

## **TITLE XIII: GENERAL OFFENSES**

Chapter

### **130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

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***OBSCENITY*****§ 130.01 SALES, DISTRIBUTION, DISSEMINATION OR DISPLAY PROHIBITED; RESPONSIBILITY.**

(A) The knowing dissemination, exhibition, public display and/or sale of obscene literature, films, video recordings and/or pictures within the village limits is prohibited.

(B) The knowledge of dissemination, exhibition, public display and/or sale may be actual or constructive.

(Ord. 93, passed 3-17-83) Penalty, see § 10.99

**§ 130.02 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***OBSCENE.*** This shall be defined as follows.

(1) Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.

(2) Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable law.

(3) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

***PATENTLY OFFENSIVE DEPICTION OF SEXUAL CONDUCT.*** This shall include the following.

(1) Representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, bestiality, fellatio and cunnilingus.

(2) Patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.

(Ord. 93, passed 3-17-83)

**§ 130.03 NON-INTERFERENCE WITH STATE LAW.**

The enactment of this subchapter is not designed or intended to interfere with any preemption by the state in enacting a uniform state-wide statute regulating the sale, distribution, dissemination or display of obscene literature, film, video recordings, and/or pictures on a state-wide basis.

(Ord. 93, passed 3-17-83)

***PROTECTION OF SCHOOL PROPERTY*****§ 130.15 DAMAGE TO SCHOOL PROPERTY PROHIBITED.**

No person shall damage, destroy or deface any public, private or parochial school building, or any building occupied by any public, private or parochial school, or the grounds, outbuildings, fences, trees, playground equipment or other appurtenances or fixtures belonging thereto or located on the grounds thereof.

(Ord. 78, passed 1-9-73) Penalty, see § 10.99

**§ 130.16 PERSONS REQUIRED TO LEAVE SCHOOL PREMISES.**

No person shall create a disturbance, or engage in any immoral or indecent conduct in any private, public or parochial school building or on any school ground. Any person who is on the ground of a private, public or parochial school, or in the buildings thereof, shall leave when requested to do so by the principal, assistant principal or other persons responsible for the building without the necessity of reasons being assigned for such request to leave.

(Ord. 78, passed 1-9-73) Penalty, see § 10.99

***CURFEW*****§ 130.30 CURFEW FOR MINORS; APPLICABLE HOURS.**

Except as provided in § 130.32, it shall be unlawful for any person of the age of 17 years or under to be in or upon any of the streets, alleys, parks, or other public places within the limits of the village, or to be or remain in any theater, restaurant or other business establishment within the limits of the village between the hours of 10:00 p.m. of any day and 6:00 a.m. of the day following, unless such person is accompanied by his or her parent, guardian or other person having legal custody and control

of such minor person, or an adult designated by the parent, guardian or other person having legal custody and control of such minor to accompany such minor.

(Ord. 173, passed - - ) Penalty, see § 10.99

### **§ 130.31 RESPONSIBILITY OF PARENT OR GUARDIAN.**

It shall be unlawful for any parent, guardian or other person having the legal care and custody of any minor person of the age of 17 years or under to allow or permit any child, ward or other person under that age, while in his or her legal custody, to be unaccompanied in or upon any streets, alleys, parks or other public places within the limits of the village, or to be or remain in any theater, restaurant or any other business establishment within the limits of the village during the hours prohibited in § 130.30.

(Ord. 173, passed - - ) Penalty, see § 10.99

### **§ 130.32 EXCEPTIONS.**

Exceptions to § 130.30 are as follows.

(A) Students attending school functions, functions sponsored by schools, churches or other civic organizations, or functions authorized by the Village Council, shall be at their respective homes within 30 minutes after the program closes if after curfew hours.

(B) A person 17 and under working during curfew hours shall be exempt from curfew hours when necessary for his or her employment.

