

Chapter 38 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross references:** Animals, ch. 6; fire prevention and protection, ch. 34; parks and recreation, ch. 42; traffic and vehicles, ch. 54; vegetation, ch. 62.

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ARTICLE I. IN GENERAL

Sec. 38-1. Penalty for violation of chapter.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine in an amount of not more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(Ord. No. 135, § IV, 10-23-78; Ord. No. 2000-03, 8-28-00)

Sec. 38-2. Nonpayment of admission fees.

It shall be unlawful for any person within the township to enter into any place, area or building or any part thereof, without having first paid any fee, charge or other consideration required for admission.

(Ord. No. 135, § II(20), 10-23-78)

Sec. 38-3. Consumption of liquor in public place.

It shall be unlawful for any person within the township to consume alcoholic liquor in or upon any public street, or other public place, or place or parking lot open to the public, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises.

(Ord. No. 135, § II(19), 10-23-78)

Sec. 38-4. Disobeying valid posted signs.

It shall be unlawful for any person within the township to disobey any validly posted

signs in any public park or other public place.

(Ord. No. 135, § II(17), 10-23-78)

Sec. 38-5. Drug paraphernalia.

- (a) It shall be unlawful for any person to use, possess, deliver or possess with intent to use or deliver drug paraphernalia knowing, or under the circumstances where one should reasonably know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, replace, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug unless prescribed by a physician, or otherwise expressly permitted or licensed by federal or state law.
- (b) As used in this ordinance, "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:
 - (1) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.
 - (2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.
 - (3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.
 - (4) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.
 - (5) A separation gin or sifter specifically designed for use in removing twigs and seed from, or in otherwise cleaning or refining, marijuana.
 - (6) An object specifically designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.
 - (7) 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.
 - (8) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - (9) 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.

(Ord. No. 9703, § II.A.23, 1-12-98)

Sec. 38-6. Fireworks.

It shall be unlawful for any person within the township to discharge, offer for sale, or possess any fireworks except of the type and under the conditions permitted by state law.

(Ord. No. 2005-02, 4-25-05)

Secs. 38-7--38-25. Reserved.

ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS*

*Cross references: Fire prevention and protection, ch. 34.

Sec. 38-26. Furnishing of false name or address.

It shall be unlawful for any person within the township to knowingly furnish to any police officer, or other official of the township, a false name or address in connection with an arrest for the commission of any crime or misdemeanor.

(Ord. No. 135, § II(21), 10-23-78)

Sec. 38-27. Township premises.

It shall be unlawful for any person to loiter within the township or to remain on the premises of any township building, or any lands or properties owned by the township, unless such person is present for the purpose of conducting business with township officials or attending, participating in or observing any hearing or meeting or recreational gathering held in such township buildings or property.

(Ord. No. 2005-02, 4-25-05)

Secs. 38-28--38-45. Reserved.

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 38-46. Trespass.

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do, or after such lands or premises have been previously posted with a conspicuous notice forbidding any trespass thereon by the owner or occupant, or agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or agent or servant of either, who, without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor.

(Ord. No. 135, § II(18), 10-23-78)

State law references: Similar provisions, MCL 750.552.

Sec. 38-47. Destruction, damaging or defacement of property.

It shall be unlawful for any person within the township to willfully destroy or damage in any manner, deface, destroy, injure or tamper with any property not his own, or without proper authority, or in any manner mar the walls of any building or any fence, tree or pole within the township, or 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, standing, or stored, without authority from the official custodian of such property.

(Ord. No. 135, § II(5), 10-23-78)

Secs. 38-48--38-70. Reserved.

ARTICLE IV. OFFENSES AGAINST PUBLIC PEACE

Sec. 38-71. Breach of peace.

- (a) Any person who shall 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 township is disturbed, shall be guilty of a misdemeanor.
- (b) Any person who shall permit or allow any loud noises, electrical, mechanical, human or animal in origin, to be emitted from any place occupied or controlled by him/her so as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons shall be guilty of a misdemeanor.

(Ord. No. 135, § IIA(9), 10-23-78; Ord. No. 2000-03, 8-28-00; Ord. No. 2005-02, 4-25-05)

State law references: Disturbing public places, MCL 750.170.

Sec. 38-72. Creation of noise.

Loud noise is defined as a sound which is disagreeable or loud, destroying the peace and tranquility of any person or persons within the surrounding neighborhood.

