

Chapter 10

OFFENSES*

* **State Law References:** Michigan penal code, MCL 750.1 et seq.

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ARTICLE I.

IN GENERAL

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public place means any street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view or to which the public, or any portion thereof, has access.
(Comp. Ords. 1999, § 40.101; Ord. No. 521, art. I, § 1, 11-14-1983)

Sec. 10-2. Punishment for aiding in an offense.

Any person that aids, abets, counsels, procures commands or assists in the commission of any offense prohibited by this article shall be punishable as a principal.
(Comp. Ords. 1999, § 40.101; Ord. No. 521, art. I, § 1, 11-14-1983)

State Law References: Similar provisions, MCL 767.39.

Secs. 10-3--10-22. Reserved.

ARTICLE II.

OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS

Sec. 10-23. Penalty.

Any person who refuses or neglects to obey the lawful order of the county sheriff or other agent designated by the village council shall be guilty of a misdemeanor.
(Comp. Ords. 1999, § 70.003; Ord. of 2-3-1915, § 3; Ord. of 6-7-1993, § 3)

Sec. 10-24. Offenses against government order.

No person shall:

- (1) Hinder, oppose, obstruct or resist any police officer or any other law enforcement officer or agent in the performance of their duties as such.
State Law References: Similar provisions, MCL 750.479.
- (2) Knowingly furnish to any police officer or other official or employee of the village a false name, address, age or date of birth in connection with the investigation of the commission of any violation of any village ordinance or other applicable local, state, or federal law.
- (3) Knowingly make or furnish to any police officer or other official or employee of the village, when said officer, official or employee is acting in his official capacity, a false or fictitious report of the purported commission of any violation of any village ordinance or other applicable local, state, or federal law.
State Law References: False report of crime, MCL 750.411a.
- (4) Escape or attempt to escape while lawfully confined by or in the custody of the village or any of its officers.
State Law References: Escapes, MCL 750.183 et seq.
- (5) When operating a motor vehicle which has been stopped in response to a police officer's signal, leave or attempt to leave the scene unless and until he has identified himself to the police officer.
- (6) Impersonate, attempt to impersonate, falsely pretend to be, or hold himself out as a police officer or other officer or employee of the village without due authority.
State Law References: False impersonation, MCL 750.215 et seq.
- (7) Conceal knowledge of the actual commission of a violation of this article or any other law from a court or from a law enforcement officer investigating said violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself.
- (8) Willfully fail to obey the command of any law enforcement officer to stop or halt, provided that any such officer identifies himself or herself as a law enforcement

officer and provides or offers to provide identification as such, and, provided that a law enforcement officer is attempting to apprehend such person for a violation of any law.

- (9) Willfully fail to obey the command of any law enforcement officer or other authorized representative of the village to leave a public park, playground, boulevard, swimming pool or recreation area when ordered to do so by any of the aforementioned authorized persons.

(Comp. Ords. 1999, § 40.105; Ord. No. 521, art. I, § 5, 11-14-1983)

Sec. 10-25. False alarm.

No person shall knowingly or willfully give a false alarm of fire.

(Comp. Ords. 1999, § 40.701; Ord. No. 521, art. VII, § 1, 11-14-1983)

State Law References: Similar provisions, MCL 750.240.

Sec. 10-26. Damage to fire apparatus.

No person shall willfully in any manner injure, deface or destroy any hose, cart, engine, truck or fire apparatus or part thereof belonging to the village or in use therein.

(Comp. Ords. 1999, § 40.702; Ord. No. 521, art. VII, § 2, 11-14-1983)

State Law References: Malicious mischief generally, MCL 750.377a et seq.

Sec. 10-27. Obstructing or resisting.

No person shall knowingly or willfully hinder, obstruct or interfere with any fireman in the performance of his or her duties, nor shall any person, while in the vicinity of any fire willfully disobey any reasonable order, rule or regulation of the officer commanding the fire department at such fire.

(Comp. Ords. 1999, § 40.703; Ord. No. 521, art. VII, § 3, 11-14-1983)

Secs. 10-28--10-59. Reserved.

