

# TOWNSHIP OF NAPOLEON

## ORDINANCE NO. 37

At a regular meeting of the Township Board held on the 15<sup>th</sup> day of August, 1994, at 7:20 p.m., the Amendments to Ordinance #37 were heard and passed:

THE TOWNSHIP OF NAPOLEON ORDAINS:

### **SECTION 1. UNLAWFUL ACT**

It shall be unlawful and punishable as provided herein, for any person to be a disorderly person within the Township of Napoleon.

### **SECTION 2. DEFINITIONS**

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

1. **Animals.** Unless otherwise stated, the word “animal” as used in this Ordinance shall include birds, fish, mammals, and reptiles.
2. **Livestock** means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.
3. **Owner.** The term “owner” and “persons owning premises” shall mean both the owner of the title of record and those occupying or in possession of any property or premise. The “owner” when applied to proprietorship of any animal, means every person having a right of property in the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his or her care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself or herself.
4. **Peace Officer** means any person employed or elected by the people of the Township of Napoleon, or by the State of Michigan or the County of Jackson, whose duty it is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or fire fighters.
5. **Person.** the term “person” shall include state and local officers and employees, individuals, co-partnerships associations.
6. **Poultry** means all domestic fowl, ornamental birds and game birds

possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCL 317. 71 et seq; MSA 13. 1271 et seq.)

7. **Public Place** shall mean any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is visible or accessible to the public.

8. **Township** shall mean Township of Napoleon.

### **Section 3. DISORDERLY PERSON**

A person is a disorderly person if the person is any of the following, or the persons aids or abets another to do such an act or engage in any practice so as to be:

1. A person who is intoxicated in a public place;
2. A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place;
3. A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties;
4. A person who furnished a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a Statute or Township Ordinance or temporarily detained for the purpose of issuance of a civil infraction citation;
5. A person who summons, as a joke or prank or otherwise, without any good reason therefor, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed;
6. A person who makes a false report, by telephone otherwise, to any public official which may reasonably be expected or closing of a buliding or place open to the public, or who knowingly makes a false statement or report to a peace officer;
7. A person who urinates or defecates in a public place;
8. A person who spits or expectorates on, at or toward another person;
9. A person who, without permission, peeps or peers into the windows of any inhabited place that he or she does not own or occupy;

10. A person who prowls about any alley or the private premises of another person in the nighttime, without the authority of the permission of the owner of such premises;
11. A vagrant;
12. A person found begging in a public place;
13. A person who knowingly attends, frequents, operates or loiters in or about a place where gambling, the illegal sale of intoxicating liquor, controlled substances, or any other illegal business or occupation is permitted or conducted;
14. A person who maintains a gaming room, gaming table, or any policy or pool tickets, used for gambling, knowingly allows a gameing table, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her except as permitted by law; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest or game of any kind whatsoever;
15. A person who loiters, loafes, wanders, stands or remains idle in a public place so as to:
  - a) Obstructs a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon;
  - b) Obstructs or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, highway, sidewalk, place or building so as to prevent the free and uninterrupted ingress or egress thereto or therefrom;and who refuses or fails to forthwith obey an order by a peace officer to cease such conducts and to move and disperse.
16. A person who willfully enters 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;
17. A person who willfully enters the lands or premises of another and who neglects or refuses to depart from the land or premises of another after being notified by the owner or occupant to depart therefrom;

18. A person who knowingly sells, gives or furnishes alcoholic beverages, liquor or spirits to any person under the age of twenty-one (21) years or to any drunken, intoxicated or disorderly person;
19. A person who possesses any open intoxicant or consumes any alcoholic beverage, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place;
20. A person who is found jostling, shoving, pushing, or roughly crowding people without permission in a public place;
21. A person who makes or continues any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township, including but not limited to:
  - a) Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and reasonable duration, or unreasonable loudly or harshly;
  - b) Playing or amplifying any radio, phonograph, stereo, tape or disc player, or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity;
  - c) Yelling, shouting, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property, so as to annoy or disturb the quiet, comfort or repose of any persons in any place of business, or any dwelling, hotel or other type of residence, or of any person in the immediate vicinity;
  - d) Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort and repose of any persons in the vicinity;
  - e) Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
  - f) Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
  - g) Intentionally squealing the tires of any motor vehicle;

