

THE VILLAGE OF EDMORE ORDAINS
AN ORDINANCE TO AMEND SECTION 1, 2, 3 and 6 OF ORDINANCE NO 273-05 "OFFENSES
AGAINST PUBLIC PEACE, SAFETY AND MORALS" AND THE REPEAL OF SECTION 7. DISCARDED
REFRIGERATORS OF ORDINANCE NO 273-05.
ORDINANCE NO 2013-5
VILLAGE COUNCIL
VILLAGE OF EDMORE
MONTCALM COUNTY, MICHIGAN
Adopted: December 9, 2013
Published: December 20, 2013
Effective: January 9, 2014

Section 1. DEFINITIONS:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and not merely directory.

- (a) VILLAGE: is the Village of Edmore.
- (b) PERSON: is any person, firm, partnership, association, corporation, company, club, or any kind of organization.
- (c) MINOR: is a person, male or female, under the age of eighteen (18) years.
- (d) "NUDITY" shall be defined as:
 - (1) The showing of the human male or female genitals or pubic area with less than a fully opaque covering; or
 - (2) The showing of the human male or female buttocks or anus with less than a fully opaque covering; or
 - (3) The showing of the female breast with less than a fully opaque covering of any part of the nipple; or
 - (4) The showing of covered male genitals in a discernible state.
- (e) "PUBLIC PLACE" shall be defined as:
 - (1) All out-or-doors land and areas open to the general public including public streets and alleys; and
 - (2) All buildings, rooms, theaters, athletic grounds, bars, dance halls and lounges open to the public whether or not entrance was gained by payment of an admission charge.
- (f) PENALTIES shall be defined as:
 - (1) Violations of this ordinance shall be a misdemeanor, punishable by a fine of up to \$500.00.

Section 2. NO PERSON IN THE VILLAGE SHALL

- (a) Tumultuous Conduct Disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offense or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by them or under their control
- (b) Assault. Beat, strike, wound, imprison, or inflict violence on another, or assault another with intent to commit murder, rape, mayhem, robbery or larceny. Nor shall any person assault another with a lethal weapon, instrument or thing with intent to commit upon the person of another any bodily injury.
- (c) Fighting. Fight another person except in the boxing exhibitions duly authorized and licensed under the law.
- (d) Unlawful Occupancy. Occupy, lodge, or sleep in any vacant lot, vacant or unoccupied building or other structure, or in any automobile, truck or other vehicle without the permission of the owner or persons entitled to the possession of the same.
- (e) Fraudulent Schemes. Engage in any fraudulent scheme, device or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.
- (f) Conduct in School or School Grounds.
 - (1) Create a disturbance in any private, public or parochial school or on the surrounding school grounds or in the fields or grounds lawfully used for school activities.
 - (2) Fail to leave school premises immediately when so directed by the principal or his designee.
- (g) Fireworks.
 - (1) Cast, throw, light or fire any squib, rocket, cracker, bomb, torpedo, grenade or other combustible firecracker or fireworks of any kind prohibited under the slated law 750.243A within the limits of the Village of Edmore.
 - (2) Discharge, ignite or offer for sale of possess any fireworks except the type and under the conditions permitted by the Michigan Fireworks Safety Act (MCL 28.451 *et seq*) as adopted ordinance 2012-1.

Section 3. OFFENSES AGAINST PUBLIC SAFETY

No person in the Village of Edmore shall:

- (a) Interfere with Police Department.
 - (1) Resisting Officer. Resist any Police Officer, any member of the Police Department, or any person duly empowered with police authority, including officers of the court, while in the discharge or apparent discharge of this duty, or in any way interfere with or hinder them in the discharge of their duty.

(2) Assisting in Escape. Offer or endeavor to assist any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or attempts to escape from such custody.

(3) Failure to Stop Upon Police Signal. Attempt to flee or elude an officer in uniform or properly identified as an officer, after said officer has given a visual or audible signal by hand, voice, or other means, to stop.

