

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: GENERAL OFFENSES

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' 130.01 GAMING ROOMS OR TABLES; POLICY OR POOL TICKETS.

No person shall keep or maintain a gaming room, gaming table, 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 or her. Exceptions may be made to the above when the activities are conducted by charitable or nonprofit entities upon application to, and approval of, the Village Council. (Prior Code, ' 632.01) (Ord. 122-A, passed 2-10-1997; Ord. 2002-3, passed 12-9-2002) Penalty, see ' 10.99

' 130.02 RESISTING ARREST.

No person shall knowingly or willfully resist an arrest which he or she knows is being made by a police officer or by a private person summoned and directed by a police officer to make an arrest. (Prior Code, ' 604.01) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.03 DISORDERLY CONDUCT/DISORDERLY PERSONS.

No person shall engage in any conduct tending toward a breach of the peace. A person is a disorderly person if that person is any of the following:

(A) A person of sufficient ability who refuses or neglects to support his or her family.

(B) A window peeper.

(C) A person who engages in an illegal occupation or business.

(D) A person who is intoxicated in any place open to the public and is either endangering directly the safety of another person, or him or herself, or property, or is acting in a manner which causes a public disturbance.

(E) A person who, in any place open to the public, is under the influence of a controlled substance, which means any substance defined as a controlled substance under M.C.L.A. " 333.7101 *et seq.*, as amended.

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(F) A person who is engaged in indecent or obscene conduct in a public place.

(G) A vagrant.

(H) A person found begging in a public place.

(I) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted.

(J) A person who is found jostling or roughly crowding people unnecessarily in a public place.

(K) A person causing or making any unnecessary or loud noise or shouting or yelling causing a disturbance.

(L) A person engaging in any violent, tumultuous, offensive, or disorderly conduct by threatening, quarreling, challenging to fight, fighting, or using obscene, profane or offensive language or gestures to the annoyance, disturbance or vexation of another person.

(M) A person who is a common prostitute.
Penalty, see ' 10.99

' 130.04 FIGHTING.

No person shall knowingly start a fight or fight or commit any assault or battery in any public place in the village.

(Prior Code, ' 668.03) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.05 DISTURBING ASSEMBLAGES.

(A) No person shall disturb any lawful assemblage or gathering in the village.

(B) No person shall disrupt or aid in disrupting in any manner any service of worship or any other assemblage for lawful purposes.

(Prior Code, ' 668.04) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.06 UNAUTHORIZED ASSEMBLAGES.

(A) No person shall collect, gather, or be a member of any disorderly crowd or any crowd gathered for any unlawful purpose.

(B) No person, unless authorized by a village permit, shall assemble with one or more other persons on a village parking lot, except that it shall not be a violation of this section to lawfully park a vehicle in a village parking lot and leave the lot without delay, or to go upon a village parking lot and without delay proceed to a lawfully parked vehicle and then leave. The term **VILLAGE PARKING LOT** means a parking lot used by the village, or by others under contract with the village, for either public or restricted off-street vehicular parking purposes.

(Prior Code, ' 668.05) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.07 OBSTRUCTION OF PUBLIC FACILITIES.

No person shall congregate in such a fashion as to obstruct the free and uninterrupted passage of the general public or use by the general public of any public facilities.

(Prior Code, ' 668.06) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.08 OBSTRUCTION OF VEHICULAR OR PEDESTRIAN TRAFFIC.

No person shall obstruct vehicular or pedestrian traffic.

(Prior Code, ' 668.07) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.09 OBSTRUCTING STAIRWAYS OR EXITS.

No person shall obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater,

assembly hall, lodge, or other public hall, or any building used by two or more tenants or families, in such a manner that it interferes with the free use of the stairway, aisle, corridor, or exit.

(Prior Code, '668.08) (Ord. 122-A, passed 2-10-1997) Penalty, see '10.99

' 130.10 SLEEPING IN PLACES OPEN TO THE PUBLIC.

(A) *Generally.* The following regulations shall apply to sleeping in places open to the public.

