

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130.GENERAL PROVISIONS**

**131.MINORS; CURFEW**



## CHAPTER 130: GENERAL PROVISIONS

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### § 130.01 STALKING.

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

***COURSE OF CONDUCT.*** A pattern of conduct composed of a series of two or more separate noncontinuous acts, evidencing a continuity of purpose.

***EMOTIONAL DISTRESS.*** Significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

***HARASSMENT.*** Conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. ***HARASSMENT*** does not include constitutionally protected activity or conduct that serves a legitimate purpose.

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***STALKING.*** A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested, and that actually caused the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

***UNCONSENTED CONDUCT.*** Any contact with another individual that is initiated or continued without that individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. ***UNCONSENTED CONTACT*** includes, but is not limited to, any of the following:

- (a) Following or appearing within the sight of that individual;
- (b) Approaching or confronting that individual in a public place or on private property;
- (c) Appearing at the workplace or residence of that individual;
- (d) Entering onto or remaining on property owned, leased or occupied by that individual;
- (e) Contacting that individual by telephone;
- (f) Sending mail or electronic communications to that individual; and
- (g) Placing an object on, or delivering an object to, property owned, leased or occupied by that individual.

***VICTIM.*** An individual who is the target of a willful course of conduct involving repeated or continuing harassment.

(B) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of uncontested contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(Ord. 151, passed 4-13-1994)

### § 130.02 DRUGS AND DRUG PARAPHERNALIA.

(A) *Controlled substances.* It shall be unlawful for any person to manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance as herein provided, as defined and as provided in M.C.L.A. §§ 333.7101 *et seq.*, as amended, except as authorized in the Public Health Code.

(B) *Possession of drug paraphernalia.* It shall be unlawful for any person to sell, display, furnish, supply or give away certain paraphernalia designed to facilitate the unlawful use or administration of controlled substances.

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***COCAINE SPOON.*** A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical lawful use of a spoon. A ***COCAINE SPOON*** may or may not be merchandised on a chain and may or may not be labeled as a ***COCAINE SPOON*** or ***COKE SPOON***.

***CONTROLLED SUBSTANCE.*** Any drug, substance or immediate precursor enumerated in Public Act 368 of 1978, being M.C.L.A. §§ 333.7210 through 333.7220, as amended (commonly known as the Public Health Code).

***MARIJUANA OR HASHISH PIPE.*** Any type of pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is smoking marijuana or hashish rather than lawful smoking tobacco and which may or may not be equipped with a screen.

***PARAPHERNALIA.*** An empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance.

***PERSON.*** Any individual, corporation, government or governmental subdivision or agency, business trust or estate.

(2) *Acts declared to be unlawful.* It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe or other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance as enumerated in Public Act 368 of 1978, being M.C.L.A. §§ 333.7210 through 333.7220, as amended (commonly known as the Public Health Code). 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, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to the common carriers or warehousemen or their employees engaged in the lawful transportation of the paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injections.

(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.03 DISORDERLY PERSONS.**

(A) No person shall be disorderly in the village.

(B) For the purpose of this section, a *DISORDERLY PERSON* shall be any person who shall engage in any act or practice hereinafter enumerated and any person who shall aid or abet the person to do the act or to engage in the practice:

(1) Commit an assault and/or assault and battery on any person, to be engaged in or aid in any fight, quarrel or other disturbance;

(2) Be intoxicated in a public place and endanger directly the safety of another person or property or to act in a manner which causes a public disturbance;

(3) Consume or offer any alcoholic liquor to any person in any automobile while parked or being driven on any public street or highway, or consume or offer any alcoholic liquor or beverage in any public place not licensed as a place of sale or consumption;

(4) Obstruct any vehicle or pedestrian traffic;

(5) Discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or other dangerous weapon within or into the village. By order of the Village Council, only the following village properties shall be exempt from this provision:

(a) Outlots 13 through 18, except a parcel of land beginning at the southeasterly corner of Lot 11, Block 3, Walkers Replat; then south 55 degrees east 513 feet; thence south 35 degrees west 1045.76 feet to c/o of Walkers Replat extended; then north 35 degrees east 965.17 feet to place of beginning; also except part of Outlot 18 beginning 200 feet southeasterly of the southwest corner of the lot; thence southeasterly parallel with Symons Road 150 feet; thence northeasterly 350 feet; thence northwesterly parallel with Symons Road 150 feet; thence southwesterly 350 feet to the place of beginning; and a parcel of land beginning at the intersection of the north line of Ray Road, the east line of D&M Railroad; thence northwesterly along the railroad 50 rods; then north 35 degrees east to the east line of the west half of the southwest quarter; then south to the north line of Ray Road; thence west to the place of beginning known as the Gail Mill lot, Section 32, Township 6 North, Range 6 East and Lots 1 through 9, Block 1, and Lots 1, 2 and 3, Block 2, and Lots 6 through 18, Block 3, Walkers Replat of Outlots 11 and 12, owned and occupied as one parcel (92). The property is commonly known as 411 Symons Road; and

