

CODIFIED ORDINANCES OF CASEVILLE  
PART SIX - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF CASEVILLE

PART SIX - GENERAL OFFENSES CODE

CHAPTER 602

Administration and Enforcement

602.01 Obstructing official business.            602.99 Penalty.

CROSS REFERENCES

Public safety generally - see M.C.L.A. Secs. 750.493 et seq.

Police Department - see ADM. Ch. 254

Obstructing officers and employees - see GEN. OFF. 666.01(28)

Assaulting police officers - see GEN. OFF. 666.01(29)

602.01            OBSTRUCTING OFFICIAL BUSINESS.

No person shall hinder, impede, delay, interrupt, oppose or thwart any officer, agent or employee of the Village in the performance of his or her work or duties. (Ord. 101. Passed 2-1-54.)

602.99            PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 604  
Alcoholic Beverages

604.01	Selling to or serving underage persons.	604.03	Consumption on public property.
604.02	Purchase, consumption or possession by underage persons; appearance tickets.	604.04	Public intoxication.
604.025	Furnishing and use of fraudulent identification to purchase alcoholic liquor.	604.05	Open containers in motor vehicles.
		604.06	Minors on licensed premises. (Repealed)
		604.99	Penalty.

CROSS REFERENCES

Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.

Sales on Sundays and municipal election days - see M.C.L.A.

Sec. 436.19e

Alcoholic beverages at open house parties - see GEN. OFF. 658.02

**604.01 SELLING TO OR SERVING UNDERAGE PERSONS.**

No person, either directly or indirectly, by himself or herself, or by his or her clerk, agent, servant or employee, shall, at any time, sell, furnish, give or deliver any alcoholic liquor, beer or wine to any person unless such person has attained the age of twenty-one years. No person under the age of twenty-one years purchasing or offering to purchase beer, wine or other alcoholic beverage shall falsely represent himself or herself to be over the age of twenty-one or make false statements or give false information regarding his or her age to any police officer or to any person or employee in charge of any place where beer, wine and other alcoholic beverages are sold. No person shall make false representations in order to procure the sale or furnishing of beer, wine or other alcoholic beverage to a person under the age of twenty-one.

(Ord. 119. Passed 7-29-68.)

**604.02 PURCHASE, CONSUMPTION OR POSSESSION BY UNDERAGE PERSONS; APPEARANCE TICKETS.**

(a) No person under the age of twenty-one years shall purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section and M.C.L.A. 436.33a(1).

(b) This section does not prohibit a person less than twenty-one 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 Michigan Liquor Control Commission, or by an agent of the Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(c) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent or employee for a violation of this section.

(d) The consumption of alcoholic liquor by a person less than twenty-one years of age who is enrolled in a course offered by an accredited post-secondary 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 necessary ingredient of the course.

(e) The consumption by a person less than twenty-one years of age of sacramental wine in connection with religious services at a church, synagogue or temple is not prohibited by this section.

(f) Subsection (a) hereof shall not apply to a person less than twenty-one years of age who participates in either or both of the following:

- (1) An undercover operation in which the person less than twenty-one years of age 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 less than twenty-one years of age purchases or receives alcoholic liquor under the direction of the State Police, the Michigan Liquor Control Commission or a local police agency as part of an enforcement action, provided that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than twenty-one years of age is under the direction of

the State Police, the Commission or the local police agency and is part of the undercover operation. The State Police, the Commission or a local police agency shall not recruit or attempt to recruit a person less than twenty-one years of age for participation in an undercover operation at the scene of a violation of subsection (a) hereof.

(g) An officer of the Village Police Department who witnesses a violation of subsection (a) hereof may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor and issuing an appearance ticket.

(h) As used in this section, "appearance ticket" means a complaint or written notice, issued and subscribed by a law enforcement officer of the type described in subsection (g) hereof, directing a designated person to appear in a designated district or probate court at a designated time in connection with the alleged violation. The appearance ticket shall consist of the following parts:

- (1) The original, which shall be a complaint or notice to appear by the officer and shall be filed with the court;
- (2) The first copy, which shall be an abstract of the court record;
- (3) The second copy, which shall be delivered to the alleged violator; and
- (4) The third copy, which shall be retained by the law enforcement agency.

(i) A judge may accept a plea of guilty by the defendant of the allegations of an appearance ticket and the court shall then impose a fine, license suspension or other sanction as authorized by Section 604.99. If the defendant denies the allegations of the appearance ticket, the court shall then set a date for trial or hearing.  
(Res. 96-76. Passed 6-27-96.)

**604.025 FURNISHING AND USE OF FRAUDULENT IDENTIFICATION  
TO  
PURCHASE ALCOHOLIC LIQUOR.**

No person shall furnish fraudulent identification to a person less than twenty-one years of age, and no person less than twenty-one years of age shall use fraudulent identification, for the purpose of purchasing alcoholic liquor.  
(Res. 96-76. Passed 6-27-96.)

**604.03 CONSUMPTION ON PUBLIC PROPERTY.**

No alcoholic liquor shall be consumed on any City owned property, streets, sidewalks or parks without the approval from City Council.  
(Ord. 119. Passed 7-29-68; Ord. 2016-08. Passed 12-12-16.)

2017 Replacement

**604.04 PUBLIC INTOXICATION.**

No person who is intoxicated in a public place shall either directly endanger the safety of another person or property or act in a manner that causes a public disturbance.

(Ord. 104B. Passed 10-10-78.)

**604.05 OPEN CONTAINERS IN MOTOR VEHICLES.**

No person shall transport or possess any alcoholic liquor in a container which is open or uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on the public streets of the Village.

If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped, or upon which the seal is broken, shall be encased or enclosed.

This section shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

(Ord. 104B. Passed 10-10-78.)

**604.06 MINORS ON LICENSED PREMISES. (REPEALED)**

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

**604.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

- (a) Whoever violates Section 604.02 is responsible for a civil infraction and shall be subject to the following civil fines and sanctions:
  - (1) For a first violation, a fine of not more than one hundred dollars (\$100.00) and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) hereof.



(2) For a second violation, a fine of not more than two hundred dollars (\$200.00) and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services, as defined in Section 6107 of the Public Health Code, Act 368 of the Public Acts of 1978, being M.C.L.A. 333.6107, and designated by the administrator of substance abuse services, to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) hereof. The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (e) hereof.

(3) For a third or subsequent violation, a fine of not more than five hundred dollars (\$500.00) and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services, as defined in Section 6107 of Act 368 of the Public Acts of 1978, and designated by the administrator of substance abuse services, to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (d) hereof. The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (e) hereof.

(b) Fifty percent of the fines collected under subsection (a) hereof shall be deposited with the State Treasurer for deposit in the General Fund to the credit of the Department of Public Health for substance abuse prevention, treatment and rehabilitation services.

(c) Whoever violates Section 604.025 is guilty of a misdemeanor. The court shall order the Secretary of State to suspend, pursuant to Section 319(5) of Act 300 of the Public Acts of 1949, being M.C.L.A. 257.319, for a period of ninety days, the operator's or chauffeur's license of a person who is convicted of furnishing or using fraudulent identification in violation of Section 604.025, and the operator's or chauffeur's license of that person shall be surrendered to the court. The court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license.

(d) The court may order a person found violating Section 604.02 to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency, as defined in Section 6103 of Act 368 of the Public Acts of 1978, being M.C.L.A. 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

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(e) Immediately upon the entry of a conviction or a probate court disposition for a violation of Section 604.02, the court shall consider all prior convictions or probate court dispositions of Section 604.02, or a local ordinance or law of another state substantially corresponding to Section 604.02, and shall impose the following sanctions:

(1) If the court finds that the person has one such prior conviction or probate court disposition, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than ninety days nor more than 180 days. The court may order the Secretary of State to issue the person a restricted license after the first thirty days of the period of suspension in the manner described in subsection (f) hereof and provided for in Section 319 of Act 300 of the Public Acts of 1949, being M.C.L.A. 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the Secretary of State shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(2) If the court finds that the person has two or more such prior convictions or probate court dispositions, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 180 days nor more than one year. The court may order the Secretary of State to issue the person a restricted license after the first sixty days of the period of suspension in the manner described in subsection (f) hereof and provided for in Section 319 of Act 300 of the Public Acts of 1949, being M.C.L.A. 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the Secretary of State shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(f) In those cases where a restricted license is allowed under this section, the court shall not order the Secretary of State to issue a restricted license unless the person states under oath, and the court finds, based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, probation department, court-ordered community service program or educational institution, and does not have any family members or others able to provide transportation. The court order under subsection (e) hereof and the restricted license shall indicate the work location of the person to whom it is issued, and the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only one or more of the following:

- (1) To drive to and from the person's residence and work location;
- (2) To drive in the course of the person's employment or occupation;
- (3) To drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court;
- (4) To drive to and from the person's residence and the court probation department or a court-ordered community service program, or both; and
- (5) To drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(g) If license sanctions are imposed, immediately upon the entry of a court-ordered sanction pursuant to subsection (e) hereof, the court shall order the person convicted of the violation to surrender to the court his or her operator's or chauffeur's license. The court shall immediately forward a notice of court-ordered license sanctions to the Secretary of State. If the license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the finding is reviewed by the circuit court, the court may, ex parte, order the Secretary of State to rescind the suspension or restricted license issued pursuant to this section. Immediately following imposition of the sanction, the court shall forward a notice to the Secretary of State indicating the sanction imposed.

(h) A peace officer who has reasonable cause to believe a person less than twenty-one years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A legal presumption shall be made by the court that the person less than twenty-one years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates that the person's blood contained .02 percent or more by weight of alcohol. A person less than twenty-one years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction.