(Ord. 173, passed - - )

## ***DISORDERLY PERSONS***

### **§ 130.45 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***LOITERING.*** Shall include the following.

(1) To stand or lounge around or move slowly about, to spend time idly, to saunter or to linger.

(2) To repeatedly pass the same place without any apparent reason.

**PUBLIC PLACE.** A place to which the public or a substantial group of persons has access. Among places included are any of the following. This enumeration shall be deemed partial and shall not operate to exclude other places which are within the general terms of this definition.

- (1) Any highway, street, road, alley, sidewalk, park, parking lot, river, public water, waterfront, or other publicly-owned or controlled open ground.
- (2) Any publicly-owned or controlled building, excluding any interior portion thereof being used as a dwelling.
- (3) Any place of business.
- (4) Any place of amusement, entertainment, recreation or education open to the general public.
- (5) Any place where services are rendered to the public or a substantial group of persons.
- (6) Any transport facility.
- (7) Any public conveyance.
- (8) Any place of religious worship.
- (9) Any place of manufacturing.
- (10) Any railroad right-of-way.
- (11) Any hospital.
- (12) Any cemetery.
- (13) Any common area of any hotel or apartment building.
- (14) Any private meeting place when a privately employed special-duty police officer, special-duty deputy sheriff or a special police officer or deputy sheriff is on duty there;
- (15) Any grounds appurtenant to any of the above designated.
- (16) Any parking facility used in connection with any of the above designated.

(Ord. 110, passed 2-9-89)

#### **§ 130.46 CAUSING OR RISKING PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM.**

No person shall purposely cause, recklessly create a risk of or knowingly contribute to inconvenience, annoyance or alarm to any person in a public place by doing any of the following.

- (A) Engaging in fighting or threatening, or in violent or tumultuous behavior.
- (B) Jostling or roughly crowding persons unnecessarily.
- (C) Making unreasonable noise or offensively coarse utterance, gesture or display, or addressing abusive language to any person or group present.
- (D) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

#### **§ 130.47 HARASSING, ALARMING OR OFFENSIVE CONDUCT.**

No person shall, with purpose to harass or alarm another or with reckless disregard of the sensibilities of another, do any of the following.

- (A) Insult, taunt or challenge another in a manner likely to provoke a violent disorderly response.
- (B) Frighten or attempt to frighten another by threat or menace of unlawful bodily harm to any person.
- (C) Subject another to an offensive touching.
- (D) Commit any lewd, obscene, immoral or indecent act which he knows is likely to be observed by another who would be affronted or alarmed thereby.
- (E) Make a communication anonymously or at extremely inconvenient hours or in offensively coarse language.
- (F) Engage in any other course of harassing, alarming or offensive conduct serving no legitimate purpose of the actor.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

#### **§ 130.48 DISTURBING THE PEACE.**

No person 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 will be disturbed.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.49 FAILURE TO DISPERSE.**

When any person is participating in a course of conduct described in § 130.46, which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, a peace officer may order the participant and others in the immediate vicinity to disperse. No person shall refuse or knowingly fail to obey such an order.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.50 ORDER TO MOVE FROM PUBLIC HAZARD.**

No person in dangerous proximity to a fire or other hazard shall refuse or knowingly fail to obey a reasonable official request or order to move for the purpose of maintaining public safety.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.51 TRESPASS.**

A person shall not willfully enter upon the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant, nor shall a person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, the agent or servant of either, without lawful authority neglect or refuse to depart therefrom.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.52 MALICIOUS DESTRUCTION OF PROPERTY.**

No person shall maliciously destroy or injure any public property or any private property not his own.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.53 ASSAULT; ASSAULT AND BATTERY.**

No person shall commit an assault or an assault and battery.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.54 PROWLING OR LOITERING.**

(A) No person shall prowl or loiter on foot, in a motor vehicle, or in any other way in a place, at a time, or in a manner not usual for law-abiding individuals, under circumstances that warrant alarm for the safety or health of any person or property in the vicinity.

