandonment of refrigerators, trunks, etc., with airtight doors.**

It shall be unlawful for any person to leave outside of any building or dwelling, or in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, trunk or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of the icebox, refrigerator, trunk or other container, without first removing the locks or doors therefrom.

**State law reference**-Similar provisions, MCL 750.493d, MSA 28.761(4).

**Sec. 10.307. Throwing stones or missiles.**

It shall be unlawful for any person within the village to throw any stone, brick or any other missile at any motorbus, automobile or other motor vehicle.

**Sec. 10-308. Sale or use of fireworks.**

It shall be unlawful for any person to offer for sale, expose for sale or sell at retail, give, furnish, use, possess, explode or cause to explode any blank cartridge, toy pistol, toy cannon, toy cane or toy gun in which explosives are used except a toy pistol, toy cannon, toy cane or toy gun of a type in which paper caps containing one-quarter grain or less of explosive compound are used and. which are so constructed that the hand cannot come in contact with the cap when in place for the explosion or any production of combustion resulting therefrom; a type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, sky rockets, roman candles, dago bombs, sparklers, except, sparklers containing no more than 0.125 pounds of burning portion per sparkler, or other fireworks containing any explosive or inflammable compound, or any tablets or other devices commonly used and sold as fireworks, provided, however, that the council may, upon application in writing, grant a permit for the public display of fireworks by any organization or group of individuals approved by the council.

**State law reference**-Fireworks, MCL750.243aet seq.,MSA28.440(1)et seq.

**Secs. 10.309-10.325. Reserved.**

**Division 2. WEAPONS\***

**Sec. 10.326. Definition.**

The word "firearm," except as otherwise specifically defined in this division, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

**Sec. 10-327. Persons exempt.**

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\* **State law reference**-Firearms and weapons, MCL28.421 et seq.,MSA28.91 et seq., 28.419 et seq., 750.222 et seq.

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

**Sec. 10-328. Aiming firearm at person.**

It shall be unlawful for any person within the village to intentionally, without malice, point or aim any firearm at or toward any other person.

**State law reference**-Similar provisions,MCL750.233,MSA28.430.

**Sec. 10-329. Aiming and discharging firearm.**

It shall be unlawful for any person within the village to discharge without injury to another person any firearm, while intentionally, without malice, aiming at or toward any person.

**State law reference**-Similar provisions,MCL750.234,MSA28.431.

**Sec. 10-330. Injury by discharge of firearm.**

It shall be unlawful for any person within the village to maim or injure any other person by the discharge of any firearm pointed or aimed unintentionally, without malice, at any such person.

**State law reference**-Similar provisions, MCL 750.235,MSA 28.432.

**Sec. 10-331. Possession or control of firearm while intoxicated.**

It shall be unlawful for any person within the village, while under the influence of an alcoholic liquor or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner or discharge any firearm.

**State law reference**-Similar provisions,MCL750.237,MSA28.434.

**Sec. 10-332. Hunting within village.**

It shall be unlawful for any person within the village to hunt wild game, or in any manner carry any gun, weapon or firearm within the village for the purpose of hunting any wild game or fowl at any time.

**State law reference**-Game law,MCL311.1et seq.,MSA13.1321et seq.

**Sec. 10-333. Possession of knives, etc., by minors.**

It shall be unlawful for any minor under eighteen (18) years of age to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three (3) inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument or weapon used for inflicting injury upon another; provided, however, that such person shall not be in violation of this section if his possession of such knife with a blade in excess of three (3) inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument is necessary for his employment,

trade or occupation, or if he is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation, or if such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society or if the knife with a blade in excess of three (3) inches, dagger, dirk, razor, stiletto or any other sharp-edged pointed instrument is required under circumstances that tend to establish that its possession is for a lawful purpose.

**State law reference**-Carrying firearm or dangerous weapon, MCL750.226, MSA28.423.

#### **Sec. 10-334. Confiscation.**

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the village.