(B) *Specifically.*

(1) *Streets, sidewalks, and public ways.*

No person shall sleep on any public street right-of-way, on the part used for traffic, or on any part not used for traffic. No person shall sleep on any alley or other public way. No person shall sleep on any sidewalk.

(2) *Village buildings.* No person shall sleep in any building owned or operated by the village.

(3) *Places open to the public.* No person shall sleep in any other building or part of a building open to the public without the permission of the owner or person in charge of the premises.

(Prior Code, '668.09) (Ord. 122-A, passed 2-10-1997) Penalty, see '10.99

' 130.11 LOITERING.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LOITERING. Remaining idle in essentially one location, and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression Ahanging around.@

(B) *Certain types of loitering prohibited.*

(1) No person shall loiter in a public place in such a manner as to:

(a) Create or cause to be created a danger of a breach of the peace;

(b) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;

(c) Obstruct the free passage of pedestrians or vehicles; or

(d) Obstruct, molest, or interfere with any person lawfully in any public place.

(2) This division (B) shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

(C) *Request to leave.* Whenever the presence of any person in any public place is causing any of the conditions enumerated in division (B) above, any police officer may order that person to leave that place. No person shall refuse to leave after being ordered to do so by a police officer.

(Prior Code, '668.10) (Ord. 122-A, passed 2-10-1997) Penalty, see '10.99

' 130.12 NOISE.

It shall be unlawful for any person to permit persons on their property or on property under their control to make, continue or cause to make any loud, raucous or jarring noise, congregation, disturbance or party, particularly between the hours of 11:00 p.m. and 6:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, repose or peace of any persons of any office or in any dwelling or other type of residence, including any boat or R.V., or of any

persons in the vicinity; any noise which is clearly audible more than 50 feet from a person=s property, other property under their control, shall be deemed a disturbance under the provisions of this section.

Penalty, see ' 10.99

' 130.13 ENGAGING IN OR ATTENDING ILLEGAL OR IMMORAL BUSINESSES.

(A) No person shall engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business occupation. Proof of recent reputation for engaging in prostitution, gambling, illegal sale of intoxicating liquor, or other illegal or immoral occupation or business shall be prima facie evidence of being engaged or occupied therein.

(B) No person shall knowingly attend, frequent, operate, or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation is permitted or conducted.

(Prior Code, ' 668.12) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.14 INDUCING ILLEGAL OR IMMORAL ACTS.

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

(Prior Code, ' 668.13) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.15 DISORDERLY HOUSES.

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

(Prior Code, ' 668.14) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.16 FALSE ALARMS.

(A) No person shall knowingly start or spread any false alarm of fire, riot, explosion, civil disturbance, or other breach of the peace in the village.

(B) No person shall report the existence of a fire or other emergency to the Police Department, the Fire Department, or any other agency empowered to deal with an emergency when that person knows the report to be false.

(C) No person shall report or cause to be reported to any police agency any information concerning the commission of any offense or other incident, which would require police action, when he or she knows that no such offense or other incident has occurred, or he or she knows that the information is false or that he or she has no such information.

(Prior Code, ' 668.15) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 130.17 AUTOMATED ALARM SYSTEMS; FALSE ALARMS.

(A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM SYSTEM. Any device or assembly of equipment and devices arranged to signal the presence of a condition requiring urgent attention and to which police officers, fire fighters, or emergency medical personnel are expected to respond. An **ALARM SYSTEM** may include, but is not limited to, systems commonly known as a Ahold-up alarm system,@ Aburglar alarm system,@ Aintrusion alarm system,@ Atemperature fire alarm system,@ Amanual fire alarm system,@ Afire alarm system,@ or an Aautomatic sprinkler water-flow alarm system.@ An alarm system on a motor vehicle shall not be considered an alarm system for the purpose of this article, unless an alarm system on a motor vehicle shall be connected with an alarm system at a premises.

