

Chapter 9

OFFENSES

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ARTICLE I.**IN GENERAL****Sec. 9-1. Begging.**

It shall be unlawful for any person to beg in any street, alley or public place.
(Ord. No. 49, § 1, 2-20-58)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(h), MSA 28.364(1)(h).

Sec. 9-2. Impersonating a police officer.

It shall be unlawful for any person to falsely pretend to be a police officer and do an act in that capacity.

(Ord. No. 49, § 10, 2-20-58)

State Law References: False personation of officers, MCL 750.215, MSA 28.412.

Secs. 9-3--9-25. Reserved.**ARTICLE II.****OFFENSES AGAINST THE PERSON****Secs. 9-26--9-45. Reserved.****ARTICLE III.****OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS****Sec. 9-46. Nonsupport of family.**

It shall be unlawful for any person of sufficient ability within the village to refuse or neglect to support his family.

State Law References: Desertion and nonsupport, MCL 750.161, MSA 28.358; person neglecting family deemed a disorderly person, MCL 750.167(1)(a), MSA 28.364(1)(a).

Secs. 9-47--9-65. Reserved.

ARTICLE IV.**OFFENSES AGAINST PROPERTY****Sec. 9-66. Destruction of property.**

It shall be unlawful for any person to willfully and maliciously destroy, remove, damage, alter, injure, deface or tamper with any property not his own, any building or property owned by any governmental unit, or any building or property owned by another, without permission of the owner.

(Ord. No. 49, § 4, 2-20-58)

State Law References: Malicious mischief, MCL 750.377a et seq., MSA 28.609 et seq.

Sec. 9-67. Littering.

(a) The term "litter" as used in this section means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

(b) It is unlawful for a person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water other than property designated and set aside for such purposes or on village streets as directed by the village during designated village-wide clean-up periods. The phrase "public or private property or water" includes, but is not limited to, the right-of-way of a road or highway, a body of water or watercourse, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge or conservation or recreation area; and residential or farm properties or timberlands. It is unlawful for a person who removes a vehicle, wrecked or damaged in an accident on a highway, road or street, to fail to remove all glass and other injurious substances dropped on the highway, road or street as a result of the accident.

(c) It shall be unlawful for any person to knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling the highway.
(Ord. No. 49, § 2, 2-20-58)

State Law References: Similar provisions, MCL 324.8902, MSA 28.603(1).

Secs. 9-68--9-85. Reserved.**ARTICLE V.****OFFENSES AGAINST PUBLIC PEACE****Sec. 9-86. Public disturbance.**

It shall be unlawful for any person to 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 are disturbed.

(Ord. No. 49, § 5, 2-20-58)

State Law References: Disturbing public places, MCL 750.170, MSA 28.367; Disorderly person 750.167, MSA 28.364.

Sec. 9-87. Language or gestures causing public disorder.

A person shall be deemed guilty of a misdemeanor 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 a 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.

(Ord. No. 49, § 3, 2-20-58)

State Law References: Indecent language in presence of woman or child, MCL 750.337, MSA 28.569; disorderly persons, MCL 750.167, MSA 28.364; cursing and swearing, MCL 750.103, MSA 28.298.

Sec. 9-88. Loitering, obstruction of passage.

It shall be unlawful for any person to be found loitering on any street, sidewalk or in any park or public building; any place of business or assembly open to or frequented by the public; or any person to be found conducting himself on any street, alley, sidewalk, park, public building, place of business or assembly open to or frequented by the public so as to obstruct the free and uninterrupted passage of the public, after having been told to move on by a police officer.

(Ord. No. 49, §§ 8, 9, 2-20-58)

State Law References: Certain loiterers deemed disorderly persons, MCL 750.167(1)(i--k), MSA 28.364(1)(i--k).

Sec. 9-89. Disorderly intoxication.

It shall be unlawful for any person to be intoxicated in a public place and to either endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.

(Ord. No. 49, § 6, 2-20-58)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(e), MSA 28.364(1)(e).

Sec. 9-90. Jostling, crowding.

It shall be unlawful for any person to be found jostling or roughly crowding people unnecessarily in any street, alley or other public place.