(i) A law enforcement agency, upon determining that a person less than eighteen years of age who is not emancipated pursuant to Act 293 of the Public Acts of 1968, being M.C.L.A. 772.1 to 772.6, allegedly consumed, possessed or purchased, or attempted to consume, possess or purchase, alcoholic liquor in violation of Section 604.02 shall notify the parent or parents, custodian or guardian of the person as to the nature of the violation if the name of the parent, guardian or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than forty-eight hours after the law enforcement

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agency determines that the person who allegedly violated Section 604.02 is less than eighteen years of age and not emancipated pursuant to Act 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice, including, but not limited to, notice in person, by telephone or by first-class mail. If a person less than seventeen years of age is incarcerated for violating Section 604.02, then his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(j) As used in this section:

(1) "Probate court disposition" means a probate court order of disposition for a child found to be within the provisions of Chapter XIIA of Act 288 of the Public Acts of 1939, being M.C.L.A. 712A.1 to 712A.31; and

(2) "Work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

(Res. 96-76. Passed 6-27-96.)

CHAPTER 606  
Animals

606.01	Presumption of ownership.	606.05	Declaration of nuisances.
606.02	Running at large; peace disturbances; property destruction.	606.06	Removal of dog excrement; vaccination and license.
606.03	Seizure and impounding.	606.07	Riding horses on streets or sidewalks.
606.04	Rabies prevention.	606.08	Pets and livestock.
		606.99	Penalty.

CROSS REFERENCES

Animal pounds - see M.C.L.A. Secs. 123.301 et seq., 750.70

Animal diseases generally - see M.C.L.A. Secs. 287.701 et seq.

Animals generally - see M.C.L.A. Secs. 287.701 et seq., 750.49 et seq., 752.21 et seq.

Killing animals - see GEN. OFF. 666.01(13)

Keeping of pets and livestock - see P. & Z. 1286.28

**606.01 PRESUMPTION OF OWNERSHIP.**

Any person who permits any dog or cat to remain about any premises owned or occupied by him or her for five days shall be deemed the owner of such dog or cat for purposes of this chapter.

**606.02 RUNNING AT LARGE; PEACE DISTURBANCES; PROPERTY DESTRUCTION.**

Any person owning, possessing or having charge of any dog or cat must conform with the following:

- (a) A dog must be under the immediate control of the owner by hand, voice, leash or fencing restraints on private property. No dog shall be unleashed on public property at anytime.
- (b) A vicious animal must be confined, unless securely muzzled and on a leash. Any dog or cat which has bitten a person or domestic animal without molestation, or which, by its actions, gives indication that it is liable to bite any person or domestic animal, shall be deemed vicious.
- (c) When in heat, a female dog or cat is to be confined.

- (d) An animal may not be allowed to be an annoyance due to loud, frequent or habitual barking, yelping or howling, or to damage or trespass on the property of others.  
(Ord. 90-3. Passed 9-10-90; Ord. 606-A. Passed 8-10-92; Ord. 2009-04. Passed 5-11-09.)

#### **606.03 SEIZURE AND IMPOUNDING.**

Any dog or cat found at large in the City, which dog or cat is doing any of the acts enumerated in or at large under circumstances prohibited by Section 606.02, or which is suspected of having rabies or having bitten any person or animal, may be seized and impounded by any police officer of the City, who may release such animal to the County Dog Warden.

#### **606.04 RABIES PREVENTION.**

(a) Any person who has in his or her possession a dog or cat which has contracted rabies, which has been subjected to the same, which is suspected of having rabies or which has bitten any person shall, upon demand of any police officer or the Health Officer, produce and surrender up such dog or cat to be held for observation as hereinafter provided.

(b) Any person owning or harboring a dog or cat which has been attacked or bitten by another dog or cat or other animal showing the symptoms of rabies shall immediately notify the Police Department of his or her possession of such animal.

(c) Any dog or cat impounded for observation for rabies shall be held until released by the Chief of Police or otherwise disposed of according to State statutes provided therefor.

(d) The Police Department shall notify the owner of every dog or cat which is impounded, if the owner of such dog or cat can be ascertained, as soon as possible after such dog or cat has been impounded.

#### **606.05 DECLARATION OF NUISANCES.**

Any dog found running at large or disturbing the peace under conditions set forth in this chapter shall be deemed to be a nuisance and shall be impounded as provided by law.

#### **606.06 REMOVAL OF DOG EXCREMENT; VACCINATION AND LICENSE.**

(a) All owners, custodians or handlers of any dog shall immediately pick up any droppings from the dog on all private, public or leased property that is not their property.

(b) All dogs shall have current rabies vaccination and a county license and shall comply with all state laws. Refer to Section 678.07(a)(3) for additional restrictions. (Ord. 2010-03. Passed 8-9-10.)

**606.07 RIDING HORSES ON STREETS OR SIDEWALKS.**

No person shall lead, ride or drive a horse or other like animal upon the streets or sidewalks in the City except at the discretion of Council (i.e. for a parade). (Ord. 107. Passed 1-12-1899.)

**606.08 PETS AND LIVESTOCK.**

The number of animals allowed should abide by restrictions in Section 1286.28 of the Code of Ordinances. (Ord. 2010-03. Passed 8-9-10.)

**606.99 PENALTY.**

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)





CHAPTER 616  
Civil Rights

616.01 Nondiscrimination clause in  
Village contracts.

616.02 Handicapped grievance  
procedure.

CROSS REFERENCES

Civil Rights Law - see M.C.L.A. Secs. 37.2101 et seq.

Discrimination in government housing - see M.C.L.A. Secs.  
750.146, 750.147

Fair housing - see GEN. OFF. Ch. 626

Discrimination in accommodations - see GEN. OFF. 666.01(31)

Discrimination by cable communication companies - see B.R. & T.  
810.09

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616.01 NONDISCRIMINATION CLAUSE IN VILLAGE CONTRACTS.

All contracting agencies of the Village, or any department thereof, shall include in all contracts hereafter negotiated or renegotiated by them, for and on behalf of the Village, a provision obligating the contractor or employer not to discriminate against any qualified employee or qualified applicant for employment with respect to hire, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of age, race, color, religion, national origin, sex, height, weight, handicap, marital status or political orientation, and shall require such contractor or employer to include a similar provision in all subcontracts.

616.02 HANDICAPPED GRIEVANCE PROCEDURE.

(a) Any individual who believes that because of his or her handicapped status he or she has been discriminated against in violation of Federal regulations (31 CFR part 51, as amended) may notify the Village President within not more than thirty days after the occurrence of the alleged discriminatory action. The notification shall be in writing and may be made in person or by the individual's authorized agent.

(b) The Village President shall undertake an investigation of the alleged discrimination and shall report the results of the investigation, in writing, to the complainant within twenty days after receiving the complaint. The report shall recite the facts upon which the conclusion is based and shall conclude with one or more of the following results:

(1) That the program or activity complained of has been modified to eliminate the factors which resulted in discrimination against the handicapped individual;

(2) That the program or activity will be modified within a specified reasonable time to eliminate the factor which resulted in discrimination against the handicapped individual;

(3) That modification of the program or activity will require action of Council. In this event, the complainant shall be notified of the time and date of the next regular Council meeting, allowing sufficient time for the matter to be placed on the agenda and for the complainant to prepare for and appear at such meeting. At the hearing on the matter, Council shall review the files, records and reports of the Village President and such additional and further evidence as the Village President, the complainant or any other interested party may offer. Council shall render its decision on the matter not later than the date of its next regular meeting.

(4) That the Village President, after investigation of the allegations, has determined that no handicapped discrimination has taken place. The complainant shall also be notified that he or she may appeal this determination to Council. The appeal should be placed on the agenda of the next regular Council meeting which allows reasonable time for the complainant to prepare for and attend such meeting. At the hearing on the matter, Council shall review the files, records and reports of the Village President and such additional and further evidence as the Village President, the complainant or any other interested party may offer. Council shall render its decision on the matter not later than the date of its next regular meeting.

(c) A complainant feeling aggrieved by a determination of Council may file a request for review with the Office of Revenue Sharing, Washington, D.C.

CHAPTER 620  
Drugs

620.01	Controlled substance and narcotic drug defined.	620.04	Paraphernalia.
620.02	Possession and use of marijuana.	620.05	Schools as drug-free zones.
620.03	Possession and use of other controlled substances.	620.06	Prohibition of marihuana establishments.
		620.99	Penalty.

CROSS REFERENCES

Pharmacy practice and drug control - see M.C.L.A. Secs. 333.17701 et seq.

Controlled substances - see M.C.L.A. Secs. 333.7101 et seq.

Drugs at open house parties - see GEN. OFF. 658.02

**620.01 CONTROLLED SUBSTANCE AND NARCOTIC DRUG DEFINED.**

As used in this chapter, “controlled substance” and “narcotic drug” have the meanings given to those terms in M.C.L.A. 333.7104 and 333.7107, as amended.

**620.02 POSSESSION AND USE OF MARIJUANA.**

(a) As used in this section, “marijuana” means all parts of the plant cannabis (sic) sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(b) No person shall possess or control marijuana within the City unless such possession or control is pursuant to a license or prescription, or otherwise allowed under Act 368 of the Public Acts of 1978, as amended.

(M.C.L.A. Secs. 333.1101 et seq.)

(c) No person shall use marijuana in the City unless such use is pursuant to a license or prescription or otherwise allowed as provided in Act 368 of the Public Acts of 1978, as amended.

(M.C.L.A. Secs. 333.1101 et seq.)

### **620.03 POSSESSION AND USE OF OTHER CONTROLLED SUBSTANCES.**

No person shall manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance, except as authorized by this chapter.

### **620.04 PARAPHERNALIA.**

(a) Definition. As used in this section, “drug paraphernalia” is defined as follows:

(1) “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of State or local law.