(b) Part of Outlot 18, beginning 200 feet southeasterly of the southwest corner of the lot; thence southeasterly parallel with Symons Road 150 feet; thence northeasterly 350 feet; thence northwesterly parallel with Symons Road 150 feet; thence southwesterly 350 feet to the place of beginning (89). The property is commonly known as 415 Symons Road.

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(6) Fire, discharge, display or possess any fireworks, except those of the type used under the conditions permitted by the Penal Code of the state or by the ordinances of the village;

(7) Engage in peeping in windows of any inhabited place without the consent of the person residing there;

(8) Beg in any public place;

(9) Swim or bathe in any public place without wearing proper apparel;

(10) Predict future events, or pretend to enable another to recover lost or stolen property, give success in business, enterprises, speculation or conduct games of chance, or to make one person dispose of property in favor of another, by cards, tokens, trances, by inspection of hands or the scull, by mind reading, by consulting the movement of the heavenly bodies or by any other means;

(11) Make any immoral or indecent exposure of his or her person or indulge in any indecent, immoral or suggestive conduct in any public place;

(12) Print, publish, show, sell, offer for sale, exhibit, distribute or process any indecent or obscene picture, drawing, engraving, paper, car, book, pamphlet, statuary, image, representation, matter or thing;

(13) Willfully destroy, take, damage, alter or many manner deface any property of another or that which is not his or her own, or remove same from the building or place where it may be kept, placed or stored, without proper authority, or mark or pose handbills on, or in any manner mark the walls of any public building, fence, tree or pole within the village or destroy, take, disconnect, tamper or meddle with any village water meter or any other property belonging to the village;

(14) Engage in any disturbance, fight or quarrel in a public place;

(15) Collect or stand in crowds or arrange, encourage or abet the collection of persons in crowds for illegal or mischievous purposes in any public place or for any purpose to the annoyance or disturbance of other persons;

(16) Jostle or roughly crowd persons in any public place;

(17) Loiter on any street or sidewalk or in any park or public building or conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;

(18) Engage in any act of prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act;

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(19) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, unlicensed gambling, the illegal sale of intoxicating liquor or any other illegal business or occupation is regularly permitted or conducted;

(20) Knowingly transport any person to a place where prostitution or unlicensed gambling is practiced, encouraged or allowed for the purpose of enabling the person to engage in unlicensed gambling or in any illegal or immoral act;

(21) Keep, maintain or permit the use of a gambling room, table or equipment, or any betting/numbers slips or pool tickets to be used for gambling on any premises occupied or controlled by him or her, or place, receive or transmit any bet on the outcome of any race, contest or game of any kind whatsoever;

(22) Disturb the public peace and quiet by loud, boisterous or vulgar conduct or by loud music, or to make, aid, countenance or assist in making any improper noise, riot, disturbance or diversion tending to breach the peace;

(23) Permit or suffer any place occupied or controlled by him or her to be a resort of noisy, boisterous or disorderly persons;

(24) Obstruct, resist, hinder or oppose any member of the police force, or any peace officer in the discharge of his or her duties as such, or any deputized officer serving civil process or executing upon property by proper court order;

(25) Wander about the streets, either by day or night, or loiter in any public building;

(26) Prowl about any alley or the private premises of any other person, either by day or night, without authority or the permission of the owner of the premises;

(27) Turn in or encourage to be turned in a false alarm of fire or a false report or complaint to any village, police, fire or school official;

(28) Knowingly sell, give or furnish liquor, wine, beer or other alcoholic beverages to any person under the age of 21 years, to any drunken or intoxicated person, to any disorderly person or to any habitual drunkard;

(29) Wrongfully throw or propel any snowball, missile or object toward any person or vehicle or from any moving vehicle;

(30) Cause any animal to be overdriven, overloaded, tormented, overworked, tortured, cruelly beaten, mutilated, cruelly killed or deprived of necessary sustenance; and/or

(31) Intentionally refuse or fail to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.

