

Chapter 14

OFFENSES*

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ARTICLE I. IN GENERAL**Sec. 14-1. Definition of public place.**

The term "public place" as used in this chapter shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

(Code 1959, § 20.201)

Sec. 14-2. Spitting in public places.

No person shall spit on any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage.

(Code 1959, § 20.202(dd))

Secs. 14-3—14-30. Reserved.**ARTICLE II. OFFENSES AGAINST GOVERNMENT FUNCTIONS****Sec. 14-31. Obstruction of police officer.**

No person shall obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of his duties as such.

(Code 1959, § 20.202(aa))

State law reference—Similar provisions, MCL 750.479.

Secs. 14-32—14-60. Reserved.**ARTICLE III. OFFENSES AGAINST THE PERSON****Sec. 14-61. Window peeping.**

No person shall be found looking into the windows or doors of any house, apartment or other residence in the village in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy without the occupant's express or implied consent.

(Code 1959, § 20.202(f))

State law reference—Persons window peeping declared disorderly persons, MCL 750.167(1)(c).

Sec. 14-62. Harassment.

It shall be unlawful for any person, with intent to harass, annoy or alarm another person, to:

- (1) Follow a person in or about a public place; or

- (2) Engage in a course of conduct or repeatedly commit acts that alarm or seriously annoy another person and that serve no legitimate purpose.

(Code 1959, § 20.202(m))

Sec. 14-63. Assault and battery.

No person shall commit an assault, or an assault and battery on any person.

(Code 1959, § 20.202(a))

State law reference—Assaults, MCL 750.81 et seq.

Secs. 14-64—14-90. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 14-91. Larceny.

No person shall commit larceny by stealing any of the following property of another person that has a value of less than \$200.00:

- (1) Money, goods, or chattels.
- (2) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate.
- (3) A book of accounts for or concerning money or goods due, to become due, or to be delivered.
- (4) A deed or writing containing a conveyance of land or other valuable contract in force.
- (5) A receipt, release, or defeasance.
- (6) A writ, process, or public record.

(Code 1959, § 20.300)

State law reference—Similar provisions, MCL 750.356.

Sec. 14-92. Littering.

(a) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Litter means rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances or a vehicle that is considered abandoned under section 252a of the Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.252a).

Public or private property or water includes, but is not limited to, any of the following:

- (1) The right-of-way of a road or highway, a body of water or watercourse, or the shore or beach of a body of water or watercourse, including the ice above the water.
- (2) A park, playground, building, refuge, or conservation or recreation area.

- (3) Residential or farm properties or timberlands.

Vehicle means a motor vehicle registered or required to be registered under the Michigan vehicle code, (MCL 257.1 et seq.).

Vessel means a vessel registered under part 801 of Public Act No. 451 of 1994 (MCL 324.80101 et seq.).

(b) *Littering prohibited.* A person shall not 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 or water other than property designated and set aside for such purposes.

(c) *Removal of debris from accident.* A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road, or street shall remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

(d) *Throwing litter into path of vehicle.* A person shall not knowingly cause litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling upon a highway.

(e) *Complaints and citations for violations.*

- (1) Except as provided in subsection (e)(3) of this section involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this part involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the registered owner of the vehicle or vessel at the time of the violation, gives rise to a rebuttable presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.
- (2) There is a rebuttable presumption that the driver of a vehicle or vessel is responsible for litter that is thrown, dumped, deposited, placed, or left from the vehicle or vessel on public or private property or water.
- (3) In a proceeding for a violation of this section involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, gives rise to a rebuttable presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.
- (4) In a proceeding for a violation of this section involving litter consisting of an abandoned vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was abandoned, and that the defendant named in the citation,

complaint, or warrant was the titled owner or lessee of the vehicle at the time it was abandoned, gives rise to a rebuttable presumption that the defendant abandoned the vehicle.

(Code 1959, § 20.901)

State law reference—Similar provisions, MCL 324.8901 et seq.

Sec. 14-93. Prowling.

No person shall prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

(Code 1959, § 20.202(cc))

Sec. 14-94. Destruction of public property.

No person shall wilfully destroy, damage, or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, streetlight, street sign or parking meter, or mark or post handbills on, or in any manner mar the walls of any public building, or destroy, take, or meddle with any property belonging to the village or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.