#### **Sec. 10-335. Transportation and possession of firearms.**

It shall be unlawful for any person to transport or to have in possession in or upon any vehicle a firearm unless the same be unloaded in both barrel and magazine and carried in the luggage compartment of the vehicle. It shall be unlawful to carry a firearm on any public street or in any public place unless it is unloaded and in a case.

**State law reference**-Carrying concealed weapons without license, MCL750.227,MSA28.424.

#### **Sec. 10-336. Sale to or purchase of firearms by minors.**

It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

#### **Sec. 10-337.BB guns, slingshots,etc.**

It shall be unlawful for any person to sell or offer for sale, use, operate or discharge any BB gun, air rifle, toy pistol, slingshot, catapult or any other toy shooting apparatus, gun or implement that might result in damage or destruction of life or property in the limits of the village.

**State law reference**-BB guns, MOL 752.851 et seq., MSA 28.436(41) et seq.

#### **Secs. 10-338-10-340. Reserved.**

### Division 3. Roller Blades, Etc.

#### **Sec. 10-341. Threat to safety.**

Persons operating roller blades, roller skates, skateboards and other similar devices can be a threat to their own safety, as well as the safety of any pedestrians in the business area, on the public walkways.

(Ord. No. 58, § 1, 7-13-95; Ord. No. 67, § 1, 8-12-96)

**Sec. 10-342. Roller blades, etc. prohibited in business district.**

It shall be unlawful for any roller blades, roller skates, skateboards and other similar devices, to be in the business district at any time.

(Ord. No. 58, § 2, 7-13-95; Ord. No. 67, § 1, 8-12-96)

**Sec. 10-343. Business district defined.**

The business district is defined as follows: M-15 at Bishop going north to North Street. Blocher Street at Center Street going east to Depot Street. Blocher Street at Main Street going east to Depot Street. Beckwith Street at Blocher Street going east to M-15.

(Ord. No. 58, § 3, 7-13-95; Ord. No. 67, § 1, 8-12-96)

**Sec. 10-344. Roller blades, etc., prohibited on public streets.**

It shall be unlawful for any roller blades, roller skates, skateboards or any other similar devices, to be on any public street at any time.

(Ord. No. 58, § 4, 7-13-95; Ord. No. 67, § 1, 8-12-96)

**Sec. 10-345. Exceptions.**

This division does not apply to bicycles, wheelchairs, or similar devices used by handicapped persons.

(Ord. No. 58, § 5, 7-13-95; Ord. No. 67, § 1, 8-12-96)

**Sec. 10-346. Violations.**

A person who violates any provision of this division is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this division shall be subject to increased fines as provided by section 1-9(c)(2) of the Code of Ordinances for the village.

(Ord. No. 58, § 6, 7-13-95; Ord. No. 63, § 1, 8-12-96; Ord. No. 67, § 1, 8-12-96)

**Secs. 10-347-10-355. Reserved.**

Article VIII. Offenses On School Grounds

**Sec. 10-356. Definitions.**

For purposes of this article the term "school" means any pre-elementary, elementary (grades K-6), secondary (grades 7-12) school, any college or combination thereof; and the term "principal" means any principal of any elementary or secondary school or the chief administrative officer of any elementary or secondary school or college.

**Sec. 10-357. Admission restricted.**

No person who is not a regularly enrolled student or parent or guardian thereof or a school official, teacher or other public or school employee shall enter or trespass upon or loiter in or upon any public, private or parochial school building or school property in the village for any reason whatever unless such person has received written permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such public, private or parochial school building or school property; provided, however, that such written permission need not be secured by persons engaging in or attending an activity authorized by the school or recreation board or by persons using school playground or playground equipment after school hours or when school is not in session unless such entry or use shall have been otherwise prohibited by a rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.

**State law reference**-Trespassing, MCL750.546et seq.,MSA28.814et seq.

**Sec. 10.358. Disturbing schools.**

No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed.