(Ord. 01-01, passed 4-11-2001; Ord. 01-02, passed 5-9-2001) Penalty, see § 130.99

**§ 130.04 MINORS AND ALCOHOLIC BEVERAGES.**

(A) No minor child under 21 years of age within the village shall be permitted, unless accompanied by a parent or legal guardian, to remain in any saloon, barroom or other place where any spirituous or intoxicating liquors, or any wine or beer, or any beverage, liquor or liquors containing any spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage. All establishments shall be posted with signs bearing the legend “Minors Under 21 Unaccompanied By Parent Or Guardian Prohibited”. No proprietor, keeper or manager of a place shall permit the minor to remain in any place in violation of this section.

(B) No person under the age of 21 years shall at any time purchase, obtain or consume any alcoholic liquor or bring any alcoholic liquor into any premises within the village for which a license has been issued to sell intoxicating liquor on the premises.

(C) No person, either directly or indirectly, by himself or herself, clerk, agent, servant or employee shall knowingly give or furnish any alcoholic beverages to a minor, except upon authority of and pursuant to a prescription of a duly licensed physician.

(D) No minor under the age of 21 years shall falsely represent himself or herself to be 21 years of age or over for the purpose of purchasing or attempting to purchase any alcoholic liquor.

(E) No person shall give false information regarding the age of a minor under 21 years of age for the purpose of procuring the sale of intoxicating liquor to the minor and no person shall furnish false documentary evidence to a minor under 21 years of age if the false documentary evidence could be used by the minor to indicate or tend to indicate that the minor is 21 years of age or over.

(F) No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport or have under his or her control in any motor vehicle any alcoholic liquor unless the person is possessing, transporting or having the alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment if employed by a person licensed by the Liquor Control Commission, or by an agent of the Liquor Control Commission, if the liquor is not possessed for his or her personal consumption. The person under the age of 21 years shall be in violation of this section whenever any alcoholic liquor is found in an automobile operated by him or her, even though he or she is not the registered owner, and notwithstanding that the alcoholic liquor was purchased by others or brought into the motor vehicle by others. The mere presence of alcoholic liquor in the automobile, with the knowledge of the driver, shall constitute a violation of this section on the part of the driver.

(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.05 USE OF ALCOHOLIC BEVERAGES/DRUGS AT OPEN HOUSE PARTIES.**

(A) No adult having control of any residence shall knowingly allow an open house party to take place at the residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor.

(B) No adult shall fail to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence by any minor at an open house party.  
(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.06 THEFT AND/OR DISHONESTY.**

(A) *Definition.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PROPERTY.*** Includes, but shall not be limited to, the following: money, goods or chattels, bank note or bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, any receipt, release, any writ, process or public record.

(B) *Larceny under \$100.* It shall be unlawful for any person to take property having a value of \$100 or less which is not his or her own or to which he or she has no legal right or claim from another person, building or vehicle.

(C) *Receiving and concealing.* It shall be unlawful for any person to receive or possess any property of another having a value of \$100 or less knowing the same to be stolen.

(D) *Retail fraud.* A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the second degree:

(1) While a store is open to the public: alters, transfers, removes and replaces, conceals or otherwise misrepresents 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: steals property of the store which is offered for sale;

(3) With intent to defraud: obtains or attempts to obtain money or property from the store as a refund or exchange for property which was not paid for and belongs to the store;

(4) To request and obtain gasoline, oil or other merchandise at a gasoline station in the village and flee without paying for same, with the intention to defraud the owner of the business; or

(5) To order and consume any food and/or drink without making full payment for same.  
(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.07 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.  
(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.08 MALICIOUS DESTRUCTION OF PROPERTY.**

(A) It shall be unlawful for any person to maliciously or intentionally destroy, damage, deface or remove from a building or place where kept, placed or stored the property of another having a value of not less than \$1, and not more than \$100, without having the right or authority to do so.

(B) As used in this section, **PROPERTY** means any personal property having a value in excess of \$1, including, but not limited to, the following:

- (1) Structures and the contents thereof, even if rented from another person;
- (2) House, barn or other building or the appurtenances thereof;
- (3) Fences and gates;
- (4) Vehicles;
- (5) Growing crops;
- (6) Trees and landscaping;
- (7) Signs;
- (8) Machinery;
- (9) Domestic livestock or pets;
- (10) Written or printed records or materials; and

(11) Village water meter or any other property belonging to the village.  
(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.09 BREAKING AND ENTERING COIN BOX.**

(A) It shall be unlawful for any person within the village to maliciously and willfully, with or without the aid and use of any key, installment, device or explosive blow, attempt to blow, 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 without being an owner or an agent of an owner thereto.

(B) It shall be unlawful for any person to extract or obtain, or attempt to extract or obtain, from any receptacle any money or thing of value deposited or contained therein.  
(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.10 TRESPASSING OR UNLAWFUL ENTRY.**

(A) The intent of this section is to prohibit the trespass or unlawful entry upon the land or premises of another and to prescribe the penalty for a violation thereof.