(Code 1959, § 20.202(m))

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Secs. 14-95—14-120. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE

Sec. 14-121. Begging and soliciting alms.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person or property in his immediate possession.

Ask, beg and solicit mean and include, without limitation, the spoken, written or printed word, or such other acts conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after such person has made a negative response, blocking the passage of the person addressed or otherwise engaging in conduct which may reasonably be construed as intended to compel or force a person to accede to demands.

(b) *Exceptions.* Except when performed in the manner and locations set forth in subsections (c)(1) and (9) and (d)(1) and (2) of this section, it shall be unlawful to ask, beg or solicit money or other things of value.

(c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to or exit from any public toilet facility;
- (3) Within 15 feet of an automatic teller machine. When an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) Within 15 feet of any pay telephone. When a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) In any public transportation vehicle, bus or subway station, or within 15 feet of any bus stop or taxistand;
- (6) From any operator of a motor vehicle that is in traffic on a public street. This subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
- (7) Within 15 feet of any valid licensed vendor location;
- (8) From any person who is waiting in line for entry to any public or private building, including but not limited to any residence, business or athletic facility; or
- (9) Within 15 feet of the entrance to or exit from a public or private building, including but not limited to any residence, business or athletic facility.

(d) *Manner.* It shall be unlawful for any person to solicit money or other things of value by:

- (1) Accosting another; or
- (2) Forcing oneself upon the company of another.

(e) *Who may press charges.* Persons who may press charges under this section include the victim of the prohibited solicitation and any person who witnesses such conduct, including but not limited to police officers, security officers, hotel personnel and bystanders. Evidence to support conviction for violation of this section may include but shall not be limited to the testimony of such witnesses, videotape evidence of the violation and/or other admissible evidence.

(Code 1959, § 20.202(g))

State law reference—Persons begging deemed disorderly persons, MCL 750.167(1)(h).

Sec. 14-122. Loitering—Generally.

(a) *Definition.* In this section the following words and phrases shall have the meanings respectively ascribed to them:

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression "hanging around."

Public place means any place to which the general public has access and a right of resort for business, entertainment or for other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. Public place shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

(b) *Prohibition.* It shall be unlawful for any person within the village to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians after having been told to move on by a police officer;
- (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto after having been told to move on by a police officer;
- (3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

(Code 1959, §§ 20.202(r), 20.451)

Sec. 14-123. Same—Parking lots, business and industrial establishments.

It shall be unlawful for any person either individually or in pairs or in groups to go upon and loiter upon or remain upon any public parking lot, during close of business hours for any purpose other than the parking and leaving an automobile, or who during close of business hours shall go upon and loiter and remain upon vacant portions, including driveways and the parking areas, of any privately owned business or industrial establishment, without the consent of the owners, and for any purpose not connected with attending to business in the establishment on said premises.

(Code 1959, § 20.401)

Sec. 14-124. Obstructing traffic on streets and sidewalks.

No person shall play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(Code 1959, § 20.202(s))

Sec. 14-125. Disorderly intoxication.

It shall be unlawful for a person who is intoxicated or under the influence of alcoholic liquor or a controlled substance in a public place to either directly endanger the safety of another person or property or to act in a manner which causes a public disturbance.

(Code 1959, § 20.202(b))

State law reference—Intoxicated person deemed a disorderly person, MCL 750.167(1)(e).

Sec. 14-126. 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 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 and invade the right of other persons to pursue their lawful activities.

(Code 1959, § 20.202(i))

Sec. 14-127. Jostling or roughly crowding.

No person shall jostle or roughly crowd persons in any street, alley, park, or public building.

(Code 1959, § 20.202(f))

State law reference—Persons jostling deemed disorderly persons, MCL 750.167(1)(l).

Sec. 14-128. Fighting; disturbances.

No person shall engage in any disturbance, fight, or quarrel in a public place.

(Code 1959, § 20.202(o))

Sec. 14-129. Disturbing the peace.

No person shall disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

(Code 1959, § 20.202(y))

State law reference—Disturbing public places, MCL 750.170.

Sec. 14-130. Unlawful assembly.

No person shall 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.

(Code 1959, § 20.202(p))

State law reference—Unlawful assembly, MCL 752.543.

