

**OFFENSES**  
**ORDINANCE NO. 39**  
**Adopted: April 7, 1998**

An ordinance to provide rules of conduct regarding disorderly conduct, controlled substances, offenses involving children, alcoholic beverages, fireworks, firearms, air guns and other weapons, obstructing firemen, parental responsibility, and to provide penalties for the violation of those rules.

**THE VILLAGE OF MUIR ORDAINS:**

**ARTICLE I. - DISORDERLY CONDUCT**

**General Provisions.**

1. The following general provisions shall apply in all prosecutions for offenses provided for in this Article:

(a) Public Place, where used in this Article, means any street, alley, park, sidewalk, public building, any place or business open to the public or frequented by the public or any portion thereof, and any other place which is open to the public view or to which the public, or any portion thereof, has access.

(b) Any person who aids, abets, counsels, procures, commands or assists in the commission of any offense prohibited by this article shall be punishable as a principal.

(c) Village, where used in this Article, means the Village of Muir, Michigan

**Offenses against persons.**

2. No person shall:

(a) Commit an assault or battery upon another person.

(b) Molest another person.

(c) Wilfully annoy another person.

(d) Recklessly endanger the life, health or well-being of any person.

(e) Wilfully 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.

**Property offenses.**

3. No person shall:

(a) Trespass upon the premises of another or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupants.

(b) Prowl about the premises of any other person in the nighttime without authority or the permission of the owner of such premises.

(c) Lurk, lie in wait or be concealed in any business, yard or other premises with intent to commit any crime or offense whatsoever.

(d) Wilfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person.

(e) Take or remove or attempt to take or remove any property belonging to another person.

(f) Obtain or attempt to obtain goods or money by fraud, trick or under false pretenses.

(g) Meddle with, tamper with, interfere with, move, damage or disconnect any property belonging to another person.

(h) Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or rest room; or deposit or throw any substance in any water fountain for drinking; or in any manner pollute the water therein.

(i) 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.

(j) Affix, paste or otherwise attach to any vehicle owned by another person any notice, poster, leaflet, broadside or other item or devise 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.

**Substance offenses.**

4. No person shall:

(a) Be in a state of intoxication in a public place endangering directly the safety of another person or of property.

(b) Be in a state of intoxication in any public place in a manner that causes a public disturbance.

(c) 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.

(d) Be under the influence in any public place of any drug, any other exhilarating or stupefying substance, or any combination of substances mentioned herein.

**Offenses against government order.**

5. No person shall:

(a) Hinder, oppose, obstruct or resist any police officer or any other law enforcement officer or agent in the performance of their duties as such.

(b) 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.

(c) 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.

(d) Escape or attempt to escape while lawfully confined by or in the custody of the Village or any of its officers.

police officer, signal, leave or attempt to leave the scene unless he has identified himself to the police officer.

(f) 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.

(g) Conceal knowledge of the actual commission of a violation of this ordinance or any other law from a court or from a law enforcement officer investigation said violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself.

(h) Wilfully 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.

(i) Wilfully fail to obey the command of any law enforcement officer of 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.

#### **Offenses against the public.**

##### **6. No person shall:**

(a) Engage in peeping in the windows of any inhabited place.  
(b) Make an indecent exposure of his or her person or of any other person.  
(c) Engage in fortune telling or pretend to tell fortunes for hire, gain or reward.  
(d) Knowingly engage in or advertise any business which offers as its principal activity the providing of nude models for artists or photographers.

(e) Fire or shoot any air gun, spring gun, bow and arrow, sling shot or other dangerous weapon or instrument in any street, avenue, alley, public place or in any place in such a manner as to endanger or be likely to endanger any person or property.

(f) Loiter in any public building or in 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 or occupant.

(g) Use the telephone to disturb or tend to disturb the peace, quiet or right of privacy of any other person by repeated and continued anonymous or identified telephone messages intended to harass or disturb the person to whom the call is directed, or by a single call or repeated calls, to use obscene, profane, indecent or offensive language, or to suggest any lewd or lascivious act over or through a telephone; or attempt to extort money or other things of value from any person by any means or use of the telephone; or to threaten any physical violence or harm to any person; or to repeatedly and continuously ring the telephone of any person with intent to disturb or harass them; provided, however, the normal use of the telephone for purpose of requesting payments of debts or obligations of for other legitimate purposes shall not constitute a violation of this section.