It shall be unlawful for any person within the township to:

- (1) Create any loud noises by the erection, including excavation therefore, demolition, alteration, maintenance or repair of any property or the excavation of any streets or highways at any time, except between the hours of 7:00 a.m. and 11:00 p.m., except as may be necessary for emergency construction operations or repairs, or as may be necessary as determined by the board.
- (2) Create or allow any loud noises by the use of machinery, including motor vehicles or motor equipment, manufacturing or industrial processes of any kind, at a place so as to reasonably disturb the peace and quiet, or comfort or repose of any person in a residential home or unit between the hours of 11:00 p.m. and 7:00 a.m., provided such noise continues for a period of three minutes or more, or, if of shorter duration, is intermittent so that the noise occurs at least three

times within a one-hour period or as may be necessary as determined by the board.

- (3) Gun or race the engine of any motor vehicle, including any motorcycle or motor driven cycle or boat or snowmobile, or run or operate a motor vehicle, motorcycle or motor driven cycle or snowmobile without a muffler in good working order (one which in constant operation prevents excessive or unusual noise and annoying smoke); a person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motorcycle, motor driven cycle or any motor vehicle or snowmobile at any place within the township;
- (4) Operations or activities which cause or create measurable noise levels exceeding the maximum sound intensity levels measured in decibels as prescribed in this section, as measured at or within five feet of any home or residential unit, between the hours of 11:00 p.m. and 7:00 a.m.:
 - a. Pre-1960 octave, American Standards Association, Z24.

TABLE INSET:

| Octave Band Cycles Per Second | Decibels |
|----------------------------------|----------|
| 00 to 74 | 70 |
| 75 to 149 | 62 |
| 150 to 299 | 56 |
| 300 to 599 | 49 |
| 600 to 1,199 | 44 |
| 1,200 to 2,399 | 39 |
| 2,400 to 4,799 | 33 |
| 4,800 and above | 31 |

- b. Post-1960 preferred frequencies.

TABLE INSET:

| Cycles Per Second | Decibels |
|-------------------|----------|
| 31.5 | 72 |
| 63 | 68 |
| 125 | 62 |
| 250 | 57 |
| 500 | 50 |
| 1,000 | 46 |
| 2,000 | 39 |
| 4,000 | 32 |
| 8,000 | 28 |

(Ord. No. 135, § II(15), 10-23-78; Ord. No. 2001-03, 11-26-01; Ord. No. 2005-02, 4-25-05)

Sec. 38-73. Tumultuous conduct.

No person shall disturb, incite or aid in disturbing the public peace by loud, violent,

tumultuous, offensive or obstreperous conduct, or party or shall make or participate in making any improper noise or disturbance, riot or breach of the peace, or shall engage in any illegal or improper act. No person shall knowingly permit any such conduct upon any premises owned or possessed by him or under his control.

(Ord. No. 135, § IIA(6), 10-23-78; Ord. No. 2005-02, 4-25-05)

Sec. 38-74. Disturbing worship or any other assembly.

It shall be unlawful for any person to disturb or disquiet any congregation or assembly met for religious worship or any other assembly gathered for lawful purposes by making any noise or making any profane discourse or engaging in any indecent behavior in or near the place of worship as to disturb the solemnity of the meeting.

(Ord. No. 135, § IIA(10), 10-23-78; Ord. No. 2005-02, 4-25-05)

Sec. 38-75. Loitering.

(a) 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 lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It 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) It shall be unlawful for any person within the township 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.
- (4) Collect or stand in crowds for illegal or mischievous purposes in any public place.

(Ord. No. 135, § IIA(7), 10-23-78; Ord. No. 2005-02, 4-25-05)

State law references: Certain loiterers deemed disorderly persons, MCL 750.167.

Sec. 38-76. Sound amplification.

- (a) It shall be unlawful for any person within the township to create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place within the township in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort or repose of any person.
- (b) It shall be unlawful for any person within the township to create any loud noise by the playing, using, operating, or permitting to be played, used or operated, a radio, "boom box," receiving set, stereo, or other electronic sound device inside or outside of a parked or moving motor vehicle (including motorcycles and mopeds), so as to produce sound that is clearly audible at a distance of 50 feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m., or clearly audible at a distance of 25 feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. No. 135, § II(14), 10-23-78; Ord. No. 9702, 3-9-98)

Sec. 38-77. Sale, gift or furnishing of alcoholic beverages to drunk or disorderly persons.

It shall be unlawful for any person within the township to knowingly sell, give, or furnish liquor, wine, or beer to any drunken, intoxicated or disorderly person.