“Drug paraphernalia” includes, but is not limited to:

- A. Kits, products or materials used, intended for use or 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;
- B. Kits, products or materials used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- D. Testing equipment that is used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity, of controlled substances;
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

F. Dilutents and adulterants, such as quinine hydrochloride mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

G. Separation gins and sifters that are used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in injecting controlled substances in the human body;

L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs; and

13. Ice pipes or chillers.

(2) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

- B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any local, State or Federal law relating to any controlled substance;
- C. The proximity of the object, in time and space, to a direct violation of local or State law;
- D. The proximity of the object to controlled substances;
- E. The existence of any residue of controlled substances on the object;
- F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intends to use the object to facilitate a violation of State or local law. The innocence of an owner, or of anyone in control of the object, as to a direct violation of State law, shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- G. Instruction, oral or written, provided with the object concerning its use;
- H. Descriptive materials accompanying the object which explain or depict its use;
- I. National and local advertising concerning its use;
- J. The manner in which the object is displayed for sale;
- K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer in tobacco products;
- L. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- M. The existence and scope of legitimate uses for the object in the community; and
- N. Expert testimony concerning its use.

(b) Possession. No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State or local law.

(c) Manufacture, Delivery or Sale. No person shall deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State law.

(d) Advertisement. No person shall place in any newspaper, magazine, handbill, sign, poster or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) Exceptions. This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

(f) Civil Forfeiture. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, in violation of this section, shall be seized and forfeited to the Village in accordance with the following procedure:

(1) Property subject to forfeiture under this section may be seized upon process issued by a court having jurisdiction over the property. Seizure without process may be had in any of the following cases:

A. The seizure is incident to an arrest or a search warrant or an inspection under an administrative inspection warrant.

B. The property subject to seizure has been the subject of a prior judgment in favor of the Village in an injunction or forfeiture proceeding based upon this section.

C. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety.

D. There is probable cause to believe that the property was used or intended to be used in violation of this section.

(2) In case of a seizure without process issued by a court with jurisdiction, forfeiture proceedings shall be instituted promptly. If seizure is made without process and the total value of the property seized does not exceed one hundred thousand dollars (\$100,000), the following procedure shall be used:

A. The Village shall cause notice of the seizure of property and the intention to forfeit and dispose of the property according to this section to be given to the owner of the property by delivering the owner notice or by sending the notice to the owner by certified mail. If the name and address of the owner are not reasonably ascertainable or if delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the property was seized for ten successive publishing days.

B. Any person claiming an interest in property which is the subject of a notice under paragraph (f)(2)A. hereof may, within twenty days after receipt of the notice or within twenty days after the date of first publication of the notice, file a claim with the Village expressing his or her interest in the property. Upon filing of the claim and giving of a bond in the amount of two hundred fifty dollars (\$250.00), with surety approved by the Village, the Village shall transmit the claim and bond to the Village Attorney, who shall promptly institute forfeiture proceedings after the expiration of the twenty-day period. The condition of such bond shall be that if the property is ordered forfeited by the court, the obligor shall pay all costs and expenses of the forfeiture proceedings.

C. If no claim is filed or bond given within the twenty-day period as described, the Village shall declare the property forfeited and shall dispose of the property as set forth hereinafter.

(3) Property taken or detained under this section shall not be subject to an action to recover personal property but is deemed to be in the custody of the Village subject only to this section or an order and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under this section, the Police Department may do either of the following:

- A. Place the property under seal; or
- B. Remove the property to a place designated by the court.

(4) When property is forfeited under this chapter, the Village may make any of the following dispositions, at its discretion:

- A. Retain it for official lawful use;
- B. Sell that which is not required to be destroyed by law and which is not harmful to the public, paying from the proceeds thereof expenses of the proceedings of forfeiture and sale, including maintenance of custody, advertising and other costs, with the balance of moneys to be retained by the Village General Fund; or
- C. Destroy and dispose of, in a safe manner, any property not reasonably capable of resale or otherwise potentially dangerous and harmful to the community at large.



**620.05 SCHOOLS AS DRUG-FREE ZONES.**

The City Council, by virtue of the authority vested by law, hereby declares the schools of Caseville, Michigan, to be drug-free school zones.  
(Res. 90-79. Passed 8-13-90.)

**620.06 PROHIBITION OF MARIHUANA ESTABLISHMENTS.**

(a) Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City elects to prohibit marihuana establishments within its boundaries.

(b) Effective Date. The ordinance enacting this section requires that it be effective as is necessary to regulate persons and property for the preservation of the public peace, health, safety and welfare under the authority and adopted pursuant to Public Act 279 of 1909 City Ordinances, M.C.L.A. 117.3(k) et seq. The ordinance enacting this section shall become effective the day after its publication as authorized by law.

(c) Consistency and Repeal. All existing ordinances or part of ordinances are to be interpreted as consistent with this section and State law. Any ordinances or parts of ordinances in conflict with any of the provisions of this section are hereby repealed. Nothing in this section results in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, as adopted, or the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

(d) Geographic Area. This section shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of the City of Caseville to the fullest extent allowed by law.  
(Ord. 2019-3. Passed 9-9-19.)

**620.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



CHAPTER 626  
Fair Housing

626.01	Short title.	626.04	Furnishing personal information; legal capacity.
626.02	Definitions.	626.05	Exceptions.
626.03	Unfair housing practices.	626.99	Penalty.

CROSS REFERENCES

Civil Rights Law - see M.C.L.A. Secs. 37.2101 et seq.

Housing generally - see M.C.L.A. Secs. 125.651 et seq.

Discrimination in government housing - see M.C.L.A. Secs. 750.146, 750.147

Housing Commission - see ADM. Ch. 288

Civil rights - see GEN. OFF. Ch. 616

Discrimination in accomodations - see GEN. OFF. 666.01(31)

BOCA National Property Maintenance Code - see B. & H. Ch. 1440

626.01 SHORT TITLE.

This chapter shall be known and may be cited as the Fair Housing Ordinance of the Village.

626.02 DEFINITIONS.

As used in this chapter:

(a) "Age" means chronological age.

(b) "Complaint" means a written statement, given under oath, alleging an unfair housing practice.

(c) "Family" means its customary definition as well as a single individual.

(d) "Handicap" means a determinable physical or mental condition of an individual, or a history of such condition, which may result from disease, accident, condition of birth or functional disorder which constitutes a physical or mental limitation which is unrelated to an individual's ability to acquire, rent or maintain property.

(e) "Housing accommodation" includes any improved or unimproved real property or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

(f) "National origin" includes the national origin of an ancestor.

(g) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization or any other legal or commercial entity, the State or any governmental entity or agency.

(h) "Real estate broker or salesman" means a person, or an employee or representative thereof, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property; negotiates or attempts to negotiate such activities; holds himself or herself out as engaged in such activities; negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property; or who is engaged in the business of listing real property in a publication.

(i) "Real estate transaction" includes the sale, exchange, rental or lease of real property.

(j) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

(k) "State Commission" means the Civil Rights Commission created by the Constitution of 1963.

(l) "To publish or advertise" means a communication by the owner, lessor or a person at his or her request, relative to an offer of sale, rental or lease of a housing accommodation.

#### 626.03 UNFAIR HOUSING PRACTICES.

(a) No person shall commit or be responsible for an unfair housing practice in the Village. It is an unfair housing practice for an owner, a real estate broker or real estate salesman or any other person to, because of race, color, religion, national origin, sex, marital status, age or handicap, to:

(1) Refuse to negotiate for a real estate transaction;

(2) Refuse to engage in a real estate transaction;

(3) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(4) Refuse to receive from, or to fail to transmit to, a person a bona fide offer to engage in a real estate transaction;

(5) Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available; fail to bring a property listing to his or her attention; or refuse to permit him or her to inspect real property under reasonable conditions;

(6) Publish or advertise, directly or indirectly, an intent to discriminate or limit;

(7) Use a form of application for a real estate transaction for the purpose of limiting or discriminating;

(8) Make a record or inquiry in connection with a prospective real estate transaction which indicates the race, color, religion, national origin, sex, marital status, age or handicap of a person; or

(9) Offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction, or in the furnishing of facilities or services in connection therewith, with respect to race, color, religion, national origin, sex, marital status, age or handicap.

(b) For the purpose of inducing a real estate transaction from which a person may benefit financially, it is an unfair housing practice to:

(1) Initiate, instigate or participate in a series of representations, advertisements or contacts within a block, neighborhood or area designed to promote real estate transactions in the block, neighborhood or area based on the implications, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to race, color, religion, national origin, sex, marital status, age or handicap of the owners or occupants in the block, neighborhood or area in which the real property is located, or that such changes will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located; or

(2) Solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor, or the company the solicitor represents, to cease such solicitation.

(c) It is an unfair housing practice to:

(1) Retaliate or discriminate against a person because he or she has opposed an unfair housing practice, or because he or she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this chapter;

(2) Coerce a person to engage in an unfair housing practice;

(3) Interfere willfully with the performance of a duty or in the exercise of a power by any person under this chapter; or

(4) Obstruct or prevent willfully a person from complying with the provisions of this chapter or an order issued thereunder.

#### 626.04 FURNISHING PERSONAL INFORMATION; LEGAL CAPACITY.

(a) Nothing in this chapter shall be deemed to prohibit an owner, lender or agent thereof from requiring that an applicant who seeks to buy, rent, lease or obtain financial assistance for housing accommodations supply information concerning his or her financial, business or employment status, or other information designed solely to determine the person's credit worthiness, but not concerning race, color, religion,

national origin, sex, marital status, age or handicap.

(b) Nothing in this chapter shall require an owner, real estate broker or other person to enter into a real estate transaction with a person who does not otherwise have the legal capacity to enter into a self-binding contract.

626.05 EXCEPTIONS.

Section 626.03 does not apply:

(a) To the rental of a housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or lessor or a member of his or her family resides in one of the housing accommodations;

(b) To the rental of a room in a single-family dwelling by the owner or lessor if he or she or a member of his or her family resides therein;

(c) To the sale or rental by the owner or lessor of a housing accommodation, in a building which contains housing accommodations for not more than two families living independently of each other, which was not in any manner listed or publicly advertised for sale or rental;

(d) To the rental of a housing accommodation for not more than twelve months by the owner or lessor where it was occupied by him or her and maintained as his or her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence; and

(e) With respect to the age provision only, to the sale, rental or lease of housing accommodations meeting the requirements of Federal, State or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons fifty years of age or older.