Sec. 14-131. Disorderly places.

No person shall permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.

(Code 1959, § 20.202(z))

Secs. 14-132—14-160. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

Sec. 14-161. Public nudity.

(a) *Definition.* As used in this section, the term "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

(b) *Prohibition.* It shall be unlawful for any person to be guilty of public nudity.

(Code 1959, § 20.202(h))

State law reference—Authority for this section, MCL 67.1(aa).

Sec. 14-162. Indecent exposure.

No person shall make any indecent exposure of his or her person or the person of another.

(Code 1959, § 20.202(k))

State law reference—Similar provisions, MCL 750.333a.

Sec. 14-163. Indecent or obscene conduct.

No person shall engage in any indecent or obscene conduct in any public place.

(Code 1959, § 20.202(c))

State law reference—Similar provisions, MCL 750.167(1)(f).

Sec. 14-164. Soliciting or accosting.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Code 1959, § 20.202(v))

State law reference—Soliciting or accosting, MCL 750.448.

Sec. 14-165. Prostitution.

No person shall engage in any act of prostitution.
(Code 1959, § 20.202(t))

State law reference—Prostitution generally, MCL 750.448 et seq.

Sec. 14-166. Frequenting places of illegal business.

No person shall knowingly attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of alcoholic liquor, or any other illegal business or occupation is permitted or conducted.
(Code 1959, § 20.202(u))

State law references—Keeping house of ill fame, MCL 750.452; keeping or maintaining gaming room, MCL 750.303; frequenting or attending gaming places, MCL 750.309; persons frequenting places of illegal activity deemed disorderly persons, MCL 750.167(1)(j).

Sec. 14-167. Transportation for illegal purposes.

No person shall 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.
(Code 1959, § 20.202(w))

State law reference—Transporting female for prostitution, MCL 750.459.

Sec. 14-168. Gaming establishments.

No person shall keep or maintain a gaming room, gaming tables, or any policy or 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.
(Code 1959, § 20.202(x))

State law reference—Similar provisions, MCL 750.303. '

Secs. 14-169—14-190. Reserved.**ARTICLE VII. OFFENSES AGAINST PUBLIC SAFETY****Sec. 14-191. Air guns.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Air gun means any gun (rifle or pistol) by whatever name known which is designed to expel a projectile by means of compressed air or gas, or by the action of a spring or elastic, but does not mean a firearm.

Dealer means any person engaged in the business of selling at retail or renting any of the articles designated in the preceding section.

Minor means any person under the age of 16 years.

(b) *Transfer to minors.*

- (1) It shall be unlawful for any dealer to sell, lend, rent or otherwise transfer an air gun to any person whom the dealer knows, or has reasonable cause to believe to be a minor.
- (2) It shall be unlawful for any person to give, lend, or otherwise transfer any air gun to a minor except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the minor.

(c) *Lawful use by minors.* Notwithstanding any inconsistent provision of this subsection or any other provisions of this law, it shall be lawful for a person under 16 years of age to have in his possession any of the articles in the definition of "airgun" in subsection (a) of this section, if the said article is:

- (1) Kept within his domicile.
- (2) Used by the minor and he 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, to possess, load and fire at such rifle range under the supervision, guidance and instruction of an adult citizen of the United States.
- (3) Used in or on any private grounds or residence under circumstances when such an article as designated in the definition of "airgun" in subsection (a) of this section can be fired, discharged or operated in such a manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

(d) *Carrying, discharge on streets, sidewalks, public lands.*

- (1) It shall be unlawful for any "minor" to carry any air gun on the streets, alleys, public roads, or public lands within the village unless accompanied by an adult, provided however, that said person under 16 years of age may carry such air gun, unloaded, in a suitable case or securely wrapped.
- (2) It shall be unlawful for any person to discharge any air gun from or across any street, sidewalk, alley or public road within the limits of the village or on or across any public land except on a properly constructed target range.

(Code 1959, § 20.250)

Sec. 14-192. Fireworks.

No person shall fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by Chapter XXXIX of the state penal code, Public Act No. 328 of 1931 (MCL 750.243a et seq.).

(Code 1959, § 20.202(e))

Sec. 14-193. Discharge of firearms.