(Ord. No. 135, § II(16), 10-23-78)

Sec. 38-78. Social gathering or party.

- (a) It shall be unlawful for any person within the township to use any premises or suffer any premises under his/her or its control to be used so as to destroy the peace and tranquility of any person or persons within the surrounding neighborhood. This includes, but is not limited to, any person who is the owner, occupant, tenant or has any other possessory interest or premises in the township, who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a social gathering or party which is, or during the course thereof becomes, a nuisance party as defined in subparagraph (b) below.
- (b) It shall be unlawful for any person within the township to sponsor, conduct, host, invite, suffer, permit, continue or allows to continue a nuisance party, as hereinafter defined. For the purpose of this subsection, the term "nuisance party" means a social gathering or party which is conducted on premises in the township and which, by reason of the conduct of those persons in attendance, results in any one or more of the following occurrences or conditions:
 - 1. Consumption of alcoholic beverages in public or public drunkenness so as to cause a public disturbance;
 - 2. Public urination or defecation;

3. The unlawful sale or furnishing to minors or consumption by minors of alcoholic beverages;
4. The unlawful deposit of trash or litter on public or private property that belongs to others;
5. The destruction of public or private property;
6. The generation of pedestrian or vehicular traffic or parking of motor vehicles which obstruct the free flow of residential traffic or interferes with the ability to render emergency services;
7. Excessive, unnecessary or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood;
8. Public disturbances, brawls, fights or quarrels;
9. Assembly of persons in excess of limits imposed by conditions, rules or requirements of lease or occupancy agreement;
10. Any similar conduct which annoys, injures, or endangers the safety, health, comfort, or repose of the neighboring residents;
11. Any conduct which results in indecent or obscene conduct, or immoral exhibition or indecent exposure by persons at the social gathering.

(Ord. No. 2005-02, 4-25-05)

Sec. 38-79. Telephone use.

It shall be unlawful for any person within the township to, by the use or means of telephone perform any of the following:

- (a) Disturb the peace, quiet, or privacy of any other person or family by repeated calls intended to harass or annoy the person or family to whom the calls are made;
- (b) Use obscene or offensive language, or suggest any lewd or lascivious act;
- (c) Attempt to extort money or anything of value from any persons;
- (d) Threaten any physical violence or harm to any person;
- (e) Repeatedly and continuously ring the telephone of any person with intent to disturb or harass such person;
- (f) Knowingly and intentionally make false report of a crime, fire, traffic crash, or medical emergency.

(Ord. No. 2005-02, 4-25-05)

Secs. 38-80--38-100. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC MORALS

Sec. 38-101. Indecent or obscene conduct.

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

(Ord. No. 135, § IIA(1), 10-23-78)

State law references: Such person deemed a disorderly person, MCL 750.167(1)(f).

Sec. 38-102. Indecent exposure.

It shall be unlawful for any person within the township to knowingly make any open or indecent exposure of his person or the person of another.

(Ord. No. 135, § IIA(1), 10-23-78; Ord. No. 2005-02, 4-25-05)

State law references: Similar provisions, MCL 750.335a.

Sec. 38-103. 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.

Sec. 38-104. Fortunes or speculation games.

It shall be unlawful for any person within the township to tell or pretend to tell fortunes for hire, gain, reward or profit whether by means of cards, token trances, inspection of the hands or skull, mind reading, consulting the movements of the heavenly bodies, or otherwise; or for hire, gain reward or profit pretend to enable another to recover lost or stolen property, pretend to give success in any business enterprise, speculation or game of chance, or by improper means induce any person to dispose of property in favor of another;

(Ord. No. 2005-02, 4-25-05)

Secs. 38-105--38-125. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-126. Possession of knives or other deadly weapons or instruments.

It shall be unlawful for any person within the township to possess a knife, dagger, dirk, razor, stiletto, machete or knife with a blade over three inches long, or a club, nightstick, bludgeon weapon of the martial arts or any other deadly weapon or instrument without a legitimate cause which is related to the person's occupation or business and except on the person's own private property.

(Ord. No. 135, § II(22), 10-23-78)

Sec. 38-127. Threatening communications.

- (a) It shall be unlawful for any person within the township to verbally or by delivery of a written or electronic communication, threaten any physical violence or harm to any person or any member of such person's family.
- (b) It shall be unlawful for any person within the township to deliver or cause to be delivered any letter, postal card, electronic writing or other object containing obscene language or containing any words, letters, or marks with the intent to frighten, intimidate, or cause annoyance to any other person and/or with the intent to extort or gain money or property of any description belonging to another.