(h) Make, participate in or allow any open fire or burning on any public property, including parks, streets, and sidewalks.

#### **Breach of the peace offenses.**

##### **7. No person shall:**

(a) Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.

(b) Disturb the public peace and quiet by loud or boisterous conduct.

(c) Disturb without lawful authority any lawful assembly or meeting of persons.

(d) Engage in, participate in or attempt to engage in or participate in a riot.

(e) Incite, cause or attempt to incite or cause a riot.

(f) Utter profane, obscene or injurious language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of the peace.

#### **Vice offenses.**

##### **8. No person shall:**

(a) Engage in any act of prostitution.

(b) Knowingly attend, frequent, operate or be an occupant or inmate of any place where prostitution, illegal gambling, the illegal sale of intoxicating liquor, or where any other illegal business or occupation is permitted or conducted.

(c) Engage in prostitution, illegal gambling, the illegal sale of intoxicating liquor or any other illegal business or occupation.

(d) Solicit or accost any person for the purpose of inducing the commission of any illegal act.

(e) 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.

(f) 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.

#### **Resort offenses.**

##### **9. No person shall:**

(a) 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.

(b) 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.

#### **ARTICLE II.**

CONTROLLED SUBSTANCES

Definitions.

- 1. (a) "Controlled substance" means a drug or substance listed in Schedule 5 of the Michigan "Controlled Substance Act of 1971," being Act no. 196, Public Acts of 1971, as amended.
- (b) "Deliver" or "delivery" means the actual constructive or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.
- (c) "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.
- (d) "Person" means an individual, corporation, government, or government subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.
- (e) "Practitioner" means:
  - (a) A physician, dentist, veterinarian or pharmacist as defined in subdivision (o), (p), (q) and (w) of Section 1 of Act No. 151 of the Public Acts of 1962, as amended, being Section 338.1101 of the Compiled Laws of 1948, 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 of Michigan.
  - (b) 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 of Michigan.
  - (f) "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.

Offenses.

2. 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 the Michigan "Controlled Substance Act of 1971," being Act No. 196, Public Acts of 1971.

Penalties.

3. Any person who violates Section 2 of this Article II is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days in the county jail or by fine of not more than One Hundred Dollars (\$100.00), or both.

ARTICLE III.

(Reserved for future use)

ARTICLE IV.

OFFENSES INVOLVING CHILDREN

Minors prohibited in certain places

1. It shall be unlawful for a minor child under eighteen (18) years of age to be permitted to remain in any dance hall, saloon, bar room, 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 eighteen (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 such place.

Curfew.

2.

- (a) It shall be unlawful for a minor under the age of sixteen (16) years to loiter, idle, wander, stroll or play upon the public streets, alleys, parks, playgrounds, or in any public place between the hours of 10:00 p.m. and 6:00 a.m., unless such child is accompanied by his or her parent or guardian.
- (b) It shall be unlawful for any minor between the ages of sixteen (16) and the age of majority to loiter, idle, congregate, or otherwise be in or on any public street, highway, alley, park, playground or any public place between the hours of 12:00 midnight and 6:00 a.m. immediately following, except where the said minor is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany such child or where the presence of said minor in said place or places is connected with and required by some legitimate work, trade, profession, or occupation in which said minor is engaged and which does not violate state law, or where or other legitimate business directed by his or her parent or guardian.
- (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.
- (d) Any provision of this Article IV 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 a manner determined by the Village Council.
- (e) It shall be unlawful for any minor under sixteen (16) years of age or enrolled in

uncnroom, candy store, confectionery, bowling room, ice cream parlor, in any street or other public place or entertainment or any other public place unless it is part of an organized school program, during the school hours of such child.

**Parental responsibility.**

3. It shall be unlawful for the parent, legal guardian or other adult person having the care or custody of a minor under eighteen (18) years of age to knowingly permit such minor to violate any provisions of this Article.