626.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 628  
Gambling

EDITOR'S NOTE: There are no sections in Chapter 628. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Gambling - see M.C.L.A. Secs. 750.301 et seq.  
Peace disturbances - see GEN. OFF. Ch. 666  
Theft - see GEN. OFF. 666.01(19)



CHAPTER 654  
Noise (Repealed)

EDITOR'S NOTE: Chapter 654, previously a codification of Ordinance 105B, passed October 9, 1978, was re-enacted in its entirety by Ordinance 91-2, passed July 8, 1991. Chapter 654 was subsequently repealed in its entirety by Ordinance 2016-04, passed June 13, 2016.

CROSS REFERENCES

Noise from motorcycles or motor driven cycles - see TRAF. 430.06  
Peace disturbances by animals - see GEN. OFF. 606.02  
Peace disturbances generally - see GEN. OFF. Ch. 666  
Peace disturbances by peddlers - see B.R. & T. 856.09

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EDITOR'S NOTE: BECAUSE OF THE 1991 UPDATING AND REVISION OF THESE CODIFIED ORDINANCES, THE NEXT NUMBERED PAGE IS PAGE 33.

CHAPTER 658  
Offenses Relating to Persons

- 658.01 Minors curfew. 658.99 Penalty.  
658.02 Alcoholic beverages and drugs  
at open house parties;  
possession or consumption by  
minors.

CROSS REFERENCES

Disorderly conduct - see GEN. OFF. 666.01  
Crowds; riots - see GEN. OFF. 666.02  
Disturbing lawful meetings - see GEN. OFF. 666.03  
Indecent exposure; immoral conduct - see GEN. OFF.  
682.01

658.01 MINORS CURFEW.

(a) Prohibitions. No minor under the age of seventeen years shall loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any of the public sidewalks, streets, alleys, parks, buildings, places of amusement or entertainment or other public grounds or places in the Village between 11:00 p.m. and 5:00 a.m. of the following day unless such minor is accompanied by a parent, guardian, custodian or other adult delegated by the parent or guardian to accompany such minor, or unless such minor is in the performance of an errand or duty directed by such parent, guardian or custodian, or unless such minor is returning home from a 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.

(1981 Code Sec. 20.081)

(b) Parental Responsibility. No parent, guardian, custodian or other person having the legal care and custody of any minor under the age of seventeen years shall allow or permit such minor to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any of the public sidewalks, streets, alleys, parks, buildings, places of amusement or entertainment or other public grounds or places in the Village during the prohibited hours mentioned in subsection (a) hereof unless such minor falls within one of the exceptions mentioned in subsection (a) hereof. (1981 Code Sec. 20.082)

(c) Aiding and Abetting. No person shall assist, aid, abet or encourage any minor under the age of seventeen years to violate this section. (1981 Code Sec. 20.083)

(d) Authority of Police Officers. A police officer may, in his or her discretion, take into custody any minor under the age of seventeen years found violating this section and return such minor to his or her home or place of abode, or may make a complaint against such minor under the Juvenile Court laws of the State. (1981 Code Sec. 20.085)

658.02 ALCOHOLIC LIQUOR OR DRUGS AT OPEN HOUSE PARTIES;  
POSSESSION OR CONSUMPTION BY MINORS.

(a) As used in this section:

(1) "Alcoholic liquor" shall be as defined in Section 2 of the Michigan Liquor Control Act and shall include any beverage containing more than one-half of one percent of alcohol by volume, including beer, wine and spirits.

(2) "Control" means any form of control, regulation or dominion, including a possessory right or the paying or contracting for rental premises.

(3) "Drug" means a controlled substance, as defined in M.C.L.A. 333.7212 through 333.7227, as the same maybe amended from time to time.

(4) "Minor" means a person not legally permitted, by reason of age, to possess or consume alcoholic beverages, pursuant to Section 33b of the Michigan Liquor Control Act.

(5) "Open house party" means a social gathering of persons at a residence or rental premises, which includes persons other than or in addition to the owner or the person with the right of possession to such premises and their immediate family members.

(6) "Rental premises" means a hotel room, motel room, hall, limousine or bus which is rented on a short-term basis for lodging or a social function.

(7) "Residence" means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.

(b) No person having control of any residence or rental premises shall allow an open house party to occur or continue at said residence or rental premises if the person knows or reasonably should know that a minor is in possession of or consuming alcoholic liquor or a drug at said residence or rental premises.

(c) The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.

(Ord. 604-A. Passed 6-13-94.)

658.99 PENALTY.

(a) Whoever, being an adult, violates any of the provisions of Section 658.01, shall be subject to the penalty provided in Section 202.99.

Whoever, being a minor, violates any of the provisions of Section 658.01, shall be dealt with in accordance with Juvenile Court law and procedure.

(Adopting Ordinance)

(b) Whoever violates Section 658.02 shall, for a first offense, be fined not more than five hundred dollars (\$500.00) or imprisoned in the County Jail for not more than thirty days, or both. For subsequent violations, such person shall be subject to the penalty provided in Section 202.99 of the Administration Code.

(Ord. 604-A. Passed 6-13-94.)

CHAPTER 662  
Offenses Relating to Property

662.01	Injury or destruction of public property.	662.05	Dangerous buildings.
662.02	Trespassing.	662.06	Devices in public right-of-way.
662.03	Camping on vacant lots.	662.07	Public tennis courts; use and restrictions.
662.04	Dockage rental in Residence Districts.	662.99	Penalty.

CROSS REFERENCES

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913  
 Theft generally - see M.C.L.A. Sec. 750.356 et seq.  
 Malicious destruction of property - see M.C.L.A. Secs. 750.377a, 750.377b  
 Malicious destruction of trees - see M.C.L.A. Sec. 750.382  
 Property destruction by animals - see GEN. OFF. 606.02  
 Possession of stolen property - see GEN. OFF. 666.01(8)  
 Property destruction generally - see GEN. OFF. 666.01(14)  
 Defacing building numbers - see B. & H. 1424.07

**662.01 INJURY OR DESTRUCTION OF PUBLIC PROPERTY.**

No person shall use, destroy, injure, tamper with, convert, deface or remove any real or personal property of the City without first being authorized to do so by the City Council.

(Ord. 2001-07. Passed 7-9-01.)

**662.02 TRESPASSING.**

No person shall:

- (a) Willfully enter or remain upon the lands or premises of another, without lawful authority, after having been forbidden to do so by the owner or occupant, or agent or servant of the owner or occupant. No person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or his or her agent or servant, shall neglect or refuse, without lawful authority, to depart therefrom.
- (b) Willfully enter or remain upon the lands or premises of another, without lawful authority, after having been warned of the owner's regulations

governing access to and use of the property through the conspicuous posting of informational signs which state that trespassing is prohibited;

- (c) Stand, idle or sit, either in person or within a motorized vehicle, in or about any store, shop, business or commercial establishment, and/or its premises and private parking lot, if such standing, idling or sitting causes interference or disorder with the normal course of business of the store, shop, business or commercial establishment, or in any way tends to hinder or impede the passage of pedestrians or vehicles enroute to or from the establishment or premises.

### **662.03 CAMPING ON VACANT LOTS.**

No person shall make use of any tent or similar facility for camping or for any other purpose, unless such tent or similar facility is located on a lot that is immediately adjacent, and the users have access, to a dwelling house that has bathroom and water closet facilities that comply in all particulars with City and State building and housing code requirements. The above described shall not be used for more than a total of fourteen consecutive days in any calendar year.

(Ord. 2015-06. Passed 9-14-15.)

### **662.04 DOCKAGE RENTAL IN RESIDENCE DISTRICTS.**

No person shall rent any dockage space, i.e. space for the use or storage of watercraft of any kind, on the Pigeon River, in any R-1 or R-M Residence District in the Village, as the same are established in the Planning and Zoning Code.

### **662.05 DANGEROUS BUILDINGS.**

(a) Definition. As used in this section, "dangerous buildings" means all buildings or structures which have any or all of the following defects:

- (1) Those buildings or structures having interior walls, or other vertical structural members, that list, lean, or buckle, to such extent that a plumb line passing through the center of gravity falls outside of the middle third of the base.
- (2) Those buildings or structures which, exclusive of the foundation, show thirty-three percent or more damage or deterioration of the supporting members, or fifty percent of damage or deterioration of the nonsupporting, enclosing or outside walls or covering.
- (3) Those buildings or structures, which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to the life, safety or general health and welfare of the occupants or the people of the city.

- (5) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
- (6) Those buildings or structures having light, air and sanitation facilities inadequate to protect the health, safety or general welfare of human beings who live therein.
- (7) Those buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (8) Those buildings or structures having parts so attached that they may fall and injure members of the public or property.
- (9) Those buildings or structures, which because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the city.

(b) Standards for repair, vacation or demolition. The following standards shall be followed in substance by the Building Inspector and the Village Council in ordering repair, vacation or demolition.

- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in the violation of the terms of this section, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of the occupants, it shall be ordered vacated.
- (3) If the dangerous building is more than fifty percent damaged, it is determined a fire hazard, cannot be repaired or is erected in violation of the terms of this section or any ordinance of this city or statute of the state, it shall be demolished.

(c) Nuisances. All dangerous buildings are declared to be public nuisances and shall be repaired, vacated or demolished as provided in this section.