Section 4. OFFENSES AGAINST MORALS

No person in the Village of Edmore shall:

- (a) Window Peeping. Look, peer, or peep into or be found loitering around or within view of any window within a building occupied as the residence of another with the intent of watching or looking through said window to observe any person undressed or in the act of undressing or dressing.
- (b) Sexual Intercourse. Undertake or attempt to undertake sexual intercourse or undertake the motion of sexual intercourse on any public lawn, sidewalk, street, alley, park, yard, school grounds, cemetery or parking lot open to the public or in view of the public from public property.
- (c) Nudity. Appear in a state of nudity in any public place, including any building or establishment open to the public in the Village of Edmore.

Section 5. MINOR CURFEW

- (a) It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 10:00 p.m. and 6:00 a.m. and on days Monday through Thursday unless such minor is accompanied by a parent, guardian, custodian, or unless such minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein above mentioned.
- (b) It shall be unlawful for any minor under the age of eighteen (18) to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks, or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 11:00 p.m. and 6:00 a.m. and on days Friday through Sunday unless such minor is accompanied by a parent, guardian, custodian, or some adult eighteen (18) years of age delegated by the parent or guardian to accompany such minor, or unless

such minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein above mentioned.

- (c) It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 12:00 a.m. and 6:00 a.m. unless such minor is accompanied by a parent, guardian, custodian, or adult delegated by the parent or guardian to accompany such minor, or unless such minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein mentioned above.
- (d) Any person assisting, aiding, abetting or encouraging any minor under the age of eighteen (18) years found violating the provisions of this Ordinance shall be guilty of a violation of this Ordinance.
- (e) Police officers may, in their discretion, take into custody any minor under the age of seventeen (17) years found violating the provisions of this Ordinance and return them to their place of abode, or may make a complaint against such minor under the Juvenile laws of this state, provided that, if after investigation by the officer taking such minor into custody, it is found that such minor is incorrigible or willfully absents themselves from the home, and that the parents, guardians, or legal custodian are unable to control such minor, then such complaint will be made against such minor under the Juvenile law of this state.

Section 6. FIREARMS, BOWS, AND SLINGS

- (a) It shall be unlawful for any person to shoot with a slingshot, bow and arrow within the Village of Edmore limits unless the Chief of Police has approved such location.
- (b) It shall be unlawful for any person to use or shoot an air gun or air rifle (gas or spring), or permit the same to be done within the limits of the Village of Edmore, except on such person's own premises when the slug of the bullet is not projected outside of such person's premises.
- (c) It shall be the duty of the Chief of Police and all officers of the Village of Edmore to seize all such air and spring guns or rifles found in use in violation of this section. Upon judicial determination by the court having jurisdiction of such offenses and of the person committing the same, that such gun or rifle was used in violation of

this Ordinance. Such gun or rifle shall be destroyed or disposed of by the Chief of Police in a manner directed by the court.

- (d) Except in the lawful defense of his person, family or property, no person shall fire or discharge within the Village any firearm, or any toy firearm, in which any explosive substance can be used.
- (e) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps gunpowder, or any other explosive substance.

Section 7. DISORDERLY PERSONS

- (a) It is unlawful for any person to make, aid or assist in making any riot, disturbance or improper diversion, or to aid in assisting in collecting a crowd for any unlawful Purpose.
 - (b) No person shall menace or threaten injury to the person or property of another, or put any person in fear.
 - (c) No person in a public place shall be intoxicated and also endanger directly the safety of another person or the safety of property, or act in a manner that causes a public disturbance.
 - (d) No person shall permit or suffer any house, building or other place owned or occupied by him to be a resort for noisy, boisterous, or disorderly person, nor permit or suffer therein any noisy, boisterous, or disorderly person. Or knowingly allow minors to be in violation of any sections of this ordinance.
 - (e) No person, group of persons, firm or corporation shall disrupt or hinder the orderly administration of government
- (1) Penalty. Violation of this section shall be a misdemeanor, which is punishable by a maximum fine of \$500.00.

Section 8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon publication in a newspaper duly Circulated within the Village of Edmore.


Adoption of the ordinance was moved by __Schuitema__ and supported by __Rasmussen__.

Voting for: Guild, Ashbaugh, Burr, Rasmussen, Deja, Schuitema

Voting against:

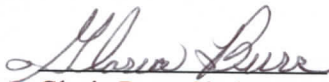
Excused:

The ordinance was declared amended/adopted.


Village President

Dec 20, 2013
Date of Publication

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on December 9, 2013, noticed in accordance with state law.


Gloria Burr, Clerk