(B) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person may do any of the following. This enumeration shall be deemed partial and shall not operate to exclude other circumstances which are within the general terms of division (A) of this section.

- (1) Takes flight upon appearance of or investigation by a peace officer.
- (2) Refuses or fails to adequately identify himself.
- (3) Manifestly endeavors to conceal himself or any object.

(C) Unless flight by the person or other circumstances makes it impracticable, a peace officer shall, prior to an arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.

(D) No person shall be convicted of an offense under this section if the peace officer did not comply with division (C) of this section, or if it appears at trial that the identification and explanation were true and, if believed by the peace officer at the time, would have dispelled the alarm.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

#### **§ 130.55 ILLEGAL BUSINESS OR OCCUPATION.**

No person shall do either of the following.

- (A) Engage in any illegal business or occupation.
- (B) Attend or frequent any place in which an illegal business is conducted or permitted.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

#### **§ 130.56 PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES.**

No person shall consume any alcoholic beverage in any of the following places.

- (A) Any publicly-owned or controlled ground or building, excluding the interior portion of any such building being used as a dwelling.
- (B) Any transport facility or public conveyance.
- (C) Any parking lot, cemetery or railroad right-of-way.

(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.57 WINDOW PEEPING.**

No person shall engage in window peeping.  
(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.58 BEGGING.**

No person shall do either of the following.

(A) Engage in begging.

(B) Place himself in any public place for the purpose of begging or receiving alms.  
(Ord. 110, passed 2-9-89) Penalty, see § 10.99

**§ 130.59 UNDERAGE DRINKING.**

(A) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section. Notwithstanding M.C.L.A. 436.1909, a minor who violates this division is guilty of a misdemeanor punishable by the following fines and sanctions, and is not subject to the penalties prescribed in M.C.L.A. 436.1909:

(1) For the first violation a fine of not more than \$100, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, 1978 PA 368, being M.C.L.A. 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 as described in division (C).

(2) For a violation of this division following a prior conviction or juvenile adjudication for a violation of this division or Section 33b(1) of former 1933 (Ex Sess) PA 8, a fine of not more than \$200, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, 1978 PA 368, being M.C.L.A. 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 as describe in division (C).

(3) For a violation of this division following two or more prior convictions or juvenile adjudications for a violation of this subsection or Section 33b(1) of former 1933 (Ex Sess) PA 8, a fine of not more than \$500, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, 1978 PA 368, M.C.L.A. 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 as described in division (C).

(B) A person who furnishes fraudulent identification to a minor, or notwithstanding division (A), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100 or both.

(C) The court may order the person convicted of violating division (A) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in Section 6103 of the Public Health Code, 1978 PA 368, being M.C.L.A. 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(D) The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of violating divisions (A) or (B) as provided in Section 319 of the Michigan Vehicle Code, 1949 PA 300, being M.C.L.A. 257.319.

(E) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor had consumed or possessed alcoholic liquor. A minor who refuses to submit to a preliminary chemical breath analysis as required in this division is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.

(F) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968, PA 293, being M.C.L.A. 722.1 through 722.6, allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of division (A) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this division shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated division (A) is less than 18 years of age and not emancipated under 1968 PA 293, being M.C.L.A. 722.1 through 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first class mail. If an individual less than 17 years of age is incarcerated for violating division (A), his or her parents or legal guardian shall be notified immediately as provided in this division.

(G) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(H) This section does not limit the civil or criminal liability of the vendor or vendor's clerk, servant, agent, or employee for a violation of this act.

(I) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(J) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(K) Division (A) does not apply to a minor who participates in either or both of the following:

(1) An undercover operation in which the minor purchases or receives alcoholic liquor under direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(2) An undercover operation, in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(L) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of division (A), M.C.L.A. 436.801(2) or 436.701(1).

(Ord. 190, passed 8-15-01)

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