ARTICLE III.

OFFENSES AGAINST THE PERSON

Sec. 10-60. Offenses against persons.

No person shall:

- (1) Commit an assault or battery upon another person.
State Law References: Assaults, MCL 750.81 et seq.
- (2) Molest another person.
- (3) Willfully annoy another person.

- (4) Recklessly endanger the life, health or well-being of any person.
- (5) Willfully obstruct free or uninterrupted passage in any street, on any sidewalk, in any public

place or in any other place to which the public is admitted.
 (Comp. Ords. 1999, § 40.102; Ord. No. 521, art. I, § 2, 11-14-1983)

Sec. 10-61. Window peeping prohibited.

No person shall be found looking into the windows or doors of any house, apartment or other residence in the city in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.
 (Comp. Ords. 1999, § 40.106(a); Ord. No. 521, art. I, § 6(a), 11-14-1983)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(c).

Secs. 10-62--10-80. Reserved.

ARTICLE IV.

OFFENSES AGAINST PROPERTY

Sec. 10-81. Property offenses.

No person shall:

- (1) Trespass upon the premises of another or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupants.
State Law References: Trespassing generally, MCL 750.546 et seq.
- (2) Prowl about the premises of any other person in the nighttime without authority or the permission of the owner of such premises.
State Law References: Trespassing generally, MCL 750.546 et seq.
- (3) Lurk, lie in wait or be concealed in any business, yard or other premises with intent to commit any crime or offense whatsoever.
- (4) Willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person.
State Law References: Malicious mischief generally, MCL 750.377a et seq.
- (5) Take, remove or attempt to take or remove any property belonging to another person.
State Law References: Larceny, MCL 750.356 et seq.
- (6) Obtain or attempt to obtain goods or money by fraud, trick or under false pretenses.
State Law References: False pretenses, MCL 750.218 et seq.

- (7) Meddle with, tamper with, interfere with and move, damage or disconnect any property belonging to another person.
State Law References: Malicious mischief generally, MCL 750.377a et seq.
- (8) Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any water fountain for drinking, or in any manner pollute the water therein.
State Law References: Malicious mischief generally, MCL 750.377a et seq.
- (9) Expectorate, urinate, defecate or perform any other act which creates a hazardous or deleterious condition in any public place or upon the property of any other person.
- (10) Affix, paste or otherwise attach to any vehicle owned by another person any notice, poster, leaflet, broadside or other item or device which interferes with the vision of the driver or causes or tends to cause damage to said vehicle. This subsection shall not apply to parking violation notices placed on motor vehicles by duly authorized law enforcement officers of any governmental unit when acting in the course of their official duties.

(Comp. Ords. 1999, § 40.103; Ord. No. 521, art. I, § 3, 11-14-1983)

Secs. 10-82--10-105. Reserved.

ARTICLE V.

OFFENSES AGAINST PUBLIC PEACE*

* **State Law References:** Disturbing public places, MCL 750.170.

Sec. 10-106. Loitering prohibited.

No person shall loiter in any public building or any other building or premises owned by another person after having been requested to leave by the lawful owner or occupant or a representative of the owner/occupant.

(Comp. Ords. 1999, § 40.106(f); Ord. No. 521, art. I, § 6(f), 11-14-1983)

Sec. 10-107. Malicious use of service provided by telecommunications service provider.

A person is guilty of a misdemeanor who maliciously uses any service provided by a telecommunications service provider with the intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.
- (2) Falsely and deliberately reporting by message through the use of a

telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death or has been the victim of a crime or an accident.

- (3) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.
- (4) Using vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in

the course of a conversation or message through the use of a telecommunications service or device.

- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.
- (6) Making an unsolicited commercial telephone call that is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subsection, the term "an unsolicited commercial telephone call" means a call made by a person or recording device on behalf of a person soliciting business or contributions.
- (7) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his telecommunications service or device.

(Comp. Ords. 1999, § 40.106(g); Ord. No. 521, art. I, § 6(g), 11-14-1983)

State Law References: Similar provisions, MCL 750.540e.

