

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 71

AN ORDINANCE ENACTED PURSUANT TO MCL 41.181 TO ADOPT BY REFERENCE CERTAIN STATE LAWS, AND TO ADOPT CERTAIN ADDITIONAL PROVISIONS AS THE ORONOKO CHARTER TOWNSHIP CRIMINAL CODE: TO PROVIDE FOR PENALTIES FOR VIOLATIONS AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN,
ORDAINS:**

SECTION 1: TITLE

This Ordinance and the provisions of state laws adopted by reference shall be collectively known and may be cited as "Oronoko Charter Township Code of Criminal Conduct".

SECTION 2: ADOPTION BY REFERENCE

The following provisions of Michigan state law are hereby adopted by reference, as presently enacted, or hereafter amended:

- A. Disorderly Person: MCL 750.167: (1)(a) through (d) and 750.168(1)
- B. Cruelty to Animals: MCL 750.50 (1), (2), (5), (6), (7), (8), (9), (10), (11) and (12)
- C. Assault and Domestic Assault: MCL 750.81(1), (2), (5) and (6)
- D. Littering: MCL 324.8901, 324.8902, 324.8903, 324.8904
- E. Larceny less than \$200.: MCL 750.356(1), (5), (6), (7) and (10)
- F. Larceny: MCL 750.362, 750.362(a) (1), (5), (6), 750.363
- G. Procurement by false pretenses: MCL 750.292
- H. Malicious destruction, real property: MCL 750.380(1), (5) and (6)
- I. Malicious destruction, personal property: MCL 750.377a(1) d and (2)
- J. Malicious destruction, signs, etc.: MCL 750.385
- K. Malicious destruction, tomb, etc.: MCL 750.387(1)(2)(3) and (7)
- L. Malicious destruction, trees, etc.: MCL 750.382(1)(a)
- M. Damage to motor vehicle: MCL 750.416
- N. Willfully and maliciously setting fire: MCL 750.77(1)(a) and (2)

- O. Trespass: MCL 750.552
- P. Disturbing religious meeting: MCL 750.169
- Q. Disturbance of lawful meeting: MCL 750.170
- R. Abandoned icebox, refrigerator: MCL 750.493(d)
- S. Fireworks: MCL 750.243a, 750.243b, 750.243c, 750.243d and 750.243e
- T. Gaming, place: MCL 750.309
- U. Soliciting: MCL 750.448
- V. Admitting to place of prostitution: MCL 750.449
- W. Prostitution: MCL 750.449a, 750.450, 750.451 and 750.462
- X. Use of marihuana: MCL 333.7404(1) and (2)(d)
- Y. Contributing to delinquency of minor: MCL 750.145
- Z. Malicious use of telephone: MCL 750.540e

SECTION 3: ADDITIONAL OFFENSES

The following provisions are hereby included as part of the Oronoko Charter Township Code of Criminal Conduct:

A. Curfew:

1. No minor under the age of fifteen (15) years shall loiter, idle or congregate in or on any public street, parking lot, highway, alley, sidewalk, park, school grounds, playground, vacant land, restaurant, store, commercial establishment parking lot, land upon which a vacant building is located, or other public place between the hours of 10:30 p.m. and 6:00 a.m.
2. No minor aged fifteen (15), sixteen (16) or seventeen (17) years of age shall loiter, idle or congregate in or on any public street, parking lot, highway, alley, sidewalk, park, school grounds, playground, vacant land, restaurant, store, commercial establishment parking lot, land upon which a vacant building is located, or other public place between the hours of 11:30 p.m. and 6:00 a.m. on Sunday through Thursday evenings, and between the hours of 12:00 midnight and 6:00 a.m. on Friday and Saturday evenings.
3. Any minor as described in this section who violates this section shall be dealt with in accordance with juvenile court law and procedure.
4. Any person of the age of eighteen (18) years and over who assists, aids, abets, allows, permits or encourages any minor under the age of eighteen (18) years to violate above is guilty of a misdemeanor. If the person eighteen (18) years of age or over is the parent,

guardian, or person having the legal care and custody of a minor under the age of eighteen (18) years, proof that the minor was on or in any public street, parking lot, highway, alley, sidewalk, park, school grounds, playground, vacant land, restaurant, store, commercial establishment parking lot, land upon which a vacant building is located, or other public place in violation of the above shall be prima facie evidence that the minor's parent, guardian, or other person having the legal care and custody or the minor allowed, permitted or encouraged the minor to violate such section. Further, no parent, guardian, or other person having the legal care and custody of a minor covered under this division shall fail to exercise reasonable control over the minor, which failure results in the minor violating.