(Ord. No. 49, § 7, 2-20-58)

State Law References: Such person deemed a disorderly person, MCL

750.167(1)(l), MSA 28.364(1)(l).

Sec. 9-91. Window peeping.

It shall be unlawful for any person within the village to look into the windows or doors of any house, apartment or other residence in the village in such a manner that would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.

(Ord. No. 49, § 8, 2-20-58)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(c), MSA 28.364(1)(c).

Secs. 9-92--9-110. Reserved.

ARTICLE VI.

OFFENSES AGAINST PUBLIC MORALS

Sec. 9-111. Indecent or obscene conduct.

It shall be unlawful for any person within the village to engage in any indecent or obscene conduct in any public place.

(Ord. No. 49, § 4, 2-20-58)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(f), MSA 28.364(1)(f).

Sec. 9-112. Gambling, prostitution, similar offenses.

It shall be unlawful for any person to:

- (1) Engage in any act of prostitution;
- (2) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of alcoholic liquor, or where any other illegal business or occupation is permitted or conducted;
- (3) Engage in prostitution, gambling, 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;
- (5) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling or in any illegal act;

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

(Ord. No. 52, §§ 1, 2, 2-20-58)

State Law References: Gambling, MCL 750.301 et seq., MSA 28.533 et seq.; prostitution, MCL 750.448 et seq., MSA 28.703 et seq.

Secs. 9-113--9-135. Reserved.

ARTICLE VII.

OFFENSES AGAINST PUBLIC SAFETY

Sec. 9-136. Abandoned or unattended refrigerator.

Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snaplock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

State Law References: Similar provisions, MCL 750.493d, MSA 28.761(4).

Sec. 9-137. Discharge of firearms, weapons.

No person shall operate or fire any firearm, airgun, BB gun, dart gun, sling, slingshot or other instrument expelling a missile within the limits of the village. Upon application by any person to the village clerk, however, a permit may be granted authorizing such person to use a firearm for the purpose of target practice or the killing of rodents within the village. Such application shall be made upon the forms prescribed by the village council and shall contain the name of the person using the firearm, the caliber and type of firearm to be used, the purpose of the use, the location of the area in which the firearm is to be used and such other information as is required. The village police department shall cause an investigation to be conducted of the area of use specified in the application and, if the police department shall determine that the intended use shall not affect the safety of the residents of the village, it shall issue a permit for such use on such conditions as the council may prescribe. Nothing in this section shall relieve the user of such firearm from liability by the acceptance of the permit by the user of the firearm.

(Ord. No. 53, § 3, 2-20-58)

State Law References: Firearms and weapons, MCL 28.421 et seq., 750.222 et seq., MSA 28.91 et seq., 28.419 et seq.

Sec. 9-138. Fireworks.

(a) It shall be unlawful for any person to explode any fireworks or explosives without written permit from the village council.

(b) It shall be unlawful for any person to manufacture, keep, store, sell or give away any firecrackers, squib, sky rocket, roman candle, torpedo or other fireworks, nor shall any person discharge or set off the fireworks without a permit from the village council.

(c) The village council may grant permission, upon application in writing to the village clerk and upon the approval of the village council for the public display of fireworks, to any association or group of individuals subject to such conditions or requirements as the village council may impose.

(Ord. No. 53, § 2, 2-20-58)

State Law References: Explosives act, MCL 29.41 et seq., MSA 4.559(41) et seq.; fireworks, MCL 750.243a et seq., MSA 28.440(1) et seq.

Sec. 9-139 Drug paraphernalia – Definition

As used in sections 9-140 through 9-143, “drug paraphernalia” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following:

(a) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.

(b) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.

(c) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.

(d) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

(e) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana.

(f) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body.