- h) Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of seven o'clock a.m. and 10:00pm.
  - i) Creating loud and excessive noises in connections with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
  - j) Creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.
22. A person who disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, by any means, including but not limited to deflating tires attached to said vehicles, or placing foreign substance in the motor vehicle's fuel tank.
23. A person who throws or propels any snowball, rock, missile or object at or from any moving vehicle;
24. A person less than twenty-one (21) years of age who possesses any alcoholic beverage, beer, liquor, or spirits;
25. A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening or annoying such other person or his or her family, whether or not a conversation ensues;
26. Any person, 17 years of age or older, who shall accost, solicit or invite another in a public place, or in or from any building or vehicle, by word, gesture or any other means, to commit prostitution or to do any other lewd or immoral act;
27. A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of seventeen (17) years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent; this section shall not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment.
28. A person who carries any form of firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon in any public place, subject to the following exceptions:
- a) When it is in a case and is not loaded;

- b) When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public personnel; or
- c) Where and as otherwise permitted by State Law.

29. A person who:

- a) Owns any animal and who permits the animal to run at large, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of his owner;
- b) Owns any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a handicapped person accompanied by its owners, and who permits the dog to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs;
- c) Owns any dog at any time, licensed or unlicensed, which destroys property, real or personnel, or trespasses in a damaging way on property of persons other than owner;
- d) Owns any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person;
- e) Owns any dog which shows vicious habits, including but not limited to charging, snarling, growling, etc., or which molests passerby when such persons are lawfully on a public highway, right-of-way or adjacent property;
- f) Owns, keeps, houses, tethers, or otherwise possesses or maintains any animal in such a way or manner or in such location whereby noises emanating from said animal, including but not limited to loud and frequent barking, howling, or yelping, shall cause a disturbance or otherwise disrupt the peace, quiet and tranquility of persons within the limits of the Township, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. This section shall not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein;

- g) Owns any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the Township;
  - h) Owns any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;
  - i) Removes a collar or a tag from any dog or any other animal without the permission of its owner, or decoys or entices any dog or any other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or any other animal while held or led by any person or while on the property of its owner;
  - j) A person who intentionally and maliciously kills, injures or maims any animal, livestock or poultry owned by another person. However, any person may kill any dog or other animal which he or she sees in the act of or actually attacking or wounding any person, livestock, poultry or other animal, and there shall be no liability on such person in damages or otherwise for said killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this State, including, by way of example, the safe discharge of firearms.
30. Commit as assault or an assault and battery on any person.
31. A person shall not use the controlled substance of **marihuana** in the Township of Napoleon unless the substance was directly obtained from, and pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioners professional practice.
32. **Possess Drug Paraphernalia.** 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 to 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, marijuana.
- f) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, 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 can be derived.
- h) A kit specifically designed for manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- i) A device, commonly known as a cocaine kit, that is specifically designed for 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, that is specifically designed to deliver a measured amount of controlled substances to the user.
- k) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.
- l) A device, commonly known as an automobile safe, that 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.

33. **Spouse Abuse.** A peace officer who has reasonable cause to believe that a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, being Sections 750.81 and 750.81a of the Michigan Compiled Laws, has taken place and that the person who committed or is committing the violation is a spouse, a former spouse, or a person residing or having resided in the same household as the victim, may arrest the violator without a warrant for that violation, irrespective of whether the violation was committed in the presence of a peace officer.