**State law reference**-Disturbing publicplaces,MCL750.170,MSA28.367.

**Sec. 10.359. Duty of person creating disturbance to leave premises upon command.**

Any person, whether lawfully or unlawfully in or upon any public, private or parochial school building or school property who is found to be creating a disturbance in or upon any such school building or property shall leave immediately when so directed by the principal or by any other person designated by the principal.

**State law reference**-Disturbing publi::places,MCL750.170,MSA28.367.

**Sec. 10.360. Extortion.**

No person shall by violence, threats of violence or other form of coercion force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time.

**State law reference**-Extortion, MCL750.213et seq.,MSA28.410et seq.

**Sec. 10.361. Unauthorized borrowing of money or things of value from students in the school or traveling to or from school.**

No person shall borrow or attempt to borrow any money or thing of value from any student in or upon any public, private or parochial school building or school property in the village or during any time when such student is engaging in, going to or returning from any regularly scheduled session or activity of any such school without first obtaining the written approval of the principal of such school or other person designated

by the principal to issue such written approval; provided, however, that this section shall not apply to college students who borrow money or things of value from other college students or adults.

**Sec. 10-362. Destruction of school property.**

No person shall damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto.

**State law reference**-Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

**Secs. 10-363-10.380. Reserved.**

**Article IX. Offenses Involving Minors**

Division 1. Generally

**Sec. 10-381. Contributing to neglect or delinquency of children.**

Any person who shall by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a violation of this Code.

**State law reference**-Similar provisions, MCL 750.145, MSA 28.340.

**Sec. 10.382. Parental neglect.**

(a) For the purposes of this section:

*Criminal acts* means those acts which violate the statutes of the state or the ordinances of the village and shall include traffic violations.

*Habitual offender* means one who commits two (2) or more criminal acts, or including four (4) or more moving traffic violations, within a twelve-month period.

*Minor* means any juvenile under the age of seventeen (17) residing with the parent as defined in this section.

*Parent* means the mother, father, legal guardian and any other person having the care or custody of a minor or such other adult with whom a minor may be found residing.

(b) It shall be unlawful for the parent of any minor to fail to exercise reasonable parental control which results in the minor committing any criminal act or to allow or encourage any minor to commit any criminal act or become delinquent in accordance with the probate code as it pertains to juveniles.

(c) Notification.

(1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the village, the parent of such minor shall be immediately notified by the police department advising the parent of such arrest or detention, the reason therefor and their responsibility under this article.

(2) A record of such notifications shall be kept by the police department.

**Secs. 10-383-10-400. Reserved.**

## **Division 2. Curfew\***

### **Sec. 10-401. Minors under seventeen.**

A minor under the age of seventeen (17) years shall not loiter, idle or congregate in or on any public street, highway, alley or park, between the hours of 11:00p.m. and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian. A person who violates this section shall be guilty of a misdemeanor.

(Ord. No. 70, § 1, 6-9-97)

### **Sec. 10.402. Assisting, etc. in violation of curfew.**

Any person of the age of seventeen (17) years or over, assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of seventeen (17) years to violate the provisions of the preceding section is guilty of a misdemeanor.

(Ord. No. 70, § 1, 6-9-97)

### **Sec. 10.403. Presumption against parents.**

When any minor is found to have violated the provisions of section 10-401, a presumption shall arise that the parent or legal guardian having the care and custody of the minor, did assist, aid, abet, allow, permit, or encourage said minor to violate that section.

(Ord. No. 70, § 1, 6-9-97)

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\* **Editor's note**-Ord. No. 70, § 1, adopted June 9, 1997, amended the Code by repealing former Div.2, §§ 10-401-10-404, in its entirety, and adding a new Div. 2, §§ 10-401-10-403. Former Div. 2 pertained to similar subject matter, and carried no history note.

**State law reference**-Curfew for minors, MCL722.751et seq.,MSA28.342(1) et seq.