Sec. 10-108. Breach of the peace offenses.

No person shall:

- (1) Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.
- (2) Disturb the public peace and quiet by loud or boisterous conduct.
- (3) Disturb without lawful authority any lawful assembly or meeting of persons.
State Law References: Disturbing public places, MCL 750.170.
- (4) Engage in, participate in or attempt to engage in or participate in a riot.
State Law References: Riots and unlawful assemblies, MCL 752.541 et seq.
- (5) Incite, cause or attempt to incite or cause a riot.
State Law References: Riots and unlawful assemblies, MCL 752.541 et seq.

- (6) A person shall be deemed guilty of a municipal civil infraction if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, such person willfully uses abusive or obscene language or makes an obscene gesture to any other person when such words, by their very utterance, inflict injury or tend to incite an immediate breach of the peace and invade the right of others to pursue their lawful activities.
- (7) No person owning, employing or having the care, custody or possession of any musical instrument, radio set, television set, phonograph or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use or permit to be operated or used such instrument, machine or device in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room or chamber in which or who are on the premises from which such instrument, machine or device is operated and who are voluntary listeners thereto.
- (8) The operation of any such instrument, machine or device in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specifically permitted by ordinance or by law or by an agency or department of the village government.
- (9) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loudspeaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle or, in the case of a motor vehicle on private property beyond the property line. For the purpose of this subsection, the term "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of 50 or more feet, however, words or phrases may not be discernible and said sound shall include bass reverberation.

Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the village government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the village government.

(amend 4-18-16, Comp. Ords. 1999, § 40.107; Ord. No. 521, art. I, § 7, 11-14-1983; Ord. of 11-8-1999)

Sec. 10-109. Owner responsibility.

No person shall permit or allow any loud or boisterous noise, or any fight, quarrel or disturbance on any premises owned, occupied or controlled by him, if such activity causes or would tend to cause a breach of the peace.

(Comp. Ords. 1999, § 40.109(b); Ord. No. 521, art. I, § 9(b), 11-14-1983)

Sec. 10-110. Regulation of the Ignition, Discharge and Use of Fireworks.

(1) PURPOSE

This ordinance shall provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act. MCL28.451 et seq., as amended. The Village of Lyons finds that fireworks endanger property, can cause physical injury and disrupt the peace and quality of residential neighborhoods and other districts. The Village of Lyons endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to amend any existing fireworks ordinances that conflict with the Act, and to impose conditions on the time, place, manner of use, discharge and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare of village residents.

(2) DEFINITIONS

Except when the context clearly indicates a different meaning, the following words, terms and phrases used in this ordinance shall have the following meanings:

- (A) "Act" means the Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted. MCL 28.451 et seq.
- (B) "Consumer Fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in SPS 87-1,3.1.2, 3.1.3 or 3.5. A consumer's firework does not include low-impact fireworks.
- (C) "Display Fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27CRP555.1149CFR172, and APA standard 87-1.
- (D) "Articles Pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UND431 or UND 432 under 49CFR172.101.
- (E) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks and special effect.

(F) "Low-Impact Fireworks" means ground and hand held sparkling devices as that phrase is defined under APA standards.

(G) "Novelties" means that term as defined under APA standards and all the following:

(a) Toy plastic or paper caps for toy pistols in sheet, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(b) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described above are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion and that are not designed to break apart or be separated so as to form a missile by explosion.

(c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(d) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box and toy smoke devices.

(H) "Special Effects" means a combination of chemical elements or chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed as intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

(I) "Minor" means an individual who is less than 18 years of age.

(J) "Person" means any individual, agent, legal representative association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation or any other entity or organization. An individual shall include a minor as defined in this ordinance.

(3) Prohibited Use and Exemptions

(a) A person shall not ignite, discharge or use consumer fireworks or homemade fireworks except on the following days after 11:00 a.m.