Building/premises alarm systems designed solely to alert occupants of the premises or a private monitoring post, or to activate a fire suppression system or similar system, and which lack an audible signal, flashing light, or telephone or other communications system designed to alert persons outside of the premises, are likewise excluded, unless an alarm generated by such a system is communicated to the Police Department, Fire Department, or medical first responders and results in a response.

ALARM USER. The person or other entity who is the owner of record of the premises on which an alarm system is maintained within the village, and/or the person or entity who has immediate control of or responsibility for the premises or the alarm when the false alarm is generated.

CHARGEABLE ALARM. A false alarm which is not a non-chargeable alarm.

FALSE ALARM. Any alarm signal which originates from an alarm system and is transmitted to a village department by any means, and which is not the result of criminal activity, a fire or potential fire condition, or a medical emergency or some other condition requiring the urgent attention of emergency personnel.

INITIATING DEVICE. A device, whether manually operated or automatic, which signals the existence of a condition which activates an alarm system, and includes manual pull stations or Apanic buttons,@ temperature sensors, smoke detectors, motion sensors, door or window status sensors, water-flow sensors, and similar devices.

NON-CHARGEABLE ALARM. A false alarm which is:

(a) The result of a storm or interruption of telephone or other utility service, which interruption is not the fault of the building owner, or

(b) The result of system testing or maintenance, having notified the Police/Fire Dispatch

Center at least one hour before the testing or maintenance begins and of the completion of testing or maintenance within one hour of said completion, or

(c) Other extenuating circumstances, in the discretion of the Village Manager. Correction of the procedural or mechanical defect which caused the false alarm may be considered a mitigating factor allowing a waiver, in the sole judgment of the Village Manager.

VILLAGE. The office of the Police Chief, or such other office or individual as may be designated by the Village Manager or Village Council to administer all or any part of the alarm program under this section.

(B) *Declared nuisance.* Any chargeable alarm in excess of two in any calendar year from the same alarm system is hereby declared to be a public nuisance, However, an alarm system with at least 100 initiating devices shall be permitted one additional chargeable alarm per calendar year for every 100 initiating devices in the system before any excess alarms are declared a public nuisance.

(C) *Multiple alarm systems.* Fire alarm systems shall be considered separate from security alarm systems protecting a property, and vice versa. However, all fire alarm systems under control of the same alarm user and protecting the same facility shall be considered one alarm system, and all security alarms under control of the same alarm user and protecting the same facility shall be considered one alarm system. Independent alarm systems under the control of separate alarm users, though they may be in the same facility, shall be considered separate alarm systems.

(D) *Notification; appeals.*

(1) In the event a representative of the village responds to an alarm originated by an alarm system, and that representative believes the alarm to be a false alarm, the Village Manager shall review the incident report and make an initial classification of this alarm under this section. In the event the alarm is

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determined to be chargeable, notification of this fact and any fine due will be sent to the alarm user. In the first instance of a chargeable alarm to a system in any calendar year, the Village of Pentwater will provide the alarm user with a copy of this section.

(2) In the event the alarm user believes the alarm should be classified a non-chargeable alarm, the alarm user must appeal to the Village Council with 35 days of the date of the notice, stating the grounds for the appeal. The village shall provide a final response to the alarm user within 35 days of receiving the appeal.

(E) *Penalties.*

(1) Chargeable alarms are declared to be Class B civil infractions, under Title III, Chapter 34. The alarm user, if not the property owner, shall be responsible to pay any penalty.

(2) Information identifying the alarm user shall be provided to the 911 dispatch through their registration process. In the event a false alarm, whether otherwise defined as a chargeable alarm or as a non-chargeable alarm, is generated by an alarm not registered with the 911 dispatch system, or one with incorrect contact information in the 911 dispatch records, the alarm user shall pay a \$50 fine, in addition to any other penalties that might be levied.

(3) In all cases, there shall be an additional late charge of 10% of the amount due if the fine is not paid within 30 days of the notice date, or in the event an appeal is filed and denied, within 30 days of the mailing of the denial notice.

(4) In addition to the penalties provided in this section, the general penalty and additional remedies prescribed in '10.99 shall apply to any violation of this section. The village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this section. Each day that a violation of this section continues to exist shall constitute a separate violation of this section.