(d) Duties of the Building Inspector. The Building Inspector shall:

- (1) Inspect or cause to be inspected any building, wall or structure reported (as provided for in this section) by the Zoning Administrator, Fire or Police Departments of this Village as probably existing in violation of the terms of this section.
- (2) Notify in writing the owner, his or her agent, occupant, lessee, mortgagee, and all other persons having an interest in the building or structure, as shown by the records in the County Registrar of Deeds office, determined to be a dangerous building that:

- A. The owner shall vacate, repair or demolish the dangerous building in accordance with the terms of the notice and provisions of this section.
  - B. The occupant or lessee must vacate the building or shall have it repaired in accordance with the notice and remain in possession.
  - C. The mortgagee/agent or other persons having an interest in the building, as shown by the land records in the County Registrar of Deeds office, may at his or her own risk repair, vacate, or demolish the building to have such work done; provided, however, that any person notified to repair, vacate or demolish any building shall be given such reasonable time, not exceeding ninety days, as may be necessary to do so, or to have done the work required by the notice issued under the provisions of this section.
- (3) Set forth in the notice provided for in division (d)(2), a description of the building or structure determined unsafe, a statement of the particulars resulting in such determination, and an order requiring such building or structure to be placed in such condition so it will comply with the provisions and terms of this section, within such length of time, not exceeding ninety days, as is reasonable.
  - (4) Report to the Village Council any noncompliance with the notice provided for in divisions (d)(2) and (d)(3).
  - (5) Appear at all hearings conducted by the Village Council and testify as to the condition of any building or structure determined to be a dangerous building.
  - (6) Place a notice on all dangerous buildings to read as follows:

"This building has been determined to be a dangerous building by the Building Inspector of the Village of Caseville. This notice must remain on this building until the building is repaired, vacated or demolished in accordance with the notice that has been given the owner/owners, occupant/occupants, their agent, or lessee/mortgagee/agent, and all other persons having an interest in this building as shown by the records in the Registrar of Deeds office for Huron County. It shall be unlawful to remove this notice until the requirements are complied with."
- (e) Duties of the Village Council. The Village Council shall:
- (1) Upon receipt of a report from the Building Inspector, as provided for in division (d), give written notice to the owner/agent, occupant, mortgagee, lessee and all other persons having an interest in such building as shown by the land records in the County Register of Deeds office, to appear before the Council on a specified date to show cause why the building or structure, determined to be a dangerous building, should not be repaired, vacated, or demolished in accordance with the statement or particulars set forth in the Building Inspector's notice provided for in division (d).



- (2) Hold a hearing and hear such testimony, as the Building Inspector or the owner/agent, occupant, mortgagee, lessee, or any other person having an interest in such building, as shown by the land records in the County Register of Deeds office, shall offer relative to the designated dangerous building or structure.
  - (3) Make written findings of facts from the testimony offered pursuant to the division (e)(2) as to whether or not the building or structure in question is determined a dangerous building.
  - (4) Issue an order, based on the findings of facts made pursuant to division (e)(3), commanding the owner/agent, occupant, mortgagee, lessee and all other persons having an interest in such building, as shown by the land records in the County Registrar of Deeds office, to repair, vacate or demolish the building found to be dangerous within the terms of this section.
  - (5) If the owner/agent, occupant, mortgagee, lessee or any other person served with the order provided for in division (e)(4), fails to comply with such order within ten days or such other period as allowed by the Village Council, the Council shall cause such building or structure which has been determined dangerous, to be repaired, vacated or demolished as the findings of facts may warrant and shall cause the costs of such repairs, vacation or demolition to be charged against the land on which the building existed as a municipal lien, or cause the costs to be added to the tax duplicate as an assessment, or cause such costs to be levied as a special tax against the land, or such costs shall be recovered in a lawsuit against the owner. It is provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this Village the Village Council shall request the Village Attorney to take legal action in an effort to force the owner to make necessary repairs or demolish the building.
  - (6) Report to the Village Attorney the names of all persons not complying with an order issued under the provision of division (e)(4).
- (f) Duties of the Village Attorney. The Village Attorney shall:
- (1) Prosecute all persons failing to comply with the terms of any notice and/or order issued under the provisions of this section.
  - (2) Appear at all hearings held before the Village Council in regard to any building structure reported to be dangerous.
  - (3) Bring suit to collect all municipal liens, assessments, or costs incurred by the Village Council for repairs, vacation or demolition of a dangerous building.
  - (4) Take such other legal action as may be necessary to enforce the terms and provisions of this section.

(g) Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building is immediately repaired, vacated or demolished, the Building Inspector shall report such facts to the Village Council, and the Village Council shall cause the immediate repair, vacation or demolition of such building or structure. The cost of such emergency repair, vacation or demolition shall be collected in the same matter as provided for in division (d).

(h) When owner is absent from Village. In cases, except emergency cases, where the owner/agent, occupant, lessee, mortgagee is absent from the village, all notices and/or orders provided for by this section shall be sent by registered mail to the owner/agent, occupant, mortgagee, lessee and all persons having an interest in such building, as shown by the land records in the County Registrar of Deeds office, at the last known post office address of each, and a copy of such notice and/or order shall be posted in a conspicuous place on the dangerous building to which it relates. Such mail and posting shall be deemed adequate service.  
(Ord. 2002-07. Passed 10-14-02.)

#### **662.06 DEVICES IN PUBLIC RIGHT-OF-WAY.**

No person, firm, or corporation shall place or install on Main Street in the Business District (defined as the area along Main Street from Caseville Road to State Street) any mailbox, express mailbox, vending machine or maintain any fences, gates, bars or pipes within the public right-of-way.  
(Ord. 2003-04. Passed 2-10-03.)

#### **662.07 PUBLIC TENNIS COURTS; USE AND RESTRICTIONS.**

Any public tennis court in the Village of Caseville shall be only used for tennis, unless permission is given by the Village Council to use otherwise. No other use (including but not limited to skateboarding, roller skating and roller blades) is allowed.  
(Ord. 2009-06. Passed 5-11-09.)

#### **662.99 PENALTY.**

(a) Any person failing to comply with the provisions of this chapter, with the exception of Section 662.06 and Section 662.07, shall be guilty of a misdemeanor and subject to the penalty provisions of Section 202.99 of the General Code. A person removing the notice provided for in Section 662.05(d)(6) shall be guilty of a misdemeanor.

(b) A person who violates Section 662.06 and / or Section 662.07 is responsible for a municipal civil infraction subject to payment of a civil fine of not more than one hundred dollars (\$100.00), reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this article shall be subject to increased fines as provided by division (c) below.

(c) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of Section 662.06 and 662.07. As used in this chapter, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 18-month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense that is a first repeat offense shall be no less than one hundred and fifty dollars (\$150.00) plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than two hundred and fifty (\$250.00) plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Ord. 2002-07. Passed 10-14-02; Ord. 2003-04. Passed 2-10-03; Ord. 2009-06. Passed 5-11-09.)



CHAPTER 666  
Peace Disturbances

<u>General Provisions</u>	<u>Anti-Noise</u>
666.01 Disorderly conduct.	666.10 Title.
666.02 Crowds; riots.	666.11 Definitions.
666.03 Disturbing lawful meetings.	666.12 Anti-noise regulations.
	666.13 Anti-noise regulations based upon dB(A) criteria.
	666.99 Penalty.

CROSS REFERENCES

Disorderly conduct generally - see M.C.L.A. Secs. 750.167 et seq.

Gambling - see M.C.L.A. Secs. 750.301 et seq.; GEN. OFF. Ch. 628

Prostitution - see M.C.L.A. Secs. 750.448 et seq.

Peace disturbances by animals - see GEN. OFF. 606.02

Alcoholic liquor or drugs at open house parties - see GEN. OFF. 658.02

Peace disturbances by peddlers - see B.R. & T. 856.09

**GENERAL PROVISIONS**

**666.01 DISORDERLY CONDUCT.**

No person shall commit a disorderly act in the City. The following acts shall be deemed to be disorderly acts and persons who perpetrate such acts shall be deemed to be disorderly persons. No person shall:

- (1) Generally. Conduct himself or herself in a noisy, boisterous, insulting or disorderly manner;
- (2) Begging. Be a vagrant or beggar;
- (3) Prostitution. Be a prostitute, solicit for immoral purposes or commit an indecent immoral act;
- (4) Prowling. Be a masher, window peeper or prowler;
- (5) Places for immoral purposes. Keep, let or permit the use of any place or vehicle for the purposes of prostitution or any other immoral purpose;
- (6) Assault. Assault, jostle, roughly crowd or annoy another;

- (7) Interference by motor vehicles. Drive or ride a vehicle along any public way so as to molest or interfere with the person of another;
- (8) Possession of stolen property. Be found with any stolen property;
- (9) Riots. By word or conduct commit such an act as may cause a civil commotion or cause or be likely to cause injury to public or private property or to life or person of another;
- (10) Missiles. Throw or cause to be thrown any missile that is likely to cause bodily injury or property damage.
- (11) Lights on motor vehicles. Use any light or flare on an automobile or otherwise in such a manner as to cause annoyance to others or be likely to endanger life or property;
- (12) Larceny. Commit a larceny from a person, construction sight, dwelling, store, factory, boat, church or other building;
- (13) Killing animals. Maliciously kill, injure or poison animals;
- (14) Destruction of personal property. Maliciously destroy or damage personal property;
- (15) Destruction of dwellings. Maliciously destroy or damage a house, barn or building of another;
- (16) Destruction of fences. Maliciously break down or damage fences or opening gates;
- (17) Destruction of vegetation. Maliciously destroy trees, plants, grass, crops or soil;
- (18) Destruction of boundary markers. Maliciously destroy or damage boundary markers, guide posts, light bulbs, etc.;
- (19) Destruction of timber. Maliciously destroy logs, timber, etc.;
- (20) Destruction of signs. Maliciously destroy or damage signs, bills and notices placed on private property;
- (21) Destruction of memorials. Willfully destroy or damage tombs and memorials of the dead;
- (22) Writings. Maliciously annoy another by writing;
- (23) Destruction of vessels. Willfully destroy vessels;
- (24) Destruction of water traffic devices. Willfully remove or destroy buoys, beacons or water vessel traffic control devices;
- (25) Wakes. Willfully create a wake on the Pigeon River;
- (26) Accusations. Taunt and accuse one of having been a convict or inmate of a jail, etc.;
- (27) False reports to Police Department. Report fictitious crimes to the Police Department;
- (28) Obstructing an officer. Resist, etc., any officer in the discharge of his or her duty;
- (29) Disobeying or assaulting a police officer. Disobey a police signal or commit an assault upon a peace or police officer;

- (30) Harmful substances on public property. Throw glass or a sharp substance on a beach, highway, walk or public property, or possess any glass container on any public beach;
- (31) Discrimination in accommodations. Refuse to permit a blind, deaf or audibly impaired person being led by harnessed dog to enter or use public accommodations;
- (32) Assault and battery. Commit an assault or assault and battery;
- (33) Breaking and entering. Break and enter, or enter without breaking without permission;
- (34) Removal of signs. Fail to remove any political or personal sign within seven days of the event. Such signs shall not be posted on public property or public utility poles. (Real estate for sale signs are exempt from this paragraph.)
- (35) Trespass. Trespass on any person's property for any purpose, or dock a boat at any public or private dock, without first obtaining permission to do so;
- (36) Obstructions by signs. Erect any sign which obstructs the vision of a motor vehicle operator entering any Village street, alley or highway; or
- (37) Garbage and rubbish. Deposit household trash or garbage in any of the receptacles placed along Main Street, the City Park or the breakwall area.