(g) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

- (h) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (i) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- (j) A device, commonly known as a bullet, which is specifically designed to deliver a measured amount of controlled substances to the user.
- (k) A device, commonly known as a snorter, which is specifically designed to carry a small amount of controlled substances to the user's nose.
- (l) A device, commonly known as an automotive safe, which is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.
- (m) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

Sec. 9-140 Exceptions

Sections 141 and 142 of the ordinance of the Village of Elsie do not apply to any of the following:

- (a) An object used or possessed by, sold to or offered for sale to, a person licensed under the Michigan Public Health Code or under the Occupational Code, 1980 PA 299, MCL 339.101 to 339.2721, or any intern, trainee, apprentice, or assistant in the profession licensed under the Michigan Public Health Code or under 1908 PA 299 for use in that profession.
- (b) An object sold or offered for sale to any hospital, sanitarium, clinical laboratory, or other health care institution including a penal, correctional, or juvenile detention facility for use in that institution.
- (c) An Object sold or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies.
- (d) Equipment, a product, or material which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.
- (e) A blender, bowl, container, spoon, or mixing device not specifically designed for a use described in 9-139.

(f) A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.

(g) An object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

(h) Any person suffering from diabetes, asthma, or any other medical condition requiring self-injection.

Sec. 9-141 Sales of Drug Paraphernalia.

(a) A person shall not sell or offer for sale drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(b) Before a person is arrested for a violation of subsection (1), the Village attorney shall notify the person in writing, not less than 2 business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the Village attorney to be drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (1).

(c) If a person complies with a notice sent under subsection (2), the compliance is a complete defense for the person against a prosecution under section (1), as long as the compliance continues.

Sec. 9-142 Use or Possession of Drug Paraphernalia

(a) It is unlawful for any person to use or possess drug paraphernalia.

(b) Any person who violates this section shall be guilty of a misdemeanor.

Sec. 9-143 Civil Forfeiture

Any drug paraphernalia used, possessed, or sold in violation of 9-141 or 9-142 shall be seized and forfeited to the Village of Elsie.

(Ord. No. 156, § 1, 12-14-2009)

Sec. 9-144 Use, Possession, Sale of Marijuana

(a) It shall be unlawful for any person to use, possess, sell, offer for sale, distribute or give away marijuana as defined by MCL 333.7106(3) unless pursuant to a valid prescription or order of a practitioner, or except as otherwise authorized by article 7 of the Public Health Code.

(b) Any person who violates this section shall be guilty of a misdemeanor.

(Ord. No. 156, § 1, 12-14-2009)

Secs. 9-145- 9-160. Reserved.**ARTICLE VIII.****OFFENSES PERTAINING TO MINORS****Sec. 9-161. Curfew--Established.**

No minor under the age of eighteen (18) shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 5:00 a.m. immediately following; provided, however, that the provisions of this section shall not apply to such minor accompanied by his parent, guardian or other adult person having the care and custody of such minor, or a minor upon an emergency errand or legitimate business or activity directed by such minor's parent, guardian or other adult person having the care and custody of such minor.

(Ord. No. 122, § 1, 8-13-84 (repealed 8-24-09); Ord. No.154, § 1, 8-24-09.)

Sec. 9-162. Same--Responsibility of parents.

No parent, guardian or other adult having the care and custody of a minor shall knowingly permit the minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 p.m. and 5:00 a.m. immediately following; provided, however, that the provisions of this section shall not apply to such minor accompanied by his parent, guardian or other adult person having the care and custody of such minor, or a minor upon an emergency errand or legitimate business or activity, directed by such minor's parent, guardian or other adult person having the care and custody of such minor.

(Ord. No. 122, § 2, 8-13-84)

Sec. 9-163. Procedure when minor found violating curfew.

(a) Any police officer upon finding a minor in violation of section 9-161 shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his home or usual place of abode. The police officer shall report such action to the desk officer of the police department or police chief who in turn shall notify the parents, guardian or person having the care and custody of such minor.

(b) If such minor refuses to heed such warning or direction by any police officer or refuses to give his correct name and address, or if the minor has been warned on a previous occasion that he is in violation of curfew, he shall be taken to the police department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

(Ord. No. 122, § 3, 8-13-84)

Sec. 9-164. Penalty.

Any minor violating the provisions of this article shall be dealt with in accordance with the juvenile court law and procedure. Any parent, guardian or other adult person having the care and custody of such minor violating this article shall, after having been previously notified under section 9-162, be punished as provided by law.

(Ord. No. 122, § 4, 8-13-84)

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