It shall be unlawful for any person to discharge any firearm in the village, except when lawfully acting in the defense of persons or property or the enforcement of law.

(Code 1959, § 20.202(d))

State law reference—Firearms and weapons, MCL 750.222 et seq.

Secs. 14-194—14-220. Reserved.**ARTICLE VIII. OFFENSES AFFECTING UNDERAGE PERSONS**

DIVISION 1. GENERALLY

Secs. 14-221—14-240. Reserved.

DIVISION 2. CURFEW*

Sec. 14-241. Hours of curfew.

It shall be unlawful for any person under the age of 18 years to loiter or remain in or upon any streets, alleys or public places in the village between the hours of 11:00 p.m. of any day and 6:00 a.m., of the day following.

(Code 1959, § 20.351)

Sec. 14-242. Exceptions.

The following are exceptions to violating this division where the minor is:

- (1) Accompanied by the minor's parent or guardian or any other person 21 years or older authorized by a parent to the caretaker for the minor;
- (2) On an errand at the direction of the minor's parent, guardian, or caretaker without any detour or stop;
- (3) In a vehicle involved in interstate travel;
- (4) Engaged in certain employment activity, or going to or from employment, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;

***State law reference**—Curfew for minors, MCL 722.751 et seq.

- (7) In attendance at an official school, religious, or other recreational activity sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from, without any detour or stop, such an activity supervised by adults;
- (8) Exercising First Amendment rights, including free exercise of religion, freedom of speech, and the right of assembly.

(Code 1959, §§ 20.351—20.353)

Sec. 14-243. Responsibility of parent or guardian.

It shall be unlawful for any parent, guardian or other person having the legal care, and custody of any minor under the age of 18 years, to allow or permit any such child, ward or other person, under such age, while in his legal custody, to loiter or remain, unaccompanied, upon any of the streets, alleys, or public places in the village, within the time prohibited in section 14-241, unless there exists a reasonable necessity therefor.

(Code 1959, § 20.354)

Sec. 14-244. Remaining in business establishment.

It shall be unlawful for any business owner, proprietor, manager, or employee to allow or permit any such child, ward, or other person under 18 years of age, to loiter or remain, unaccompanied, in his business establishment in the village, within the time prohibited in section 14-241, unless there exists a reasonable necessity therefor.

(Code 1959, § 20.355)

Sec. 14-245. Arrest of violators.

Each member of the police force, including village marshal, sheriff, deputy sheriff, or state police or other peace officer, while on duty, is hereby authorized to arrest without warrant any person within his presence violating any of the provisions of section 14-241 and detain such person for a reasonable time until complaint can be made and warrant issued and served. Provided further, that no child or minor person arrested under the provisions of this division, shall be placed in confinement until the parent or guardian of such child shall have been notified and the parent's wishes or the wishes of such guardian or legal custodian ascertained, and the parents, guardians or legal custodian shall refuse to be held responsible for the observance of this division by said minor person.

(Code 1959, § 20.356)

Sec. 14-246. Refusal of parent or guardian to become responsible.

It shall be the duty of the justice of peace, upon the arrest of any child or minor person, where the parents, guardian or legal custodian of such minor person refuse to become responsible for such minor for the violation of the provisions of section 14-241, to inquire into the facts of said arrest, the conditions and circumstances of such child or minor person and if

it shall appear that such child or minor person for want of proper parental care, guardianship, or control, is growing up in mendicancy or vagrancy, or is incorrigible, to cause the proper proceedings to be had and taken as authorized by the laws of the state for such cases.

(Code 1959, § 20.357)

Sec. 14-247. Conflict with state laws.

Nothing in this section or in any section of this division shall be construed to conflict with the state laws relative to employment of minors.

(Code 1959, § 20.359)

Secs. 14-248—14-270. Reserved.

DIVISION 3. PARENTAL RESPONSIBILITY

Sec. 14-271. Purpose.

This division is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the village, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

(Code 1959, § 20.911)

Sec. 14-272. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Delinquent acts means those acts which violate the laws of the United States, or the statutes of the state or ordinances of the village of those acts which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of the probate court as defined by MCL 712A.2.

Habitual offender means one who commits two or more criminal acts or a combination of four or more criminal acts and or moving traffic violations within a 12-month period.