1. 11 a.m. Dec 31 to 1 a.m. Jan 1

2. 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

3. June 29th to July 4th until 11:45 p.m. on each of those days.

4. July 5th, if that date is a Friday or Saturday, until 11:45 p.m.

5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(b) Exempt from the provisions of the ordinance is the use of explosives by police officers, licensed contractors, and emergency response teams as required for public works, construction projects and emergency management. These authorized parties shall notify the Lyons-Muir, Lyons Township Fire Department and the Village of Lyons, if possible, prior to plan explosive use, and shall take adequate measures to ensure the safety of village residents and visitors.

(c) Manufacturing of fireworks is prohibited within the Village of Lyons.

(d) Minors

(1) A minor shall not possess, use, discharge or ignite any consumer fireworks at any time or on any day including national holidays and the day before and day after a national holiday.

(2) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian and the use, discharge and/or ignition is within permitted hours and does not violate the provisions of this ordinance and/or the Act.

(e) General Restrictions

(1) No person shall at any time ignite, discharge or use consumer or low impact fireworks upon another person's property or within 15 feet of another person's property without such property owner's permission. No person shall at any time, ignite, discharge, except under the terms and conditions of a permit issued pursuant to this section, any fireworks in a public street or right-of-way, a public park, school property or any other place of public assembly without the approval of the owner of such property or, in the case of a public park, street or right-of-way, the approval of the village.

(2) No person shall at any time cause or allow to be caused any debris, remnants, or unburned fragments of consumer fireworks or low impact fireworks to remain on any private or public property without the property owner's permission.

(3) Fireworks, consumer or low impact, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed or under any canopy, or overhanging cover of any nature.

(4) Penalties

(a) Any person who violates Section 3 (a) of this ordinance is responsible for a municipal civil infraction and shall be ordered to pay a civil fine of One thousand dollar fine (\$1,000.00) for each violation of the subsection and no other fine or sanction; provided, however that \$500.00 of the fine collected shall be remitted to the Ionia County Sheriff's Department as required by MCLA 28.457(3).

(b) Any person who violates Section 3 (c-e) shall be responsible for a \$500.00 fine.

(5) Prior Ordinance

All prior ordinances or parts thereof, in conflict with the terms of this ordinance are deemed repealed, Specifically, Ordinance - Article VI offenses against Public Safety – Div. 1 Generally Sec. 10-133 - sale or use of. (1999 & 1983)

(6) Severability

Each provision of this ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the enforceability of any other ordinance, section, subsection or provision hereof.

(Amended 7-15-19, eff 8-4-19; approved 9-16-13, eff 11-6-13).

Secs. 10-111--10-131. Reserved.

ARTICLE VI.

OFFENSES AGAINST PUBLIC SAFETY

DIVISION 1.

GENERALLY

Sec. 10-132. Open fires prohibited.

No person shall make, participate in or allow any open fire or burning on any public property, including parks, streets, and sidewalks.
(Comp. Ords. 1999, § 40.106(h); Ord. No. 521, art. I, § 6(h), 11-14-1983)

Sec. 10-133. Sale or use of fireworks prohibition; permit required to sell or display.

It shall be unlawful for any person, firm or corporation to offer for sale, expose for sale, or sell at retail, give, furnish, use, explode or cause to explode any blank cartridge, firecrackers, torpedoes, skyrockets, Roman candles, day bombs, 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 of the village may, upon application in writing, grant a permit for the public display or sale of fireworks by any organization or group of individuals approved by the village council.
(Comp. Ords. 1999, § 40.506; Ord. No. 521, art. V, § 6, 11-14-1983)

State Law References: Fireworks, MCL 750.243a et seq.

Secs. 10-134--10-164. Reserved.

DIVISION 2.

WEAPONS*

* **State Law References:** Firearms and weapons, MCL 750.222 et seq.

Sec. 10-165. Possession.

It shall be unlawful for any person to have any firearm or other dangerous weapon in his possession in any public street, park or place, unless the same is licensed as required by law or securely wrapped or encased.
(Comp. Ords. 1999, § 40.601; Ord. No. 521, art. VI, § 1, 11-14-1983)

Sec. 10-166. Discharging weapons in public places.

