

NORVELL TOWNSHIP ORDINANCE NO. 26

AN ORDINANCE TO PROVIDE FOR THE EXERCISE OF CERTAIN POLICE POWERS OF THE TOWNSHIP OF NORVELL TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF.

THE TOWNSHIP HEREBY ORDAINS:

Section I Definitions

- A. The term "public place" as used in this Ordinance shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.
- B. The term "School" includes any school or college, whether elementary, secondary, advanced or for preschool, mentally handicapped or physically handicapped individuals, or whether public, private or parochial.
- C. The term "School Premises" includes all lands and grounds owned by a school, whether or not occupied by a building, together with all lands and ground surrounding said school buildings, including any paths, walkways, drives or parking areas used in connection with or incidental thereto.

Section II Acts Prohibited

No Person shall:

- 1. Commit an assault, or an assault and battery on any person;
- 2. Be under the influence of any narcotic drug or be intoxicated in a public place and either endanger directly the safety of another person or property or act in a manner that causes a public disturbance;
- 3. Fire, discharge, display or possess any fireworks of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as last amended by Act 242 of the Public Acts if 1949.

4. Engage in peeping in the window, doorways or other openings of any inhabited dwelling;
5. Beg in any public place;
6. Swim or bathe in any public place without wearing proper apparel;
7. Utter vile, profane or obscene language in any public place;
8. Engage in any indecent, immoral or obscene conduct in any public place;
9. Make any immoral exhibition or indecent exposure of his or her person in a public place;
10. Improperly, lewdly, or wrongfully accost, ogle, insult, annoy, follow, pursue, lay hands on, or by any gesture, movement of body or otherwise wrongfully molest any person in any public place or public vehicle;
11. Engage in any disturbance, fight, or quarrel in a public place;
12. Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place;
13. Jostle or roughly crowd persons in any street, alley, park, or public building;
14. Conduct himself on any street or sidewalk or in any park or public building or in any other public place so as to obstruct the free and uninterrupted passage of the public;
15. Obstruct the free and uninterrupted passage of the public on any street, roadway, sidewalk or alley way, for any purpose by:
 - a. collecting in groups thereon, or
 - b. playing any game thereon, or
 - c. erecting, placing, or maintaining any barrier or object there; except such barrier or object may be erected, placed or maintained when necessary for the safety of passersby in connection with the building, erection, modification or demolition of any building or by prior written consent of the Chief of Police;
16. Engage in any act of prostitution;

17. Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal or immoral business or occupation is permitted or conducted;
18. Engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation;
19. Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act;
20. Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling or in any illegal act;
21. Disturb the public peace and quiet by loud, boisterous or vulgar conduct;
22. Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons;
23. Obstruct, resist, hinder or oppose any member of the police force, fire department or other emergency personnel in the discharge of his or her duties as such;
24. Willfully enter upon the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant thereof or the agent or servant of either; or remain upon the land or premises of another without lawful authority after being notified to depart therefrom by the owner or occupant thereof or the agent or servant of either;
25. Willfully enter upon the lands or premises of any person in the nighttime, without authority or permission of the owner of such premises;
26. Spit on the floor or the seat of any public assemblage;
27. Willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any school building, or any public building, bridge, fire hydrant, alarm box, street light, street signal, parking meter, or shade tree belonging to the Township or located in the public building, fence, tree, or pole within the Township, or damage, destroy, take, or meddle with any property belonging to the Township, or remove the same, without proper authority, from the building or place where it may be kept, placed, or stored;

28. Make any connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of any franchised cable television system within the Township of Norvell for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program, or sound, which connection has not been authorized by the owner of said cable television system;
29. Tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs, or sound without the consent of the owner thereof;
30. Drive or operate any motor vehicle, including, but not limited to, automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, persons, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either;
31. Drive or operate any motor vehicle as prohibited in Subsection 33 in a careless or negligent manner likely to endanger any person or property, including, but not limited to animals, fences, shrubbery, trees, flowers, garden crops, lawns or any interior or exterior portions of any structure of any nature. Any person violation this subsection shall be subject to a fine of not more than five hundred dollars (\$500.00) and/or ninety (90) days in jail or both, together with costs;
32. While being under the age of twenty-one (21) years, possess or consume any alcoholic liquor;
33. Disturb or interfere in any manner with the orderly conduct of classes or other school sanctioned activity conducted in or on any school premises, including, but not limited to, interference through the operation of a motor vehicle;
34. Willfully enter upon school premises at any time without lawful authority after having been forbidden to do so by any authorized agent of the school;
35. Damage, destroy or deface any school building, equipment, teaching supplies or equipment or other school property located in or on any school premises, including, but not limited to, any trees, shrubbery, lawn, flowers or fences;

36. Cause or attempt to cause, by counsel, inducement, enticement, invitation, encouragement, intimidation, or threat of physical force, any student under the age of sixteen (16) to:
- a. Fail to attend a scheduled program or class of instruction or other school activity for which attendance for said student is required by the school; or
 - b. Interfere with school sanctioned activities or business;
 - c. Provided, however, these provisions shall not apply to the parent or guardian of any child with respect to said child.

Article 37: A person shall not use the controlled substance of **marijuana** in the Township of Norvell unless the substance was directly obtained from, and pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

Article 38: **Possess Drug Paraphernalia.** Drug paraphernalia means any equipment, product, material, or combination of equipment, products, or materials which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting; ingesting; inhaling; or otherwise introducing to the human body a controlled substance; including, but not limited to all of the following:

- a. An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.
- b. Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.
- c. A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.
- d. A diluent or adulterant, including, but not limited to quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.
- e. A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- f. An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.

- g. A kit specifically designed for use in planting, propagation, cultivation, growing, or harvesting any species of plant that is a controlled substance can be derived.
- h. A kit specifically designed for manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- i. A device, commonly known as a cocaine kit, that is specifically designed for ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- j. A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substance to the user.
- k. A device, commonly known as a snorter, which is specifically designed to carry a small amount of controlled substances to the user's nose.
- l. A device, commonly known as an automobile safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.
- m. A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling or otherwise introducing controlled substance into the human body.

SECTION III VALIDITY

- A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any part of this Ordinance that can be given effect without such invalid part or parts.

SECTION IV ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00), and the cost of prosecution, or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment, in the discretion of the Court together with the cost of said prosecution.

SECTION V PUBLIC NUISANCE PER SE

Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any Court of competent jurisdiction.

SECTION VI EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION VII ABATEMENT BY INJUNCTION

That in the alternative to any other remedies provided herein, the Township of Norvell may make a petition or complaint in the Circuit Court for the County of Jackson to abate and enjoin the acts prohibited by this Ordinance.

SECTION VIII RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.