(B) A person shall not do any of the following:

(1) Willfully enter upon the lands or premises of another without lawful authority to do so after having been forbidden to do so by the owner or occupant; and/or

(2) Neglect or refuse without lawful authority to depart from the lands or premises of another upon being notified to do so by the owner, occupant, agent, servant, tenant, security guard or other representative of the owner or occupant.

(Ord. 01-01, passed 4-11-2001) Penalty, see § 130.99

**§ 130.11 DISTURBING THE PUBLIC PEACE.**

It shall be unlawful for any person, firm or corporation to disturb the public peace and quiet through the creation of loud or excessive sounds, noises or disturbances of any kind which unreasonably disturb the quiet, comfort or repose of reasonable persons in the vicinity of said sounds or noises.

(Ord. 12-04, passed 1-11-2012; Ord. 13-04, passed 6-12-2013) Penalty, see § 130.99

**§ 130.12 DOMESTIC ASSAULT OR BATTERY.**

(A) No person shall assault or assault and batter his spouse or former spouse, an individual with whom he has or has had a dating relationship, an individual with whom he has had a child in common, or a resident or former resident of his household.

(B) As used in this section, the term ***DATING RELATIONSHIP*** means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

(Ord. 03-2016, passed 12-14-16)

### **§ 130.13 RETAIL FRAUD.**

No person shall, in a store or in its immediate vicinity:

(A) While the store is open to the public, steal property from the store that was offered for sale;

(B) While the 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;

(C) 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;

(D) Possess a laminated or coated bag or device that is intended to shield merchandise from detection by an electronic or magnetic theft detection device with the intent to commit or attempt to commit larceny;

(E) Possess a tool or device designed to allow the deactivation or removal of a theft detection device from any merchandise with the intent to use the tool or device to deactivate a theft detection device on, or to remove a theft detection device from, any merchandise without the permission of the merchant or person owning or lawfully holding that merchandise with the intent to commit or attempt to commit larceny;

(F) Deactivate a theft detection device or remove a theft detection device from any merchandise in a retail establishment prior to purchasing the merchandise with the intent to commit or attempt to commit a larceny.

(Ord. 04-2016, passed 12-14-2016)

### **§ 130.99 PENALTY.**

Any person who shall violate a provision of this chapter shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$500, imprisonment for 93 days, or both.

(Ord. 151, passed 4-13-1994; Ord. 01-01, passed 4-11-2001; Ord. 01-02, passed 5-9-2001; Ord. 12-04, passed 1-11-2012; Ord. 13-04, passed 6-12-2013; Ord. 05-2016, passed 12-14-2016)



## CHAPTER 131: MINORS; CURFEW

### Section

- 131.01 General curfew
- 131.02 Exceptions
- 131.03 Aiding and abetting
- 131.04 Parent or guardian
  
- 131.99 Penalty

### § 131.01 GENERAL CURFEW.

It shall be unlawful for any minor under 17 years of age to loiter, idle, congregate, or otherwise be in or on any public street, highway, alley, or park, or any public place, between the hours of 12:00 midnight and 6:00 a.m., or for minors 15 years of age or under to be in such place from 10:00 p.m. to 6:00 a.m.

(Ord. 131, passed 6-13-2018) Penalty, see § 131.99

### § 131.02 EXCEPTIONS.

The curfew established by § 131.01 does not apply if the minor is:

- (A) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (B) On an errand at the direction of the minor's parent or guardian, or an adult designated by the minor's parent or guardian, without any detour or stop;
- (C) In a motor vehicle involved in interstate travel;
- (D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) Involved in an emergency. As used here, the term *EMERGENCY* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily or loss of life;

(F) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, and official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor;

(G) Married or had been married or had disabilities of minority removed in accordance with law. (Ord. 131, passed 6-13-2018)

### **§ 131.03 AIDING AND ABETTING.**

It shall be unlawful for any person to assist, aid, abet, or encourage any minor under 17 years of age to violate the provisions of the curfew established by this chapter, and when any minor is found violating this chapter a presumption shall arise that the parent or legal guardian having the care and custody of the minor assisted, aided, abetted, and encouraged such minor in so violating this chapter. (Ord. 131, passed 6-13-2018)

### **§ 131.04 PARENT OR GUARDIAN.**

The parent or guardian of any minor child under 17 years of age shall be held responsible for the enforcement of this section. (Ord. 131, passed 6-13-2018)

### **§ 131.99 PENALTY.**

Violations of this chapter shall constitute misdemeanors punishable by a fine of not more than \$500, imprisonment for 93 days or more, or both. (Ord. 131, passed 6-13-2018)