#### **666.02 CROWDS; RIOTS.**

No person shall make or assist in making any improper noise or disturbance, improper diversion, quarrel or riot by which the peace and order of the community are disturbed. No person shall collect or stand in crowds or remain loitering on the public ways or other places so as to interfere with the free and uninterrupted passage of other persons.

#### **666.03 DISTURBING LAWFUL MEETINGS.**

No person shall disrupt or aid in disrupting in any manner any service of worship or any other assembly that has a lawful purpose.

### **ANTI-NOISE**

#### **666.10 TITLE.**

This subchapter shall be known and cited as the City Anti-Noise Ordinance. (Ord. 2012-02. Passed 5-14-12.)

#### **666.11 DEFINITIONS.**

The following terms used in this subchapter defined as follows:

- (a) "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the

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logarithm of the ratio of that sound pressure to a reference pressure of  $2 \times 10^{-5}$  N-m<sup>2</sup> (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10-fold increase or decrease to 1/10 the former intensity.

- (b) “dB(A)” means the sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute.  
(Ord. 2012-02. Passed 5-14-12.)

### **666.12 ANTI-NOISE REGULATIONS.**

(a) General regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the City.

(b) Specific violations. The following noises and disturbances are hereby declared to be a violation of this subchapter; provided, however, that the specification of the same is not hereby to be construed to exclude other violations of this subchapter not specifically enumerated:

- (1) The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to reasonably upset or disturb the quiet, comfort or repose of other persons.
- (2) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- (3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- (4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicles as originally manufactured shall be in violation of this section.

- (6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
- (8) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the City in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public. In such case, a permit shall be obtained from the City, which permit shall limit the periods that the activity may continue.
- (9) The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other earner or in connection with the repairing of any such vehicle in or near residential areas.
- (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (11) The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the City with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- (12) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- (13) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the City where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(c) Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (2) Excavation, maintenance, or repair of bridges, streets or highways or other property, including snow and sweeping, by or on behalf of the State of Michigan, City of Caseville, or the County of Huron, between 11:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (3) Warning devices emitting sound for warning purposes as authorized by law.
- (4) Public events and concerts that are approved by the City Council, would be exempt from decibel limitations provided level is reasonable and does not extend beyond 11:00 p.m.
- (5) Other sound emanating devices that project sounds, above the limitations, can be exempt if approved by the City Council.  
(Ord. 2012-02. Passed 5-14-12.)

**666.13 ANTI-NOISE REGULATIONS BASED UPON DB(A) CRITERIA.**

Any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be prima facie evidence that the specific sound is in violation of this chapter.

(a) Regulations for decibel measurement of noise origination from private properties.

- (1) Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.
- (2) Zoning Districts, Limitations 7:00 a.m. to 11:00 p.m., and Limitations 11:00 p.m. to 7:00 a.m.

Zoning District	dBA Rating Limit	
	From 7:00 a.m. to 11:00 p.m.	From 11:00 p.m. to 7:00 a.m.
Residential (and any area within 500 feet of a hospital regardless of zoning district)	55	50
Industrial	75	65
Commercial	65	55

- (3) Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.
- (4) The following exceptions shall apply to these regulations under this subsection (a):
- A. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued and is currently in effect.
  - B. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
  - C. Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified above in this subsection (a) by more than 20 dB(A).
  - D. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
  - E. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the City Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
    1. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the City Zoning Ordinance if available.
    2. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

- (b) Regulations for decibel measurement of motor driven vehicles on public roads. All noise emitted from motor-driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet or 15 meters from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7-1/2 meters) and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this subchapter.
- (1) Vehicle, Weight, and dB(A) Maximum Limitation, Respectively:
    - A. Trucks & buses: Over 10,000 lbs. gross weight; 82 dB(A).
    - B. Trucks & buses: Under 10,000 lbs. gross weight; 74 dB(A).
    - C. Passenger cars: Any weight; 74 dB(A).
    - D. Motorcycles, snowmobiles & minibikes: Any weight; 82 dB(A).
    - E. All other self-propelled motor vehicles: Any weight; 74 dB(A).
  - (2) Measurements of noise: All measurements of dB(A) according to subsections (a) and (b) of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.  
(Ord. 2012-02. Passed 5-14-12.)

**666.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Violation of any provision of Sections 666.10 through 666.13 shall be deemed a misdemeanor. Any person, firm or corporation found violating the provisions of those sections, shall upon conviction, be punished by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of Sections 666.10 through 666.13 may also be enforced by suit for injunction, damages or other appropriate legal action.  
(Ord. 2012-02. Passed 5-14-12.)

**CHAPTER 678**  
Safety, Sanitation and Health

678.01	Littering.	678.08	Abandoned refrigerators.
678.02	Open burning.	678.09	Smoking in City offices.
678.03	Air pollution.	678.10	Smoking in Recreation Building.
678.04	Water pollution.	678.11	Grass clippings.
678.05	Storage and accumulation of junk, junk vehicles, etc.	678.12	Trees and plants; trimming or removal from private and public property.
678.06	Weeds.	678.99	Penalty.
678.07	Objectionable wastes; unlawful discharges; water pollution.		

**CROSS REFERENCES**

Health and sanitation generally - see Mich. Const., Art. 4, Sec. 51;

M.C.L.A. Secs. 750.466 et seq.

Health officer - see ADM. Ch. 250

Unlawful deposits of garbage and rubbish - see GEN. OFF. 666.01 (37)

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

Recyclable materials management - see S.U. & P.S. Ch. 1061

Storage and disposal of garbage and rubbish - see P. & Z. 1286.33

Garbage and rubbish; zoning requirements - see P. & Z. 1286.41

**678.01 LITTERING.**

No person shall throw, scatter or deposit any posters, handbills, cards, written or printed matter, waste paper, cans, bottles or debris of any kind. No person shall litter in any way on any public street, alley or other public or private place in the City. (Ord. 117. Passed 7-8-68.)

**678.02 OPEN BURNING.**

(a) Definitions. As used in this section:

- (1) "Michigan Environmental Protection Agency" or "M-EPA" means the Michigan Environmental Protection Agency Director, agencies delegated authority by the Director pursuant to law, or the Chief of any Michigan Environmental Protection Agency District Office.

- (2) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney.
  - (3) "Fire Department" means the designated Fire Department of the City.
- (b) Prohibited Open Burning.
- (1) Except as otherwise provided in this section, no person shall burn or allow to be burned in the open, on any public or private ground within the City, any leaves, garbage, rubbish, refuse, trees, stumps, tires or materials of any kind which exude noxious odors, smoke or other matter that is, or is likely to be, injurious to the public health or welfare. Industrial and commercial wastes and refuse may be burned within the City in incinerators approved by the Air Pollution Control Section of the Michigan Department of Health and in accordance with the Michigan Air Pollution Control Rules and Regulations, effective August 15, 1967, which further prohibit open burning and limit emissions from such incinerators.
  - (2) Except as otherwise provided in this section, no person shall burn leaves, grass, lawn clippings, other yard waste, rubbish, boxes, trash, furniture, papers, plastic materials, tree limbs, building materials, garbage or refuse outside of a building at any time on any public or private property within the City, nor cause or permit another to do so on any property subject to his or her control.
- (c) Permitted Open Burning.
- (1) Open burning shall be allowed for the following purposes without notification to or permission from the M-EPA or the Fire Department:
    - A. Cooking for human consumption;
    - B. Heating tar, welding, acetylene torches, highway safety flares, bonfires (as described in this section), heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs. Fires allowed by this paragraph shall not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose.
  - (2) No person shall set a fire outside of a building (termed a "bonfire" in this section) unless such fire is:
    - A. Done in such location and in such a manner as not to create a fire hazard or endanger persons or property;
    - B. Kept under the supervision of a responsible person until extinguished or burned out; and

C. In conformity with the further provisions of this section and other ordinances governing the same.

(3) No person shall use gunpowder, kerosene, gasoline, benzine or naphtha to kindle a bonfire or put any of such substances on or into a bonfire.

(4) Any bonfire found to be in violation of the provisions of this section is hereby declared to be a public nuisance.

(5) Open burning shall be allowed for ceremonial purposes with prior notification to the M-EPA or the Fire Department if the following conditions are met:

A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.

B. The ceremonial fires shall not be used for waste disposal purposes.

(6) Open burning shall be allowed for the following purposes upon receipt of written permission from the M-EPA or the Fire Department, provided that conditions specified in the permission are followed:

A. Disposal of ignitable or explosive materials where the M-EPA or the Fire Department determines that there is no practical alternative method of disposal;

B. Instruction in methods of fire-fighting or for research in the control of fires;

C. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the M-EPA or the Fire Department;

D. Recognized horticultural, silvicultural, range or wildlife management practices; and

E. Prevention or control of disease or pests, with written verification from the local Health Department, the Michigan Department of Agriculture or the U.S. Department of Agriculture that open burning is the only appropriate disposal method.