(F) *Audible alarm shutoff required.* It shall be unlawful to install, operate, or maintain an alarm system or vehicle system with an externally audible signal, unless that system is equipped with a shutoff device that automatically silences the audible signal within ten minutes of activation. An alarm system without such a shutoff device shall be subject to deactivation by the Police Department or Fire Department, and in such a case the alarm user shall be subject to a \$100 shut-off fee, any expenses that may be incurred in deactivating the system, and in addition to any other penalties levied under this section.

(G) *Responsibility to answer alarms.* This section does not constitute a guarantee by or obligation on the part of any village department to answer any alarm.

(Ord. 2012-2, 12-10-2012)

' 130.18 CURFEW FOR MINORS.

(A) *Regulations.*

(1) No person under age 17 shall remain, idle, wander, stroll, or cruise about in or on a motorized vehicle in the public streets, parks, or other public places of the village between 11:00 p.m. and 6:00 a.m. of the following day, unless accompanied by a parent, guardian, or other adult person having custody and control of that minor.

(2) No parent, guardian, or other adult person having custody of control of any minor shall knowingly allow, suffer, or permit, or by insufficient control allow, a minor to be on any public street, sidewalk, park, or other public place in the village, other than the State Park, between 11:00 p.m. and 6:00 a.m. of the following day, unless accompanied by a parent, guardian, or other adult person having custody and control of the minor person.

(3) The provisions of this section shall not be applicable to any minor during the time necessarily required for the minor to travel to his or her residence from:

(a) A place of employment at which the minor may be gainfully employed;

(b) A school or place of instruction at which the minor may be in bona fide attendance;

(c) A place at which a function may be held that shall be, or had been, sponsored by a religious, school, civic, or other properly supervised event or program; or

(d) A place at which a bona fide, supervised social meeting, gathering, or assemblage had taken place.

(4) Should an emergency arise necessitating a minor to be dispatched upon an errand requiring his or her presence in or upon any public place, either on foot or in any vehicle, within the village, during the curfew hours herein established, he or she shall have in his or her possession a note signed by the parent, guardian, or other person having custody, care, or control of the minor child stating the nature of the errand, the necessity therefor, the place to which the child is to go, the time the note was issued, and the time required for the errand.

(5) No minor shall misrepresent his or her age to a police officer of the village. (Prior Code, ' 668.16)

(B) This section does not apply to a minor who is:

(1) Accompanied by the minor=s parent or guardian;

(2) On an errand at the direction of the minor=s parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor=s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor=s presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; and

(9) Married or had been married or had disabilities of minority removed in accordance with state law. (Ord. 123, passed 6-22-1981)

(C) *Violations.* Minors violating any of the provisions of division (A) above shall be dealt with in accordance with Juvenile Court law and procedure. (Prior Code, ' 668.99) Penalty, see ' 10.99

CHAPTER 131: ALCOHOL OFFENSES

Section

- 131.01 Definitions
- 131.02 Consumption within Village Park
- 131.03 Consumption on public ways and in parking lots

' 131.03 CONSUMPTION ON PUBLIC WAYS AND IN PARKING LOTS.

No person shall consume any alcoholic beverage on any public street, sidewalk, or parkway or on any public parking lot or semi-public parking lot. The term *SEMI-PUBLIC PARKING LOT* shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building, or apartment building.

(Prior Code, ' 606.03) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 131.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGES. Any spirits, wine, beer, ale, or other liquid containing more than 0.5% of alcohol by volume.

VILLAGE PARK. The area known as the Village Green, which is owned by the village and is situated between Hancock Street and Dover Street, extended southward and between Second Street and Third Street.

(Prior Code, ' 606.01) (Ord. 133, passed 6-25-1984)

' 131.02 CONSUMPTION WITHIN VILLAGE PARK.

No person, regardless of age, shall consume alcoholic beverages within the Village Park.

