

TITLE XIII: GENERAL OFFENSES

Chapter

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Section

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§ 130.01 FIREARMS, AIR GUNS AND SLING SHOTS.

(A) It shall hereafter be unlawful for any person or persons to use or have in his or her possession without a permit or statutory authority, within the village, a loaded firearm, air gun, BB gun, pellet gun or sling shot. Any police officer shall have the authority and it shall be his or her duty to confiscate any gun or sling shot used or possessed in violation of this section.

(B) No person shall permit a child or minor under his or her control and custody to have possession of a loaded firearm, air gun, BB gun, pellet gun or sling shot. Any police officer shall have the authority and it shall be his or her duty to confiscate any gun or sling shot used or possessed by a child or minor that he or she observes in possession of the firearms.

(C) No person shall discharge any weapon or firearm within the village, except in connection with a regularly scheduled educational, recreational or training program under adequate supervision or in connection with the performance of lawful duties of law enforcement, or with the protection of person or property when confronted with deadly force.
(Ord. 12, passed 2-15-1994) Penalty, see § 130.99

§ 130.02 SCHOOLS.

(A) No person shall damage, destroy or deface any public school building, or any building occupied by any public school or the ground, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto in the village.

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

(C) No person shall use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the village occupied as a public school.

(D) Any person found to be creating a disturbance in any public school or on the surrounding school grounds in the village shall leave immediately when so directed by the principal or by any other person designated by the principal.

(E) No person who is not a regularly enrolled student, or teacher, or other employee shall enter and remain in any school building or on any surrounding school grounds in the village for any reason whatever, unless the person has received permission from the principal, or other person designated by the principal, to be in any such public school building, or on those school grounds.
(Ord. 13, passed 2-15-1994) Penalty, see § 130.99

§ 130.03 POSSESSION/CONSUMPTION OF ALCOHOL BY MINORS.

(A) *Preamble.* This section is a police power ordinance adopted by the village to preserve the public health, safety and morals of the community by regulating the possession and/or consumption of alcohol by persons who have not reached the age of emancipation.

(B) *Minor.* The following definition shall apply unless the context clearly indicates or requires a different meaning.

MINOR. A person not legally permitted by reason of age to possess alcoholic beverages pursuant to M.C.L.A. § 436.1703, as the same may be amended from time to time.

(C) *Violation.*

(1) Any minor possessing and/or consuming alcohol within the village is in violation of this section, and is guilty of a misdemeanor. This section does not apply to minors who are exempt from prohibitions against possession and/or consumption of alcohol by reason of any state statute.

(2) Any minor, whether he be the driver or passenger who is in a motor vehicle containing open intoxicants shall be deemed in violation of this section.

(3) Any minor transporting or possessing alcohol in a motor vehicle shall be deemed in violation of this section.

(4) Any minor using a fraudulent identification to purchase or attempt to purchase an alcoholic beverage or intoxicating liquor shall be deemed in violation of this section.

(5) Any minor attempting to purchase, consume or possess alcoholic liquor or purchasing, consuming or possessing alcoholic liquor shall be deemed in violation of this section.
(Ord. 27, passed 10-6-1997) Penalty, see § 130.99

§ 130.04 LOITERING AND EMERGENCY CURFEW.

(A) *Purpose.* The purpose of this section shall be to prohibit the gathering of people in public places for unlawful or mischievous purposes; to prohibit persons from loitering or standing in, near or upon public or private places, unless for a valid, proper, peaceful and lawful purpose; and to establish emergency curfew regulations and authority for use in times of civil disturbances and disorder.

(B) *Regulations.*

(1) No person or persons shall collect or congregate in crowds, nor arrange, encourage or abet the collection of persons or crowds for illegal, violent, destructive or mischievous purposes on any street, alley, sidewalk, park, ground or other place open to public use.

(2) No person or persons shall incite any disturbance, violence or damage to persons or property nor aid or abet the assemblage of persons where the gathering is likely to cause a public or private disturbance, violence, damage or riot.

(3) No person or persons shall, either individually or with others, stand, loiter, stroll or collect in groups for any unlawful, violent, destructive or mischievous purpose or without reasonable lawful cause, nor in any manner which would intentionally inconvenience or unreasonably interfere with others lawfully, peacefully and properly occupying any place, either public or private, in the village; and no person or persons shall refuse to leave any place upon the request of any person having lawful supervision or control of the premises. The foregoing places shall include, but shall not be limited to, any and all schools, hospitals and government or municipal properties.

(4) Emergency curfew regulations shall be put into effect as provided in division (B)(5) below by order of the Village President (or in the absence of the Village President any two members of the Village Board) at any time the President or Village Board members shall determine that any of the following conditions exist in the village:

(a) Violation of law or creation of disorder, disturbance, destruction, or rioting by groups or gangs of persons;

(b) Emotional, volatile, threatening and hostile conduct or action by any group, crowd or gang of persons within the village; and/or

(c) Public demonstrations which threaten or disturb the peace, health or general welfare of the people within the village.

(5) Upon issuance of such an emergency curfew order by the Village President or members of the Village Board, as provided in division (B)(4) above, no person shall be upon the streets or in any public place within the village between the hours of 10:00 p.m. and 6:00 a.m. unless he or she is in the performance of his or her lawful employment, or can justify the necessity of his/her presence in the street or public place by reason of some other lawful and adequate reason.

(Ord. 32, passed 12-20-1999) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no penalty is provided shall be subject to § 10.99.

(B) Any person who shall violate the provisions of § 130.01 shall be guilty of a misdemeanor and shall be punished by a term of imprisonment not to exceed 90 days, a fine of \$500, or any portion thereof, or both.

(C) Any person found guilty of violating any of the provisions of § 130.02 shall be guilty of a misdemeanor punishable by a fine of not more than \$100 or imprisonment in the county jail for not more than 90 days, or both the fine and imprisonment, by the discretion of the court.

(D) A violation of § 130.03 constitutes a misdemeanor and is punishable by a fine not to exceed \$500 and/or 90 days in the county jail. Providing further, that where a state statute specifically sets forth a different fine, and/or possible jail sentence a person convicted under § 130.03 shall not be subject to any fine and/or jail sentence greater than that imposed by state law. Providing further, that where state statute specifically defines a violation occurring under § 130.03 as a civil infraction the same shall be deemed a civil infraction under § 130.03.

(E) Any person, firm or corporation found to be in violation of any of the provisions of § 130.04 shall be deemed to be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment for a period not to exceed 90 days, or both, in the discretion of the court. (Ord. 12, passed 2-15-1994; Ord. 13, passed 2-15-1994; Ord. 27, passed 10-6-1997; Ord. 32, passed 12-20-1999)