No person shall fire or shoot any firearm, air gun, spring gun, bow and arrow, slingshot or

other dangerous weapon or instrument in any street, avenue, and alley, public place or in any place in such a manner as to endanger or be likely to endanger any person or property.

(Comp. Ords. 1999, § 40.106(e); Ord. No. 521, art. I, § 6(e), 11-14-1983)

State Law References: Discharge of weapons, MCL 750.234 et seq.

Sec. 10-167. Use while intoxicated.

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

(Comp. Ords. 1999, § 40.603; Ord. No. 521, art. VI, § 3, 11-14-1983)

State Law References: Similar provisions, MCL 750.237.

Sec. 10-168. Hunting within village prohibited.

It shall be unlawful for any person within the village to hunt or trap wild game, or in any manner carry a gun, weapon, including, but not limited to, bows and arrows and sling shots, or firearms within the village for the purpose of hunting any wild game or fowl at any time.

(Comp. Ords. 1999, § 40.604; Ord. No. 521, art. VI, § 4, 11-14-1983)

State Law References: Hunting area control, MCL 324.41902.

Sec. 10-169. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gun means any gun, rifle or pistol, by whatever name known, which is designed to expel a projectile by the action of compressed air or gas, or by the action of a spring or elastic, but does not mean a firearm.

Dealer means any person engaged in the business of selling at retail or renting any air gun.

(Comp. Ords. 1999, § 40.605; Ord. No. 521, art. VI, § 5, 11-14-1983)

State Law References: Use of BB guns, MCL 752.891 et seq.

Sec. 10-170. Furnishing air guns to minors.

(a) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air gun to any person under the age of 18 years where the dealer knows or has reasonable cause to believe the person to be under 18 years of age or where such dealer has failed to make reasonable inquiry as to the age of such person and such person is under 18 years of age.

(b) It shall be unlawful for any person to give, lend or otherwise transfer any air gun to any person under 18 years of age, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person who is under 18 years of age.

(Comp. Ords. 1999, § 40.606; Ord. No. 521, art. VI, § 6, 11-14-1983)

Sec. 10-171. Possession of air guns when lawful.

Notwithstanding any provision of this division to the contrary, it shall be lawful for any person under 18 years of age to have in his possession one or more air guns if the same is:

- (1) Kept within his domicile;
- (2) Used by a person under 18 years of age and he or she is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range, to possess, load and fire at such rifle range under the supervision, guidance and instruction of a responsible adult; or
- (3) Used in or on any private grounds or residence under circumstances when such air gun can be fired, discharged, or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from transversely affecting any grounds or space outside the limits of such grounds or residence.

(Comp. Ords. 1999, § 40.607; Ord. No. 521, art. VI, § 7, 11-14-1983)

Sec. 10-172. Unlawful possession or use of air guns.

(a) It shall be unlawful for any person under 18 years of age to carry any air gun on the streets, alleys, public roads or public lands within the village unless accompanied by an adult; provided, however, that said person under 18 years of age may carry such air gun unloaded, in a suitable case or securely wrapped.

(b) It shall be unlawful for any person to discharge any air gun from across any street, sidewalk, alley, public land or any public place, except on a properly constructed target range.

(Comp. Ords. 1999, § 40.608; Ord. No. 521, art. VI, § 8, 11-14-1983)

Sec. 10-173. Dangerous weapons.

No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as blackjack, sand club, sandbag, switchblade knife or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

(Comp. Ords. 1999, § 40.609; Ord. No. 521, art. VI, § 9, 11-14-1983)

State Law References: Dangerous weapons, MCL 750.224 et seq.

Sec. 10-174. Official use.

Nothing in this division shall restrict the otherwise proper discharge of firearms by public officials when such use is required in the course of their official duties. Nor shall this division restrict the otherwise proper discharge of firearms by any person when such discharge is necessary for the protection and preservation of human life.

(Comp. Ords. 1999, § 40.610; Ord. No. 521, art. VI, § 10, 11-14-1983)

Secs. 10-175--10-201. Reserved.

ARTICLE VII.

OFFENSES AGAINST PUBLIC MORALS

Sec. 10-202. Indecent exposure.