- 34. Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- 35. Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as amended.
- 36. Utter vile, profane or obscene language in any public place.
- 37. Make any immoral exhibition or indecent exposure of his or her person.
- 38. Willfully destroy, damage, or in any matter deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, street light, street sign or parking meter, or mark or post handbills on, or in any matter mar the walls of any public building, or destroy, take, or meddle with any property belonging to the Township or remove the same from the building or place where it may be kept, placed, or stored, without the proper authority.
- 39. Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.
- 40. Solicit or accost any person for the purpose of inducing to commission of any illegal or immoral act.
- 41. Break or escape from the lawful custody of any law enforcement officer employed by the Township of Napoleon.
- 42. Make or excite a disturbance or contention within any tavern, store, manufacturing establishment, business place, public building; or upon any street, lane, alley, highway, public grounds, park, public place, or at any public meeting where citizens are peaceably and lawfully assembled.

43. Fire, discharge, display or possess any of the following:
- a) Firecrackers, torpedoes, skyrocketes, roman candles, dayglo bombs, bottle rockets, whistling chasers, rocket on sticks or other fireworks of like construction containing more than .25 grain of explosive mixture; and/or
  - b) Fireworks containing an explosive or flammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, beryllium, antimony, arsenic, mercury, nitroglycerine, phosphorous, or a compound containing these or other modern explosives.
44. Steal the property of another with a value of one hundred (\$100.00) Dollars or less.
45. Knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property designated and set aside for such purposes.
46. Any person who within the Township of Napoleon shall carelessly, recklessly, or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others shall be guilty of a misdemeanor.
47. Any person who willfully refuses to obey a lawful order of a peace officer in the performance of his/her duties.
48. A person who carries a knife having a blade of three (3) inches in length or more, whether in it's sheath or not, in a public place.
49. **Curfew for twelve (12) year old children.** No minor under the age of twelve (12) years shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10) o'clock p.m. and six (6) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.
50. **Curfew for sixteen (16) year old children.** A minor under the age of sixteen (16) years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12) midnight and six (6) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent

or guardian to accompany the minor, or where the minor is on an errand or other legitimate business directed by his/her parent or guardian.

#### **SECTION 4. VIOLATING PERSON**

Any person(s) who shall act in any manner described in Section 3 above or Section 6 below, shall be in violation of this Ordinance and, upon conviction, shall be punished as set forth in Section 7 below, whether or not said person(s) had been ordered by a peace officer that such conduct or violation cease, except as otherwise specifically provided herein.

#### **SECTION 5. EXCEPTIONS**

None of the terms or prohibitions hereof shall apply to or be enforced against:

1. The operation of any marked vehicle of the Township while engaged upon necessary public business;
2. Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township or State during the night when public welfare and convenience renders it impossible to perform such work during the day.

#### **SECTION 6. PARENTAL RESPONSIBILITY**

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this Ordinance. Proof that the minor was convicted of violating this Ordinance shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such Section.

#### **SECTION 7. PENALTIES AND REMEDIES FOR VIOLATIONS**

Any person violating any provision of Section 3 above, shall be deemed guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the County jail of Jackson County and/or fines up to Five Hundred (\$500.00) Dollars plus the costs of prosecution.

Any person violating and provisions in this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines up to One Hundred (\$100.00) Dollars plus the costs of prosecution.

In addition, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

**SECTION 8. SAVING CLAUSE**

All proceedings pending and all rights and liabilities existing, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in effect when they are commenced. This Ordinance shall not be construed to effect any prosecution pending or initiated before the effective date of this Ordinance, or initiated after the effective date of this Ordinance for an offense committed before that effective date.

**SECTION 9. CONFLICTING ORDINANCE REPEALED**

Any Ordinance or parts of Ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

**SECTION 10. SEVERABILITY**

If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any Court of competent jurisdiction, or by this agency, department or commission empowered by Statute for such purpose, such decision shall not affect the validity of the remaining provisions in this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

**SECTION 11. EFFECTIVE DATE**

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

**ADOPTED:** 8/15/94

**EFFECTIVE:** Thirty (30) days after publication.

**MEMBERS PRESENT:** Thomas Welch, Janet Day, Gayle Hawley

**MEMBERS ABSENT:** Michael Harris, John Butterfield

**AYES:** 3      **NAYS:** 0

/S/ Thomas S. Welch