(d) Other Prohibitions.

(1) Notwithstanding any provision of this section, no open burning shall be conducted in an area where an air alert, warning or emergency under State law is in effect.



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(2) No provision of this section permitting open burning, and no permission to open burn granted by the M-EPA or the Fire Department, shall exempt any person from compliance with any provision of State law, any regulation of any State department or any local ordinance or regulation dealing with open burning.

(Ord. 91-1. Passed 4-8-91.)

(e) Permission to Burn.

(1) An application to open burn shall be submitted in writing at least five days before the fire is to be set. It shall be in such a form and contain such information as required by the M-EPA or the Fire Department. Written permission must be obtained from Council prior to any controlled burn in the Village, including those done by the Fire Department. (Ord. 2000-9. Passed 7-10-00.)

(2) Such application shall contain, as a minimum, information regarding:

- A. The purpose of the proposed burning;
- B. The nature and quantities of material to be burned;
- C. The date or dates when such burning will take place;
- D. The location of the burning site;
- E. The methods or actions which will be taken to reduce the

emission of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the M-EPA or the Fire Department that open burning is necessary to the public interest; that it will be conducted in a time, place and manner as to minimize the emission of air contaminants; and that it will have no serious detrimental effect upon adjacent properties or the occupants thereof. The M-EPA or the Fire Department may impose such conditions as may be necessary to accomplish the purposes of this section.

(4) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by a delay while written permission is sought, the fire may be set with the oral permission of the M-EPA or the Fire Department.

(5) The M-EPA or the Fire Department, after receiving application, may determine that the open burning is not allowed under this section, and the M-EPA or the Fire Department shall notify the applicant to this effect.

(6) Violations of any of the conditions set forth by the M-EPA or the Fire Department in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(f) Penalty. In addition to the penalty provided in Section 678.99, any person violating any of the provisions of this section shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the Municipality and the State.

(Ord. 91-1. Passed 4-8-91.)

#### 678.03 AIR POLLUTION.

No person shall create, cause or maintain any public nuisance in the Village by the reasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area. (Ord. 105B. Passed 10-9-78.)

#### 678.04 WATER POLLUTION.

(a) No person, public or private, shall discharge into any storm drain, ditch, stream, lake, watercourse or other water, other than the duly established public sanitary sewerage system, any raw sewage, offal, brine, poisonous substance, filth or other substance which is injurious to public health or to the conduct of any industrial enterprise or lawful occupation, or whereby any fish or migratory bird life or wild animal or aquatic life may be destroyed, or the growth or propagation thereof be prevented or injuriously affected, or the value of lawfully taken fish or game be destroyed or impaired as a consequence of the pollution.

No person shall discharge, permit to be discharged or contribute to the discharge of any waste or pollution into any of the waters in, around or near the Village in contravention of this chapter.

(b) The pollution standards of the Village shall be the same standards as set up by the State Water Resources Commission.

#### 678.05 STORAGE AND ACCUMULATION OF JUNK, JUNK VEHICLES, ETC.

(a) Definitions. As used in this section:



- (1) "Abandoned vehicle" includes, but is not limited to, any vehicle which has remained on private property for forty-eight continuous hours or more without the consent of the owner or occupant of the property, or for forty-eight continuous hours or more after the consent of the owner or occupant has been revoked. Disabled motor vehicles shall not be permitted in the right of ways of the streets, alleys or highways in the City. However, this shall not apply to the towing or similar transporting of such vehicles. A reasonable time (not to exceed twelve hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in an emergency caused by an accident or sudden breakdown of the vehicle.
- (2) "Boats" includes, but is not limited to, parts of or a complete boat which is not licensed for use upon the waterways of the State for more than sixty days. Excepted from this definition are unlicensed, but operative, boats which are kept as the stock in trade of a regularly licensed and established new or used boat dealer.
- (3) "Junk" includes, but is not limited to, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood or metal, or any other castoff materials of any kind, whether or not the same could be put to any reasonable use.
- (4) "Junk automobiles" includes, but is not limited to, parts of machinery or any motor vehicle which is not licensed for use upon the highways of the State for sixty days or more. Excepted from this definition are unlicensed, but operative, vehicles which are kept as the stock in trade of regularly licensed and established new or used automobile dealers.
- (5) "Person" includes all natural persons, firms, partnerships, corporations and associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this section, whether as owner, occupant, lessee, agent, servant or employee, shall, except as herein otherwise provided, be equally liable as principals.
- (6) "Trash" and "rubbish" include any and all forms of debris not herein otherwise classified.

(b) Determinations. It is hereby determined that the storage or accumulation of trash, rubbish, junk automobiles, abandoned vehicles and building materials upon any private property in the City tends to result in blighted and deteriorated neighborhoods, an increase in criminal activity and the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare.

(c) Storage. No person shall store or permit the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles or boats on any private property in the City, except when completely obstructed from view on all sides, in an enclosed building or on the premises of a licensed junk dealer.

(d) Removal by Health Officer; Notice. The Health Officer may cause to be removed any junk automobile or abandoned vehicle, or part thereof, from any unenclosed private property after having notified, in writing, at least forty-eight hours prior to such removal, the owner or occupant of such property of his or her intention to do so. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property.

(e) Remedies. In addition to the penalty provided in Section 678.99, any police officer of the City may remove or cause to be removed any vehicle which is in violation of this section. Such vehicle may be impounded and destroyed or sold for junk, as the case may be, and the costs thereof assessed against the owner of such vehicle. Any sums realized by the City from the sale of such vehicle shall be reimbursed to the City for the costs incurred therein. Any balance of such sums remaining after such reimbursement shall be returned to the owner of the vehicle.

(Ord. 124. Passed 8-10-70; Ord. 678-A. Passed 11-9-92.)

#### **678.06 WEEDS.**

(a) Declaration of Nuisance. Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing on any improved lot or improved tract of land in the city are hereby declared to be a nuisance. No person shall permit any such weeds to grow or remain in any such place.

As used in this section, an "improved lot or improved tract of land" means a lot or tract of land that has been cleared and mowed once since January 1, 1997.

(b) Height. No person shall permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental or vegetable plants, to grow to a height exceeding eight inches anywhere in the city. Such plants, grasses or weeds exceeding such height are hereby declared to be a nuisance.

(c) Notices of Violations. The Health Officer or his or her duly authorized agent shall serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, plants or grasses are permitted to grow in violation of this section and shall demand abatement of the nuisance within seven days after service thereof.

(d) Noncompliance; Abatement by City. If the person as served does not abate the nuisance within seven days, the Health Officer or his or her duly authorized agent may proceed to abate such nuisance. All expenses incurred, including the mowing fee per hour (minimum one hour will be charged), as set by Council, shall be charged and paid by such person. One notice will be sent, registered mail, to the property owner's mailing address. This notice will inform the person to abate the nuisance within seven days, the costs for City services to mow the weeds and that this will be the only notice sent for the season/calendar year.

(e) Costs; Liens. Charges for such abatement shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, Council shall, by resolution, certify such charges against the property to which the bill is rendered to be turned over to taxes. The remedy provided for in this subsection and in subsection (d) hereof shall be in addition to the penalty provided in Section 678.99.

(Ord. 125A. Passed 6-10-74; Ord. 678-A. Passed 11-9-92; Res. 97-103. Passed 10-13-97; Ord. 2016-05. Passed 6-13-16; Ord. 2023-2. Passed 3-13-23.)

### **678.07 OBJECTIONABLE WASTES; UNLAWFUL DISCHARGES; WATER POLLUTION.**

(a) Prohibitions.

- (1) No person shall place, cause to be placed or deposit in an unsanitary manner or with a destructive intent, upon any street or public or private property in the City, any effluent from any sewage disposal facility or of an obnoxious odor which shall have a detrimental effect on the senses or health and welfare of any person so as to create any unsanitary, unhealthful condition which shall obstruct the reasonable use by owners of property adjacent thereto.
- (2) No person shall discharge to any ditch, stream or natural outlet in the City any unsanitary or polluted drainage from any septic tank or other sewage disposal system.
- (3) No person shall deposit or allow to be deposited, any human or animal excrement, garbage, dead animals, rubbish or other objectionable waste so as to endanger the health, property and welfare of the City and its inhabitants.

(Ord. 2010-03. Passed 8-9-10.)

(b) Right of Entry; Inspections.

- (1) No person shall refuse to permit the Health Officer to inspect any premises at all reasonable times for the enforcement of this section.
- (2) Any deliberate and continued refusal to permit inspection and any interference with an officer in the discharge of his or her appointed duty shall constitute a violation of this section.

(Ord. 111. Passed 8-10-64.)

(c) Complaints.

- (1) Complaints against property owners for a violation of this section may be made by individual residents or property owners. Such complaints must be in writing, signed by the complainant and directed to the Health Officer or the City office. All complaints so presented shall be investigated by the Health Officer and action shall be taken to remedy the situation as prescribed in the Health Code if the complaint is found to be valid.
- (2) The Health Officer may investigate any violation discovered in the course of his or her duty and take what action is necessary to remedy the situation.

(d) Violations. Any person in violation of this section shall correct such violation within thirty days of receipt of notice to do so from the Health Officer. A separate offense shall be deemed committed each day during or on which the violation continues. (Ord. 678-A. Passed 11-9-92.)

**678.08 ABANDONED REFRIGERATORS.**

(a) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or container having airtight doors which when closed cannot be opened from the inside.

(b) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind which has an airtight snap-lock or other device thereon without first removing such snap-lock or the doors from such ice box, refrigerator or container.