No person shall make an indecent exposure of his or her person or of any other person.
(Comp. Ords. 1999, § 40.106(b); Ord. No. 521, art. I, § 6(b), 11-14-1983)
State Law References: Similar provisions, MCL 750.335a.

Sec. 10-203. Restricted advertising.

No person shall knowingly engage in or advertise any business which offers as its activity the providing of nude models for artists or photographers.
(Comp. Ords. 1999, § 40.106(d); Ord. No. 521, art. I, § 6(d), 11-14-1983)

Sec. 10-204. Unlawful prostitution and sexual activity.

No person shall permit or allow any premises owned, occupied or controlled by him to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity.
(Comp. Ords. 1999, § 40.109(a); Ord. No. 521, art. I, § 9(a), 11-14-1983)

Sec. 10-205. Vice offenses.

No person shall:

- (1) Engage in any act of prostitution.
State Law References: Prostitution generally, MCL 750.448 et seq.
- (2) Knowingly attend, frequent, operate or be an occupant or inmate of any place where prostitution, illegal gambling, the illegal sale of alcoholic liquor or any illegal business or occupation is permitted or conducted.
State Law References: Similar provisions, MCL 750.167(1)(i), (j).
- (3) Engage in prostitution, illegal gambling and the illegal sale of alcoholic liquor or any other illegal business or occupation.
- (4) Solicit or accost any person for the purpose of inducing the commission of any illegal act.
State Law References: Soliciting or accosting, MCL 750.448.
- (5) Transport any person to a place where he knows prostitution, illegal gambling or other illegal activity is practiced, encouraged or allowed for the purpose of enabling the person transported to engage in illegal gambling, prostitution or any other illegal activity.

- (6) Keep or maintain a gaming room, gaming tables or any policy or pool tickets used for illegal gambling, or knowingly suffer or allow a gaming room, gaming tables or any policy or pool tickets used for illegal gambling to be kept, maintained, played or sold on any premises occupied or controlled by him.

State Law References: Similar provisions, MCL 750.303.

(Comp. Ords. 1999, § 40.108; Ord. No. 521, art. I, § 8, 11-14-1983)

Sec. 10-206. Sale or delivery to intoxicated or disorderly persons.

It shall be unlawful for any person to sell, give, furnish or deliver any alcoholic liquor to any drunken or intoxicated person, or to any habitual drunkard.

(Comp. Ords. 1999, § 40.503; Ord. No. 521, art. V, § 3, 11-14-1983)

State Law References: Sale to intoxicated person, MCL 436.1707.

Secs. 10-207--10-235. Reserved.

ARTICLE VIII.

CONTROLLED SUBSTANCES

Sec. 10-236. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a drug or substance listed in schedule 5 of article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

Delivery means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

Marijuana means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Practitioner means:

- (1) A physician, dentist, veterinarian or pharmacist as defined in part 177 of Public Act No. 368 of 1978 (MCL 333.17701 et seq.), or other persons licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

- (2) A pharmacy, hospital or other institution or place of professional practice licensed, registered or otherwise permitted to distribute, prescribe, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

State when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(Comp. Ords. 1999, § 40.201; Ord. No. 521, art. II, § 1, 11-14-1983)

Sec. 10-237. Offenses.

It is unlawful for a person to use or to possess a controlled substance unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(Comp. Ords. 1999, § 40.202; Ord. 521, art. II, § 2, 11-14-1983)

Sec. 10-238. Substance offenses.

No person shall:

- (1) Be in a state of intoxication in a public place endangering directly the safety of another person or of property.
- (2) Be in a state of intoxication in any public place in a manner that causes a public disturbance.
- (3) Intentionally smell or inhale the fumes of any substance releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses, or to possess, buy or use any such substance for the purpose of violating, aiding or abetting another to violate this section.
- (4) Be under the influence in any public place of any drug, any exhilarating or stupefying substance or any combination of substances mentioned herein.

(Comp. Ords. 1999, § 40.104; Ord. 521, art. I, § 4, 11-14-1983)

Sec. 10-239. Consumption in public places.