(Prior Code, ' 606.02) (Ord. 133, passed 6-25-1984) Penalty, see ' 10.99

CHAPTER 132: PROPERTY OFFENSES

Section

- 132.01 Defacing or damaging property
- 132.02 Unauthorized possession of bicycles
- 132.03 Violations

' 132.01 DEFACING OR DAMAGING PROPERTY.

(A) No person shall intentionally, maliciously, or recklessly destroy, damage, or deface in any way any public or private property, including any:

(1) Public or private buildings, structures, recreational facilities, benches, fences, or trees;

(2) Public street lights, fire hydrants, pumps, fountains, sprinkler systems, sprinkler heads or pipes, inlets, manholes, or sewer ventilators;

(3) Telephone or cable television wires or electric wires of any kind, or the poles sustaining or attaching them;

(4) Statue, monument, or plaque; and

(5) Official notices or signs posted by the state, the village, or any public agency.

(B) In addition, no person shall:

(1) Extinguish or diminish the light from any public street light;

(2) Obstruct the mouth of any sewer or drain, or remove, possess, or sell any inlet, manhole cover, or sewer ventilator or any part of any sewer or drain without written authorization from the Department of Public Works;

(3) Remove any protection which is placed across freshly paved or repaved streets, sidewalks, or other public or private works projects;

(4) Throw stones, bricks, or other missiles into any street, yard, vacant lot, public park, or square;

(5) Lock or unlock, without authority, or break open, any gates or any public square, park, or playground of the village;

(6) Place any obstruction within 15 feet of any fire hydrant or open any valve box or manhole cover controlling access to or use of a public utility or underground conduit; and/or

(7) Use any village facility or enter into any village property without authority.

(C) In addition to the penalty provided in ' 10.99, whoever violates any of the provisions of this section is subject to the restitution requirements of ' 132.03.

(Prior Code, ' 664.01) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 132.02 UNAUTHORIZED POSSESSION OF BICYCLES.

(A) No person shall willfully and without authority take possession of and ride or take a bicycle without intent to steal the same.

(B) In addition to the penalty provided in ' 10.99, whoever violates this section is subject to the restitution requirements of ' 132.03.

(Prior Code, ' 664.02) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 132.03 VIOLATIONS.

In addition to the penalty set forth in ' 10.99, the court may also, in its discretion, order a person convicted of violating any of the provisions of this chapter, as indicated, or the parent or legal guardian of any minor convicted of any such violation, to pay restitution or the cost of repair of any damage caused by any person convicted of violating any such provision.

(Prior Code, ' 664.03) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

CHAPTER 133: SEX OFFENSES

Section

- 133.01 Voyeurism
- 133.02 Indecent exposure

' 133.01 VOYEURISM.

No person shall engage in peeping in the windows of any inhabited place.
(Prior Code, '684.01) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

' 133.02 INDECENT EXPOSURE.

No person shall make any immoral exhibition or indecent exposure of his or her person.
(Prior Code, '684.02) (Ord. 122-A, passed 2-10-1997) Penalty, see ' 10.99

CHAPTER 134: WEAPONS AND EXPLOSIVES

Section

- 134.01 Discharging firearms and the like
- 134.02 [Reserved]
- 134.03 Casting, throwing, or propelling missiles

' 134.03 CASTING, THROWING, OR PROPELLING MISSILES.

No person shall cast, throw, or propel any missile on any street, alley, or other public place.
(Prior Code, ' 696.03) (Ord. 122-A, passed 7-10-1997) Penalty, see ' 10.99

' 134.01 DISCHARGING FIREARMS AND THE LIKE.

(A) No person shall, within the village, fire or discharge any firearm. An air gun, slingshot, or other device designed or adopted to shoot projectiles, may be used only on private property. This prohibition shall not apply to police officers acting within the lawful performance of their duties or other persons acting in the defense of themselves or others, provided the action is consistent with the laws of the state.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREARM. Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas.
(Prior Code, ' 696.01) (Ord. 135, passed 6-25-1984)
Penalty, see ' 10.99

' 134.02 [RESERVED].