**ARTICLE V.**

**ALCOHOLIC BEVERAGES AND FIREWORKS**

**Purchase, possession, transportation and consumption of alcoholic liquor by persons under twenty-one (21).**

1.

(a) No person less than twenty-one (21) years of age shall knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under the State of Michigan Liquor Law (P.A. 1933, Executive Session No. 8, as amended), the Liquor Control Commission or an agent of the Liquor Control Commission, and is transporting or possessing the alcoholic liquor in a motor vehicle during regular working hours and in the course of the person's employment.

(b) No person less than twenty-one (21) years of age shall purchase, consume, transport or possess alcoholic liquor except as provided in subsection (a) and (c) herein. A person who violates this subsection is liable for the following civil fines:

(1) For the first violation, a fine of not more than One Hundred Dollars (\$100.00).

(2) For a second violation, a fine of not more than One Hundred Dollars (\$100.00), or participation in substance abuse prevention as defined in Section 6107 of Act 369 of the Public Acts of 1978, being Section 333.6107 of the Municipal Compiled Laws.

(3) For a third or subsequent violation, a fine of not more than One Hundred Dollars (\$100.00), or participation in a substance abuse prevention service as defined in Section 6107 of Act No 368 of Public Acts of 1978.

(c) This section shall not be construed to prohibit a person less than twenty-one (21) years of age from possessing alcoholic liquor during regular working hours and during the course of his or her employment if employed by a person licensed by the State of Michigan Liquor Law (Public Act 1933, Executive Session No. 8, as amended), by the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(d) Any police officer who witnesses a person violating subsection (b) hereof, for which a civil fine is prescribed, may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic beverages and issuing an appearance ticket.

(e) A judge may accept an admission of the allegations by an appearance ticket if defendant is charged under subsection (b), and the judge shall then direct the civil sanctions imposed by subsection (b) hereof. If the defendant denies the allegations of the appearance ticket, the judge shall set a date for trial. If a person fails to appear on the date specified on the appearance ticket, the judge shall enter a default judgment against the defendant.

(f) A default in the payment of this civil fine or cost imposed under subsection (b) hereof or an installment thereon, may be collected by any means authorized for the enforcement of a judgment under the laws of this state.

**Sale to minors.**

2.

(a) No person shall at any time sell, furnish or deliver any alcoholic liquor to any person or deliver any alcoholic liquor to any person unless the person receiving such liquor shall have attained the age of twenty-one (21) years.

(b) In all cases where a person under twenty-one (21) years of age is found under the influence of any alcoholic liquor in any place selling such liquor, such finding shall be prima facie evidence that the owner of such place, or his agents or employees, sold alcoholic liquor to such person in violation of this section.

(c) Nothing herein contained shall prohibit the sale of an alcoholic beverage to a minor upon authority of and pursuant to a prescription of a duly licensed physician.

**Sale or delivery to intoxicated or disorderly persons.**

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

**Consumption in public places.**

4. 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.

**Uncapped liquor in passenger compartment.**

5. 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 not to be readily accessible to the occupants of such vehicle.

**Sale or use of fireworks prohibited.**

6. 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, torpedo, skyrocket, roman candles, Daygo 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 of Muir 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.

**ARTICLE VI.  
FIREARMS, AIR GUNS AND WEAPONS**

**Possession.**

1. It shall be unlawful for any person to have any firearms 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.

**Use.**

2. It shall be unlawful for any person to fire, discharge or otherwise use any firearms, air rifles, air pistol, bow and arrow, slingshot, or other dangerous weapon in or into any street, avenue, alley, public place, or in or into any place in such a manner as to endanger or be likely to endanger any personal property.

**Use while intoxicated.**

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

**Hunting within village prohibited.**

4. It shall be unlawful for any person within the Village of Muir to hunt or trap wild game, or in any manner carry any gun, weapon (including, but not limited to, bows and arrows and slingshots), or firearms within the Village for purpose of hunting any wild game or fowl at any time.

**Air guns - Definitions.**

5.

(a) The term "air gun" means any gun, rifle, or pistol by whatever name known, which is designated 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.