Minor means any person under the age of 18 years residing with a parent.

Parent means mother, father, legal guardian and any person having the care or custody of a minor or any person acting in the parents' stead who have custody or control over the minor.

(Code 1959, § 20.912)

Sec. 14-273. Parental duties.

(a) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

(b) Included (without limitation) in this continuous duty of responsible parental control are the following duties:

- (1) To know the curfew regulations of division 2 of this article and to require the minor to observe such curfew regulations;
- (2) To require the minor to attend regular school sessions and to prohibit the minor or forbid the minor to be absent from class without parental or school permission;
- (3) To arrange proper supervision for the minor when the parent is absent;
- (4) To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal, or mixed property which belongs to the village, or is located in the village;
- (5) To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

(Code 1959, § 20.913)

Sec. 14-274. Notification of parents; record of notification.

(a) Whenever a minor is arrested or detained for the commission of any delinquent act within the village, the parent shall be immediately notified by the village police department, advising the parent of such arrest or detention, the reason therefor, and the parent's responsibility under this division.

(b) A record of such notifications shall be kept by the village police department.

(Code 1959, § 20.914)

Sec. 14-275. Parental violation and penalty.

(a) If a minor commits a delinquent act, the parent shall be guilty of a violation of this division if it is proven that any act, word, or nonperformance of parental duty by the parent encouraged, contributed toward or tended to cause the commission of the delinquent act by the minor.

(b) Upon the first conviction of a violation of this division, the parent shall be subject to a fine of not less than \$75.00 nor more than \$100.00.

(c) Upon the second conviction of a violation of this division, the parent shall be subject to a fine of not less than \$100.00 nor more than \$500.00 and in addition, shall be sentenced to probation with the condition that the parent participate in, through completion, a court approved, community based treatment program (such as parenting skills, family services, employment training, etc.) or, in the discretion of the court, be imprisoned for a period of not less than 15 days nor more than 30 days.

(d) Upon the third or subsequent violation and conviction under this division, the parent shall be subject to a fine of not less than \$250.00 nor more than \$500.00, and in the discretion of the court, imprisoned for a period of not less than 15 days nor more than 90 days.

(Code 1959, § 20.915)

Secs. 14-276—14-300. Reserved.

DIVISION 4. ALCOHOLIC LIQUOR*

Sec. 14-301. Alcoholic liquor defined.

Alcoholic liquor means any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one per cent or more of alcohol by volume which are fit for use for beverage purposes.

(Code 1959, §§ 20.501, 20.551)

State law reference—Similar definition, MCL 436.1105.

Sec. 14-302. Sale or furnishing to minors.

No alcoholic liquor shall be sold or furnished in the village to any person unless the person shall have attained the age of 21 years. In an action for the violation of this section, proof that the defendant or defendant's agent or employee demanded and was shown, before furnishing alcoholic liquor to a person under 21 years of age, a motor vehicle operator's license or a registration certificate issued by The Federal Selective Service, or other bonafide documentary evidence of the age and identity of the person, shall be a defense to an action under this section.

(Code 1959, § 20.502)

State law reference—Similar provisions, MCL 436.1701.

Sec. 14-303. Purchase, consumption, or possession of alcoholic liquor by person under 21 years of age.

(a) A person shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section in state law.

(b) A person who furnishes fraudulent identification to a person under 21 years of age, or notwithstanding subsection (a) of this section a person under 21 years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor.

(c) This section does not prohibit a person under 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the state, or by an agent of the state, if the alcoholic liquor is not possessed for his or her personal consumption.

***State law reference**—Michigan liquor control code of 1998, MCL 436.1101 et seq.

(d) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course.

(e) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.

(f) Subsection (a) of this section does not apply to a person under 21 years of age who participates in either or both of the following:

- (1) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
- (2) An undercover operation in which the person under 21 years of age purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the person under 21 years of age was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(g) In a criminal prosecution for the violation of subsection (a) of this section concerning a person under 21 years of age having any bodily alcohol content, it is an affirmative defense that the person under 21 years of age consumed the alcoholic liquor in a venue or location where that consumption is legal.

(h) As used in this section, "any bodily alcohol content" means either of the following:

- (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(Code 1959, §§ 20.552—20.555)

State law reference—Similar provisions, MCL 436.1703.