(Ord. No. 2005-02, 4-25-05)

Secs. 38-128--38-145. Reserved.

ARTICLE VII. ENFORCEMENT EXPENSES

Sec. 38-146. Purpose of article.

- (a) The township determines that part of its normal service is to notify all residents, inhabitants and persons within the township of all its ordinances, rules, and regulations, so as to provide for a safe, healthful community for all persons to live, rest, work and reside. In excess of 99 percent of those persons within the township voluntarily comply with its ordinances, rules and regulations and less than one percent refuse to comply. Extra expenditures are made by the township to enforce compliance. The township has determined that the extra expenses caused by those who unreasonably refuse to comply with the township ordinances should not be borne in entirety by the residents of the township but should be borne by those who arbitrarily, unreasonably and voluntarily refuse to comply.
- (b) Such assessment of costs are not considered a punishment for violation of any township ordinance but an equitable assessment of extra costs and expenses incurred by the township against those who voluntarily and arbitrarily continue to refuse to comply with the township rules, ordinances and regulations.

(Ord. No. 154, § 2, 3-12-90)

Sec. 38-147. Definitions.

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

Extra expenditures means the actual costs and expenses of the township including charges by legal, professional or other contract service hired by the township and operating under the request or direction of the township reasonably necessary to require compliance by any person with the township ordinance, rules or regulations, specifically excluding, however, any costs, services or time expended by township employees.

Notice by township means written communication to any person from the township to such person at their last known address by regular mail, and includes a copy of the ordinance, rules or regulations and specific details on the alleged violation thereof.

Unreasonable resistance means a failure to comply with township ordinances, rules or regulations after being notified by the township of the existence of the ordinance, rule or regulation, and the failure to comply with the township ordinance, and thereafter continued violation and failure to comply with the township ordinance for a period of 60 days or more after such notice.

(Ord. No. 154, § 3, 3-12-90)

Cross references: Definitions generally, § 1-2.

Sec. 38-148. Liability of persons for unreasonable resistance.

Any person who violates township ordinances, rules or regulations and who unreasonably resists compliance with such ordinance, rules or regulations shall be liable to the township for the extra expenditures made by the township in order to require that person to conform with the township ordinance, rules or regulations.

(Ord. No. 154, § 4, 3-12-90)

Sec. 38-149. Collection of extra expenditures.

The township clerk on the direction of the township superintendent may bill for extra expenditures when incurred and paid by the township from time to time, but in no event shall such billing occur more than ninety (90) days after the entire matter is resolved, terminated or the unusual resistance is settled and completed. The billing shall be mailed to the offending person or entity by first class mail at his last known address and shall be payable within thirty (30) days from the date of billing.

(Ord. No. 154, § 5, 3-12-90; Ord. No. 2009-03, 4-13-09)

Sec. 38-150. Failure to pay.

Any failure by the person described in this article is liable for extra expense to pay the bill within 30 days from service shall be considered in default. In case of default, the township may commence civil suit to recover the expenses as set forth on the bill.

(Ord. No. 154, § 6, 3-12-90)

Secs. 38-151--38-170. Reserved.

ARTICLE VIII. MUNICIPAL CIVIL INFRACTIONS*

***Cross references:** Penalties, § 1-11.

Sec. 38-171. Definitions.

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

Act means Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8701 et seq.), as amended.

Authorized township official means a police officer or other personnel of the township authorized by this article or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

Bureau means the 58th District Court, as established by this article.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized township official, directing a person to appear at the township Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under sections 8396 and 8707(6) of the Act.

(Ord. No. 384, § 1(119.2), 7-21-94; Ord. No. 2000-03, 8-28-00)

Cross references: Definitions generally, § 1-2.

Sec. 38-172. Designation of authorized township officials.

The following personnel of the township have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices, pursuant to this article:

- (1) Police officers.
- (2) Fire chief.
- (3) Building/zoning inspector.
- (4) Plumbing inspector.
- (5) Mechanical inspector.
- (6) Electrical inspector.
- (7) Code enforcement officer.
- (8) Township supervisor.
- (9) Department of public works director.
- (10) Township clerk.

(11) Township superintendent.

(Ord. No. 384, § I(119.3), 7-21-94; Ord. No. 2000-03, 8-28-00; Ord. No. 2009-03, 4-13-09)

Sec. 38-173. Commencement of action.