No person shall consume alcoholic liquor in any public place in this village or in any place to which the public is admitted, except those places, which are properly licensed therefor by the liquor control commission and then only the particular kind or style of alcoholic liquor which is licensed for sale on said premises, and the owner or operator of any such place shall be deemed to be a violator.

(Comp. Ords. 1999, § 40.504; Ord. No. 521, art. V, § 4, 11-14-1983)

State Law References: Similar provisions, MCL 436.1915.

Sec. 10-240. Uncapped liquor in passenger compartment.

No person shall transport or possess any alcoholic liquor in a container which is open, uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon any street or roadway or any other place open to the general public, including any area designated for the parking of motor vehicles; provided, that in vehicles not having a trunk or compartment separate from the passenger compartment any container which is open, uncapped or upon which the seal is broken may be permitted in a passenger compartment if such container is encased or enclosed so as to not be readily accessible to the occupants of such vehicle.

(Comp. Ords. 1999, § 40.505; Ord. No. 521, art. V, § 5, 11-14-1983)

State Law References: Similar provisions, MCL 257.624a.

Secs. 10-241--10-258. Reserved.

ARTICLE IX.

OFFENSES INVOLVING UNDERAGE PERSONS

DIVISION 1.

GENERALLY

Sec. 10-259. Parental responsibility.

(a) Any parent, foster parent, legal guardian or any person having the care, control or custody of a minor child under the age of 18 years who shall by any act, or by any word, or by any deed or lack of supervision and control over said minor child, encourage, contribute toward, cause or tend to cause said minor child to become neglected or delinquent, so as to come, or tend to come under the jurisdiction of the juvenile division of the probate court, shall be guilty of a violation of this division.

(b) Any parent, foster parent, legal guardian or other person having the care or control or custody of any minor child under the age of 16 who shall assist, aid, and abet, allow, permit or encourage said minor to violate any provision of this division, either by overt act, by failing to act or by lack of supervision and control over said minor, is guilty of a violation of this Code. The fact that a child under the age of 18 years is apprehended for being in violation of section 10-285 shall be prima facie evidence of a violation of this section on the part of the parents, foster parents, legal guardians, or other persons having the care, control or custody of said minor child. It shall not constitute a defense hereto that the parent, guardian, or other person having legal care and custody of a minor who violates any of the provisions of this article did not have knowledge of the presence of said minor in and upon any of the places prohibited in this article.

(Comp. Ords. 1999, § 40.801; Ord. No. 521, art. VIII, § 1, 11-14-1983; Ord. of 6-7-1993)

Sec. 10-260. Notification and responsibility.

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 law enforcement officers of such arrest or detention, the reason therefor, and the parents' responsibility under this section.

(Comp. Ords. 1999, § 40.802; Ord. No. 521, art. VIII, § 2, 11-14-1983)

Sec. 10-261. Purchase, possession, transportation and consumption of alcoholic liquor by persons under 21.

A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor or have any bodily alcohol content, except as provided by state law. A person who violates this section is guilty of a misdemeanor punishable by the following fines and sanctions:

- (1) For the first violation, a fine of not more than \$100.00, and such person may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Public Act No. 368 of 1978 (MCL 333.6107) and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense.
- (2) For a violation of this section following a prior conviction or juvenile adjudication for a violation of this subsection, by imprisonment for not more than 30 days but only if the person has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Public Act No. 368 of 1978 (MCL 333.6107) and designated by the administrator of substance abuse services, to perform community service and to undergo substance abuse screening and assessment at his or her own expense.
- (3) For a violation of this section following two or more prior convictions or juvenile adjudications for a violation of this subsection, by imprisonment for not more than 60 days but only if the person has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, Public Act No. 368 of 1978 (MCL 333.6107), and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.

(Comp. Ords. 1999, § 40.501; Ord. No. 521, art. V, § 1, 11-14-1983)

Sec. 10-262. Sale to minors.

Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age or who fails to make diligent inquiry as to whether the person is less than 21 years of age is guilty of a misdemeanor. Proof that the defendant, defendant's agent or employee demanded and was shown, before furnishing alcohol to a person under 21 years of age, bona fide documentary evidence of the age and identity of that person shall be a defense to an action under this section. Nothing herein contained shall prohibit the sale of an alcoholic liquor to a minor upon authority of and pursuant to a duly licensed physician.

(Comp. Ords. 1999, § 40.502; Ord. No. 521, art. V, § 2, 11-14-1983)

Secs. 10-263--10-283. Reserved.

DIVISION 2.

CURFEW

Sec. 10-284. Minors prohibited in certain places.

It shall be unlawful for a minor child under 18 years of age to be permitted to remain in any dance hall, saloon, barroom, tavern or other place where any spirituous or intoxicating liquor, or any wine or beer, or any beverage, liquor or liquors containing spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage, unless accompanied by a parent or legal guardian. All such establishments shall be posted with signs bearing the legend "Minors under 18 must be accompanied by a parent or guardian." Nor shall any minor at any time or under any circumstances be present at or in any house of prostitution, or in any room or hall occupied or used for hire, gain or reward for the purpose of cards, dice or gaming, pool selling or betting in any manner whatever. No proprietor, keeper or manager of such place shall permit any minor to remain in any such place.

(Comp. Ords. 1999, § 40.401; Ord. No. 521, art. IV, § 1, 11-14-1983)

Sec. 10-285. Specific ages and hours; violations; exemptions.

(a) No minor shall loiter, idle, congregate, traverse or remain in or upon any public street, park, alley, playground, parking lot or any public place unless accompanied by a parent, guardian or adult delegated by a parent or guardian to accompany the minor according to the following ages and hours:

- (1) Under ten years: 8:00 p.m. to 6:00 a.m.
- (2) Ten years of age, but less than 12 years: 9:00 p.m. to 6:00 a.m.
- (3) Twelve years of age, but less than 15 years: 10:00 p.m. to 6:00 a.m.
- (4) Fifteen years and over: 11:00 p.m. to 6:00 a.m.

(b) The following activities shall be exempt from the curfew requirements of subsection

(a) where the minor is:

- (1) Accompanied by his parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor.
- (2) On an errand, without any detour or stop, at the direction of his parent, guardian or caretaker.
- (3) In a vehicle involved in interstate travel.
- (4) Engaged in a certain employment activity, or going to or from employment, without any detour or stop.
- (5) Involved in an emergency.
- (6) On the sidewalk that abuts the minor's or the next door neighbor's residence, if the neighbor has not complained to the police.
- (7) In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor or going to or from such an activity, without any detour or stop, and supervised by adults.
- (8) Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

(c) Any person assisting, aiding, abetting, or encouraging any minor to violate the provisions of this article shall be guilty of a violation of this article. It shall not constitute a defense hereto that the parent, guardian or other person having legal care and custody of a minor who violates any of the provisions of this article did not have knowledge of the presence of said minor in and upon any of the places prohibited in this article.

(d) Any provision of this article may temporarily be changed by resolution of the village council when the council determines that such a temporary change is necessary for the health, safety and general welfare of the children and citizens of the village. Public notice of any such temporary changes shall be given in the manner determined by the village council.

(e) It shall be unlawful for any minor under 16 years of age or who is enrolled in a day school program, other than a college or university, to remain in any restaurant, lunch room, candy store, confectionery, bowling room, ice cream parlor, theater, or any other public place unless it is part of an organized school program, during the school hours of such child.

(Comp. Ords. 1999, § 40.402; Ord. No. 521, art. IV, § 2, 11-14-1983; Ord. of 6-7-1993)

State Law References: Curfew for minors, MCL 722.751; power of city to regulate by ordinance a curfew for minors, MCL 722.754.

Sec. 10-286. Parental responsibility.

It shall be unlawful for the parent, legal guardian or other adult person having the care or custody of a minor less than 18 years of age to knowingly permit such minor to violate any provisions of this article.

(Comp. Ords. 1999, § 40.403; Ord. No. 521, art. IV, § 3, 11-14-1983)