5. The following exceptions to the curfew established by this division shall apply where the minor is:
 - a. Accompanied by the minor's parent or guardian or any other person twenty - one (21) years or older authorized by a parent or the caretaker for the minor.
 - b. On an errand at the direction of the minor's parent, guardian or caretaker without any detour or stop.
 - c. In a vehicle involved in interstate travel.
 - d. Engaged in certain employment activity, or going to or from employment, without any detour or stop.
 - e. Involved in an emergency.
 - f. On the sidewalk that abuts the minor's or the next door neighbor's residence, if the neighbor has not complained to the police.
 - g. In attendance at an official school, religious or other recreational activity sponsored by the village, a civic organization or another similar entity that take responsibility for the minor, or going to or from, without any detour or stop, such an activity supervised by adults.
 - h. Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

B. School Grounds

1. No person shall damage, destroy or deface any public, private or parochial school or the grounds, outbuildings, fences, trees, shrubs or other appurtenances thereto or any personal property located in any such school building or located on property proposed for such school purposes.
2. No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed.
3. No person shall use profane, indecent or immoral language or engage in indecent or immoral conduct in any public, private or parochial school building or in any building occupied by any public, private or parochial school or the grounds thereto or on any property adjacent to any building occupied by any public, private or parochial school.
4. No person shall, by violence, threat of violence, coercion or intimidation, attempt to force any public, private or parochial student or other person to give or lend any money, property or other thing of value to any person in any public, private or parochial school or on the property of any public, private or parochial school or during any time when any such student is going to or returning from any regularly scheduled session of any such school.
5. Any person creating a disturbance in any private, public or parochial school or on the property of any public, private or parochial school shall leave immediately when so directed by the principal of such school or by such other person designated by the principal.
6. No unauthorized person shall enter and remain in any school building or upon any school property whether public, private or parochial for any reason whatsoever unless such person has received written consent from the principal or such other person designated by the principal to be in any such public, private or parochial school building or upon such school property. Any unauthorized person shall mean any person who is not a regularly enrolled student in the school building or school grounds entered or a parent or guardian of such student or a teacher or other employee in such school building.

C. Mutual Fighting

It shall be unlawful for a person to create or engage in any disturbance, fight or quarrel in any public place, except in reasonable self defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.

SECTION 4: PENALTIES

The penalties set forth in the provisions of state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance; if no specific penalty is provided in the adopted statute and for the provisions included in Section 3, above, the maximum penalty shall be as provided in Michigan statute for the violation of a township criminal ordinance.

SECTION 5: SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance or any provision of any of the provisions herein adopted by reference to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision.

SECTION 6: REPEAL OF CONFLICTING PROVISIONS

This Ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under a statute shall continue under the statutory provision then in effect.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect upon publication of its enactment as required by law.

SECTION 8: PUBLICATION OR POSTING

The Township Clerk shall certify to the adoption of this Ordinance and cause the same to be posted or published as required by law.

MOTION TO ADOPT ORDINANCE

Proposed by Board member Treasurer Kendall Hill.

Supported by Board member Trustee August Zielke

ROLL CALL VOTE

Ayes: Trustee Zielke, Clerk Renton, Trustee Kerlikowske, Trustee Hildebrand, Treasurer Hill, Trustee Riess, Supervisor Hildebrand.

Nays: None.

Abstain: None.

Absent: None.

ORDINANCE DECLARED ENACTED

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan on the 11th day of October, 2011 and approved by its Supervisor and Clerk on said date.

ORONOKO CHARTER TOWNSHIP

By: _____
Ernest Hildebrand, Supervisor

and

By: _____
Suzanne Renton, Clerk

First Reading: September 13, 2011

Second Reading: October 11, 2011

Publication of Notice: October 19, 2011