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court, or a municipal civil infraction violation notice, directing the alleged violator to appear at the township Municipal Ordinance Violations Bureau.

(Ord. No. 384, § I(119.4), 7-21-94; Ord. No. 2000-03, 8-28-00)

Sec. 38-174. Citations--Issuance and service.

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

- (1) *Appearance time.* The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (2) *Appearance place.* The place for appearance shall be specified in the citation.
- (3) *Numbering.* Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be retained by the township and issued to the alleged violator as provided by section 8705 of the Act.
- (4) *Oath.* A citation for a municipal civil infraction, signed by an authorized township official, shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (5) *Duty of person witnessing civil infraction.* An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (6) *Reasons for issuance.* An authorized township official may issue a citation to a person if:
 - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.
- (7) *Service.* Municipal civil infraction citations shall be served by an authorized township official as follows:

- a. Except as provided by subsection (7)b of this section, an authorized township official shall personally serve a copy of the citation upon the alleged violator.
- b. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

(Ord. No. 384, § I(119.5), 7-21-94; Ord. No. 2000-03, 8-28-00)

Sec. 38-175. Same--Contents.

- (a) A municipal ordinance citation shall contain the name and address of the alleged violator, the township ordinance alleged to have been violated, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he may do one of the following:
 - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance, or in person or by representation.
 - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
 - b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (c) The citation shall also inform the alleged violator of all of the following:
 - (1) If the alleged violator desires to admit responsibility with explanation, in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (3) A hearing shall be an informal hearing unless a formal hearing is requested by

the alleged violator or the township.

- (4) At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (5) At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

(Ord. No. 384, § I(119.6), 7-21-94; Ord. No. 2000-03, 8-28-00)

Sec. 38-176. Municipal ordinance violations bureau.

- (a) *Established.* The township hereby establishes a municipal ordinance violations bureau (bureau), as authorized under section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized township officials, and to collect and retain civil fines and costs as prescribed by this article or any ordinance.
- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at the 58th District Court, 3100 Port Sheldon, and shall be under the supervision and control of the 58th District Court. The 58th District Court, subject to the approval of the township, shall adopt rules and regulations for the operation of the bureau.
- (c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice, as compared with a citation, has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this article shall prevent or restrict the township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection afforded by law.
- (d) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as provided for citations in section 38-174(6) and (7). In addition to any other information required by this article or other ordinance, the notice of

violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

- (f) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court, and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Ord. No. 384, § I(119.7), 7-21-94; Ord. No. 2000-03, 8-28-00)

Sec. 38-177. Failure to appear; penalty for violation of article.

A person served with a municipal civil infraction citation, as provided in section 38-174(7) who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

(Ord. No. 384, § I(119.8), 7-21-94)

Sec. 38-178. Schedule.

The following violations are civil infractions under this Code and are listed in the Schedule of Civil Fines (See Appendix C):

TABLE INSET:

| Subject | Section(s) of this Code |
|---------------------------|-------------------------|
| Zoning Ordinance | 1-5(12) |
| General penalty | 1-11 |
| Dog ordinance | 6-27 |
| Electrical Code | 10-52 |
| Mechanical Code | 10-82 |
| Property Maintenance Code | 10-127 |
| Moving of Buildings | 10-176 |
| Junk yard | 14-28 |

| Subject | Section(s) of this Code |
|-----------------------------------|----------------------------|
| Cable ordinance | 16-1--16-3 |
| Cemeteries | 18-3 |
| Dikes | 26-27 |
| Mineral mining | 26-84(f) |
| Fire fighting equipment | 34-4 |
| Open burning | 34-147 |
| Parks and Recreation | 42-3 |
| Solid waste | 46-4 |
| Water system | 58-28 |
| Utilities | 58-111(b) |
| Control of weeds and plant growth | 62-28 |

(Ord. No. 9806, 6-22-98; Ord. No. 2000-03, 8-28-00)

Secs. 38-179--38-190. Reserved.

ARTICLE IX. CURFEW FOR MINORS

Sec. 38-191. Minors under 12 years of age.

No minor under the age of 12 years of age shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10:00 p.m. and 6:00 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.

(Ord. No. 2005-03, § A, 1-10-05)

Sec. 38-192. Minors under 16 years of age

A minor under the age of 16 years of age shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12:00 midnight and 6:00 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 upon an errand or other legitimate business directed by his parent or guardian.

(Ord. No. 2005-03, § B, 1-10-05)

Sec. 38-193. Aiding or abetting; violation.