**678.09 SMOKING IN CITY OFFICES.**

Smoking shall be prohibited in the City offices located at 6767 Main Street. (Motion of Council. Passed 2-12-96.)

**678.10 SMOKING IN RECREATION BUILDING.**

The Recreation Building located at 6738 Clay Street is hereby designated as a no-smoking facility. (Res. 2000-92. Passed 8-14-00.)

**678.11 GRASS CLIPPINGS.**

It is unlawful for any person, firm, association, or corporation to deposit, place, discard, drop or in any other manner scatter any grass clippings in or upon the streets, curbs, sidewalks or alleys of the City. (Ord. 2013-06. Passed 12-9-13.)

**678.12 TREES AND PLANTS; TRIMMING OR REMOVAL FROM PRIVATE AND PUBLIC PROPERTY.**

(a) Any tree, or any other plant, on private property extending over a public street, sidewalk or other public place, creating a hazard by endangering life or property by being infested, diseased or dead, shall be trimmed or removed by the property owner to eliminate the hazard.

(b) Any tree, or any other plant, on private property extending over the private property of others, creating a hazard by endangering life or property of others by being infested, diseased or dead, shall be trimmed or removed by the property owner to eliminate the hazard.

(c) The property owner having a tree, or any other plant, on their property that interferes with vehicular or pedestrian traffic, traffic control device or the proper spread of light along the streets or other City property shall trim or remove them to eliminate the interference and/or hazard.

(d) When the City is made aware of violations or hazardous conditions of the above subsections (a), (b) and/or (c), the property owner shall be contacted in person or mailed notice, by certified mail, giving the owner 14 days to remedy the violations. Property owners who fail to comply with this notice after 14 days may be cited for violations associated with this chapter and in addition to the violation, the DPW supervisor shall take steps to have the violations or hazardous conditions corrected, which shall include the DPW or contracted persons going onto the private property to correct the violations or hazardous conditions.

(e) In the case of immediate hazards which could result in injury or death, the DPW Supervisor will be notified and the DPW Supervisor will attempt to contact the property owner to have the immediate hazard trimmed or removed, or the DPW shall take steps to have the hazard trimmed or removed, which may include the DPW or contracted persons going onto the private property to remove the immediate hazard.

(f) Property owners may be invoiced for all or part of the trimming or removal costs incurred by the City associated with this chapter. Invoices not paid within 30 days may be turned over to taxes and assessed against the property.

(g) All trees, or any other plants on City property will be addressed by the City DPW Supervisor.

(Ord. 2015-06. Passed 9-14-15.)



**678.99 PENALTY.**

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)

CHAPTER 682  
Sex Related Offenses

682.01	Indecent exposure; immoral conduct.	682.02	Obscenity.
		682.99	Penalty.

CROSS REFERENCES

Prostitution - see M.C.L.A. Secs. 750.448 et seq.

Mashing - see GEN. OFF. 666.01(4)

Voyeurism - see GEN. OFF. 666.01(4)

Immoral or indecent exhibitions - see B. R. & T.  
812.04

Adult entertainment - see P. & Z. 1272.06

682.01 INDECENT EXPOSURE; IMMORAL CONDUCT.

No person shall exhibit himself or herself in any place of entertainment or in any public place, nude or indecently clad. No person shall indulge in any indecent, immoral or suggestive conduct in such place. No person shall designedly make any open or indecent exposure of his or her person or of the person of another. No person shall urinate in any public park, alley or street or in any place in open view of the public.

682.02 OBSCENITY.

(a) As used in this section:

(1) "Material" means any paper, handbill, card, drawing, magazine, book, pamphlet, ballad, printed paper, phonographic record or tape, motion picture film, print, picture, figure, image, description or other tangible thing capable of being used to arouse interest through sight or sound or in any other manner.

(2) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, of any female breast with less than a full, opaque covering or any portion thereof below the top of the nipple or of covered male genitals in a discernibly turgid state.

(3) "Performance" means any motion picture, preview, play, show, skit, dance or other exhibition performed before an audience.

(4) "Sexual conduct" means masturbation, homosexuality, lesbianism, sadism, masochism, natural or unnatural sexual intercourse or any physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

(5) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(6) "Minor" means any unmarried person under the age of eighteen years.

(7) "Harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when the material or performance, taken as a whole, has the following characteristics:

A. The average adult person, applying contemporary community standards, would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors.

B. The average adult person, applying contemporary community standards, would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sado-masochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.

C. The material or performance lacks serious literary, scientific, educational, artistic or political value for minors.

(8) "Sado-masochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound or otherwise physically restrained.

(9) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape or video tape.

(10) "Knowingly" means having general knowledge of, or reason to know, or a belief which warrants further inspection or inquiry of both:

A. The character and content of any material or performance which is reasonably susceptible to examination by the defendant; and

B. The age of the minor. However, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(11) "Person" means any individual, partnership, association, corporation or other legal entity of any kind.

(12) "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

(b) No person shall sell, offer for sale, distribute, circulate or give away any obscene material or show or exhibit any obscene performance. Any material or performance shall be considered obscene if, when, considered as a whole and judged with reference to any ordinary adult, any of the following applies:

(1) Its dominant appeal is to prurient interest.

(2) Its dominant tendency is to arouse lust by displaying or depicting nudity, sexual excitement or sexual conduct in a way which tends to represent human beings as mere objects of sexual appetite.

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality.

(4) It contains a series of displays or descriptions of nudity, sexual excitement, sexual conduct, bestiality, extreme or bizarre violence, cruelty or brutality or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than for a genuine scientific, educational, sociological, moral or artistic purpose.

(c) No person having custody, control or supervision of any commercial establishment shall knowingly:

(1) Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material, provided, however, that a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds of the material is not exposed to view;

(2) Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

(d) It shall be an affirmative defense to any prosecution under this section that the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency or quasi-governmental agency by persons acting in their capacity as employees or agents of such institutions and organizations, which institutions and organizations display, present or disseminate such material or performance for a bona fide governmental, educational or scientific purpose.

(e) No person shall violate, disobey, neglect or refuse to comply with, or reject the enforcement of, any of the provisions of this section.

(f) In the event of a conflict between any of the provisions of this section and any provision of State law, the State law provision shall prevail.

682.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 696  
Weapons and Explosives

696.01 Discharging.	696.99 Penalty.
696.02 Fireworks.	

CROSS REFERENCES

Construction or possession of explosive devices - see  
M.C.L.A. Sec. 750.211a  
Arson - see M.C.L.A. Secs. 750.71 et seq.  
Missiles - see GEN. OFF. 666.01(10)

**696.01 DISCHARGING.**

No person shall shoot any air gun, spring gun, cross bow, firearm or other dangerous weapon or instrument in the City.  
(Ord. 2012-04. Passed 8-29-12.)

**696.02 FIREWORKS.**

(a) Definitions. As used in this section:

- (1) For a complete list of definitions, sales, and prohibited conduct of fireworks refer to Act 256 of 2011 also known as the Michigan Fireworks Safety Act.
- (2) The use of low-impact and novelty fireworks as defined by the Michigan Fireworks Safety Act are permitted year round provided they are used in a safe manner.

(b) Prohibition on use of consumer fireworks; exception; penalty.

- (1) No person shall ignite, discharge, or use any fireworks within the City limits except as allowed by this chapter. The ignition, discharge, or use of consumer fireworks shall be allowed on the following days after 11:00 a.m.
  - A. December 31 until 1:00 a.m. on January 1;
  - B. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;
  - C. June 29 to July 4 until 11:45 p.m. on each of those days;
  - D. July 5, if that date is a Friday or Saturday, until 11:45 p.m.; and
  - E. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

- (2) Whosoever violates subsection (b) shall be fined one thousand (\$1,000.00) dollars for each violation of the chapter and no other fine or sanction. Five hundred (\$500.00) dollars of the fine collected under this section shall be remitted to the City of Caseville Law Enforcement Agency.
- (3) Except as provided in subsections (c) and (d) hereof, no person shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode or cause to explode any of the following:
  - A. A blank cartridge, blank cartridge pistol, toy cannon, toy cane or toy gun in which explosives are used; or
  - B. An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft.
- (4) Whosoever violates any of the provisions of this chapter except for subsection (b) shall be guilty of a misdemeanor punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

(c) Additional Exceptions. The possession, transportation, sale or use of signal flares, of a type approved by the Director of the Department of State Police or other governmental agency, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports or for the use by military organizations. Provided all of these items are being used for their intended purposes.

(d) Permit Procedure.

- (1) Council, upon application, in writing, on forms provided by the Director of the Department of State Police, may grant a permit for the use of fireworks otherwise prohibited by this section in the City, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks or other organizations or groups of individuals approved by the City, if applicable provisions of this section are complied with. The permit shall be on forms provided by the Director. After a permit has been granted, the sale, possession or transportation of fireworks for only the purposes described in the permit may be made. A permit granted under this subsection shall not be transferable nor shall a permit be issued to a person under eighteen years of age.
- (2) Council, upon application, in writing, on forms provided by the Director, may grant a permit to a resident wholesale dealer or jobber to have in his or her possession in the City fireworks otherwise prohibited by this section for sale only to holders of permits as provided in this subsection. A permit granted under this subsection is not transferable nor shall a permit be issued to a person under eighteen years of age.

- (3) Before a permit for a pyrotechnic display is issued, the person making application shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the City to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, or an agent or employee thereof, in the amount, character and form the City determines necessary for the protection of the public.
- (4) The City shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the displays before granting permits.
- (5) Approval for special displays of consumer grade fireworks can be approved by City Council, after filing an application with Police Chief. The Police Chief must be provided written permission from the property owner and documentation of liability insurance covering the event in the amount of at least one million dollars.  
(Ord. 2012-04. Passed 8-29-12; Ord. 2014-02. Passed 9-8-14; Ord. 2016-09. Passed 12-12-16; Ord. 2020-4. Passed 1-13-20.)

**696.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