(b) The term "dealer" means any person engaged in the business of selling at retail or renting any air gun.

**Furnishing air guns to minors.**

6.

(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 eighteen (18) years where the dealer knows or has reasonable cause to believe the person to be under eighteen (18) years of age or where such dealer has failed to make reasonable inquiry as to age of such person and such person is under eighteen (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 eighteen (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 under eighteen (18) years of age.

**Possession of air guns; when lawful.**

7. Notwithstanding any provision of this Chapter to the contrary, it shall be lawful for any person under eighteen (18) years of age to have in his possession one (1) or more air guns if the same is:

(a) Kept within his domicile, or

(b) Used by a person under eighteen (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, or possess, load and fire at such rifle range under the supervision, guidance, and instruction of a responsible adult, or

(c) 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 transversing any grounds of space outside the limits of such grounds or residence.

**Unlawful possession or use of air guns.**

8.

(a) It shall be unlawful for any person under eighteen (18) years of age to carry any air gun on the streets, alleys, public roads or public lands within the Village of Muir unless accompanied by an adult; provided, however, that said person under eighteen (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, or public land, or any public place, except on a properly constructed target range.

**Dangerous weapons.**

9. 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.

**Official use.**

10. Nothing in this article 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

Article VII

FIRE DEPARTMENT OBSTRUCTING OR RESISTING FIREMEN

False alarm.

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

Damage of fire apparatus.

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

Obstructing or resisting.

3. No person shall knowingly or wilfully 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 wilfully disobey any reasonable order, rule or regulation of the officer or officers commanding the fire department at such fire.

ARTICLE VIII.

PARENTAL RESPONSIBILITY

Contributing to the neglect or delinquency of children.

1.

(a) Any person, foster parent, legal guardian or any person having the care, control or custody of a minor child under the age of eighteen (18) years who shall by act, or by any word, or by any deed or by their 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 under the jurisdiction of the Juvenile Division of the Probate Court, shall be guilty of a violation of this ordinance.

(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 sixteen (16) who shall assist, aid, abet, allow, permit, or encourage said minor to violate any provision of this ordinance, either by overt act, by failing to act or 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 sixteen (16) years is apprehended while on the public streets, highways, alleys or parks, between the hours of 10:00 p.m. and 6:00 a.m. shall be prima facie evidence of a violation of this section on the part of the parents, foster parents, legal guardian or other person having the care or custody of said minor child.

Notification and responsibility.

2. Whenever a minor shall be arrested or detained for the commission of any criminal act within the Village of Muir, the parent of such shall be immediately notified by law enforcement officers of such arrest or detention, the reason thereof, and the parent's responsibility under this Article VIII.

ARTICLE IX.

PENALTIES

Unless otherwise specifically provided for in this ordinance, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than sixty (60) days or both.

ARTICLE X.

MISCELLANEOUS

Captions.

1. The underlined captions are not a part of the substantive provisions of this ordinance and shall not be used to construe the substantive provisions of this ordinance more broadly or more narrowly than the text would indicate.

Severability.

2. The invalidity of any provision of this ordinance shall not affect the validity of any of its remaining provisions.

Interpretation.

3. The Village Council intends that each provision of this ordinance shall be liberally construed to protect and preserve the health, safety and welfare of the inhabitants of the Village of Muir.

Gender.

4. All references in the masculine gender shall be deemed to refer to the feminine gender as well, and vice versa.

Prior ordinances and resolutions.

5. This ordinance supersedes all previous ordinances and resolutions on the same subject matter and any provision in any previous ordinance or resolution that conflicts with any provision in this ordinance shall be null and void.

ARTICLE XI.

PUBLICATION AND RECORDING

This Ordinance shall be published in full in the Ionia Daily Sentinel Standard, a newspaper of general circulation in the Village, within fifteen (15) days after the passage, It shall also be recorded in the Village record of ordinances, duly authenticated by the Village Clerk and President.

ARTICLE XII.

EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after its passage by the Village Council.

PASSED AT THE REGULAR COUNCIL MEETING OF THE VILLAGE COUNCIL  
APRIL 7, 1998

Leo Waterman, President  
Laura Stewart, Clerk