Any person of the age of 16 years or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 16 years to violate the provisions of sections 38-191 and 38-192 above, hereof is guilty of a misdemeanor.

(Ord. No. 2005-03, § C, 1-10-05)

Secs. 38-194--38-200. Reserved.

ARTICLE X. ENGINE BRAKING

Sec. 38-201. Definitions.

For purposes of this section, "engine brakes" are defined as an exhaust or exhaust manifold powered auxiliary braking system found on trucks. The terms "truck" and "truck tractor" used in this section shall have the same meaning as provided in the Michigan Motor Vehicle Code, as amended from time to time.

(Ord. No. 2006-04, § 1, 6-12-06)

Sec. 38-202. Prohibited.

The township board hereby finds that engine brakes are an auxiliary system and that drivers of trucks have other means of braking. In the township, the use and application of engine brakes can be noisy and disruptive of the peace and tranquility of nearby residential areas. The use and application of engine brakes are hereby prohibited and are declared to be unlawful within the borders of Georgetown Township (except in an emergency situation) with the exception of fire apparatus.

(Ord. No. 2006-04, § 2, 6-12-06)

Sec. 38-203. Penalty.

A person who violates a prohibition on the use of engine brakes within the borders of Georgetown Township under this article is responsible for a municipal civil infraction.

(Ord. No. 2006-04, § 3, 6-12-06)

ARTICLE XI. FIREARMS DISCHARGE

Sec. 38-210. Purpose.

The purpose of the ordinance from which this article was derived is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the Georgetown Township, by the regulation of the use of firearms within said township and the approval of firearm ranges. Further, the purpose of the ordinance from which this article was derived is to regulate the discharge of firearms in residential districts to protect adjacent people and property from the careless discharge of weapons which creates an unsafe environment. The ordinance from which this article was derived is not intended to conflict with state law with regard to hunting and it is not intended to regulate the legal possession of firearms.

(Ord. No. 2009-08, § 1, 10-26-09)

Sec. 38-211. Title.

The ordinance from which this article was derived shall be known and cited as the Georgetown Township Firearms Discharge Ordinance.

(Ord. No. 2009-08, § 2, 10-26-09)

Sec. 38-212. Definitions.

- (a) *Firearm.* The word "firearm," as used in the ordinance from which this article was derived, shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass by means of explosives.
- (b) *Approved ranges.* An "approved range," as used in the ordinance from which this article was derived, shall mean a range for the shooting of firearms, constructed in such manner as to prevent the projectile from any weapon so fired on said range from exceeding the physical limits of said range.
- (c) *Building.* The words "building," "structure" or "edifice," as used in the ordinance from which this article was derived, shall be construed to mean a space within its walls and usually, but not necessarily, covered with a roof.

(Ord. No. 2009-08, § 3, 10-26-09)

Sec. 38-213. Regulation of use of firearms.

No person shall, from after the effective date of the ordinance from which this article was derived, discharge any firearm within the township, except in compliance with the ordinance from which this article was derived and except:

- (1) Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.
- (2) A person shall be permitted to discharge any weapon for the protection of his/her life and his/her property.
- (3) A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the township board, for the specified type of weapon so discharged.

(Ord. No. 2009-08, § 4, 10-26-09)

Sec. 38-214. Discharge restrictions; structures.

It shall be unlawful, after the effective date of the ordinance from which this article was derived:

- (1) To discharge any firearm within an area of three hundred (300) feet of any building, structure or edifice, whether occupied or unoccupied, within any zoning district without the permission of the occupant or owner unless in an approved range.
- (2) To discharge any firearm upon any platted land, or within three hundred (300) feet of any public or private school real property within any district unless in an approved range.

(Ord. No. 2009-08, § 5, 10-26-09)

Sec. 38-215. Approved range.

The township may approve firearms practice ranges provided that said range so approved shall be so constructed as to prevent the discharge from the specified type of firearms exceeding the limits of said approved range and provided further that said range complies with all requirements of the township ordinances, including the Zoning Ordinance. Approval of any practice range shall specify in said approval the type of firearm that may be used on said practice range. Use of any firearms not approved for said practice range shall be grounds for withdrawal of approval of said range.

(Ord. No. 2009-08, § 6, 10-26-09)

Sec. 38-216. Penalties.

Any person who violates any of the provisions of the ordinance from which this article was derived shall be deemed guilty of a civil infraction.

(Ord. No. 2009-08, § 7, 10-26-09)