

**CHARTER TOWNSHIP OF BLACKMAN
JACKSON COUNTY, MICHIGAN**

**ORDINANCE NO. 129
AMENDMENT TO ORDINANCE 36 ARTICLE XI**

At a regular meeting of the Township Board of the Charter Township of Blackman, County of Jackson, State of Michigan, held in the Township Hall on the 18th day of December, 2017, at 6:00 p.m., the following Ordinance was amended and passed:

THE CHARTER TOWNSHIP OF BLACKMAN ORDAINS:

§36-56. Purpose; offenses against persons or property.

This purpose of this article is to safeguard the health, well-being and welfare of the persons and property of the Charter Township of Blackman, to define offenses against persons and property, to provide penalties for committing offenses against persons or property in the Charter Township of Blackman and to repeal and replace Ordinance Numbers 39 and 71.

§ 36-57. Definitions.

For the purpose of this article, the following terms shall have the following meanings respectively designated for each:

ANIMAL – Includes birds, fish, mammals and reptiles.

LIVESTOCK – Horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.

OWNER – The term "owner" and persons owning premises shall mean both the owner of title of record and those occupying or in possession of any property or premises. The term "owner," when applied to the proprietorship of any animal, means every person having a right of property in the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his or her care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself or herself.

PEACE OFFICER – Any person employed or elected by the people of the Charter Township of Blackman, or by the State of Michigan or the County of Jackson, whose duty is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or firefighters.

PERSON – Includes state and local officers and employees, individuals, corporations, co-partnerships and associations.

POULTRY – All domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCLAS 317.71 et seq.; MSA 13.1271 et seq.)¹
§ 36-56 § 36-57:1

PROPERTY – Tangible or intangible real or personal property.

PUBLIC PLACE – Any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is visible or accessible to the public.

TOWNSHIP – The Charter Township of Blackman.

§ 36-58. Unlawful act.

It shall be unlawful and punishable, as provided herein, for any person to be a disorderly person within the Charter Township of Blackman.

§ 36-59. Disorderly person.

A.

A person is a disorderly person if the person is any of the following, or the person aids or abets another to do such an act or engage in any practice so as to be:

(1)

A person who is intoxicated in a public place;

(2)

A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place;

(3)

A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties;

(4)

A person who shall break or escape from the lawful custody of a public safety officer of the Township;

(5)

A person who furnishes a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a statute or Township ordinance;

(6)

A person who summons, as a joke or prank or otherwise, without any good reason therefor, by telephone or otherwise, the Public Safety Department or any public or private ambulance to go to any address where the service called for is not needed;

(7)

A person who makes a false report, by telephone or otherwise, to any public official which may reasonably be expected to cause the evacuation or closing of a building or place open to the public, or who knowingly makes a false statement or report to a peace officer;

(8)

A minor, under 16 years of age, who is in a public place or on the public street between the hours of 10:00 p.m. and 6:00 a.m.; [1]

[1]

Editor's Note: See also Part 3, Curfew, of this chapter.

(9)

A person who commits an assault or an assault and battery against another;

(10)

A person who spits or expectorates on, at or toward another person, or who urinates or defecates in a public place;

(11)

A person who, without permission, peeps or peers into the windows of any inhabited place that he or she does not own or occupy;

(12)

A person who shall leave the outside of any building or dwelling in a place accessible to children any abandoned, unattended, available or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be easily released for opening from the inside of such icebox, refrigerator, container or compartment;

(13)

A person who knowingly attends, frequents, operates or loiters in or about a place where gambling, the illegal sale of intoxicating liquor, controlled substances, or any other illegal business or occupation is permitted or conducted;

(14)

A person who maintains a gaming room, gaming table, or any policy or pool tickets used for gaming; knowingly allows a gaming table, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her except as permitted by law; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest, or game of any kind whatsoever;

(15)

A person who loiters, wanders, stands or remains idle in a public place so as to:

(a)

Obstruct a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon; or

(b)

Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, highway, sidewalk, place or building so as to prevent the free and uninterrupted ingress or egress thereto or therefrom; and who refuses or fails to forthwith obey an order by a peace officer to cease such conduct and to move and disperse;

(16)

A person who willfully enters the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant;

(17)

A person who willfully enters the lands or premises of another and who neglects or refuses to depart from the land or premises of another after being notified by the owner or occupant, agent or servant of the owner or occupant to depart therefrom;

(18)

A person who knowingly sells, gives or furnishes alcoholic beverages, beer, liquor or spirits to any person under the age of 21 years or to any drunken, intoxicated or disorderly person; [2]

[2]

Editor's Note: See also Part 2, Alcohol, of this chapter.

(19)

A person who possesses any open intoxicant or consumes any alcoholic beverages, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place;

(20)

A person who, without consent of the owner or occupant, shall dump, deposit, place, throw or leave litter on public or private property; [3]

[3]

Editor's Note: See also Part 5, Littering, of this chapter.

(21)

A person who makes or continues any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township, including, but not limited to:^[4]

(a)

Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and unreasonable duration, or unreasonably loudly or harshly;

(b)

Playing or amplifying any radio, phonograph, stereo, tape or disc player, or musical instrument in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity;

(c)

Yelling, shouting or making any other noise on a public street or sidewalk at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity;

(d)

Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort or repose of any persons in the vicinity;

(e)

Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;

(f)

Discharging the exhaust of any steam engine, stationary internal-combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(g)

Intentionally squealing the tires of any motor vehicle;

(h)

Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of 7:00 a.m. and 10:00 p.m.;

(i)

Creating loud and excessive noises in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers;

(j)

Creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.

[4]

Editor's Note: See also Part 6, Noise, of this chapter.

(22)

A person who disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, by any means, including but not limited to deflating tires attached to said motor vehicle, or placing a foreign substance in the motor vehicle's fuel tank;

(23)

A person who throws or propels any snowball, rock, missile or object from any moving vehicle;

(24)

A person less than 21 years of age who possesses any alcoholic beverage, beer, liquor or spirits;

(25)

A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening, intimidating or annoying such other person or his or her family, whether or not conversation ensues;

(26)

Any person, 17 years of age or older, who shall accost, solicit or invite another in any public place, or in or from any building or vehicle, by word, gesture or any other means, to commit prostitution or to do any other lewd or immoral act;

(27)

A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of 17 years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent; this section shall not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment;

(28)

A person who carries a knife having a blade of three inches in length or more, whether in a sheath or not, in a public place or in a vehicle on a public roadway, right-of-way or place open to the public;

(29)

A person who carries any firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon in any public place, subject to the following exceptions:

(a)

When it is in a case and is not loaded;

(b)

When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public recreational personnel; or

(c)

Where and as otherwise permitted by state law.

(30)

Animals. A person who:

(a)

Owns any animal and who permits the animal to run at large, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner;

(b)

Owns any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a handicapped person accompanied by its owner, and who permits the dog to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs;

(c)

Owns any dog at any time, licensed or unlicensed, which destroys property, real or personal, or trespasses in a damaging way on property of persons other than the owner;

(d)

Owns any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person;

(e)

Owns any dog which shows vicious habits, including, but not limited to, charging, snarling, growling, etc., or which molests passersby when such persons are lawfully on a public highway, right-of-way or adjacent property;

(f)

Owns, keeps, houses, tethers or otherwise possesses or maintains any animal in such a way or manner or in such location whereby noises emanating from said animal, including, but not limited to, loud and frequent barking, howling or yelping, shall cause a disturbance or

otherwise disrupt the peace, quiet and tranquility of persons within the limits of the Township, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. This section does not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein;

(g)

Owns any livestock or poultry which is kept, possessed, or harbored within the boundaries of any nonagricultural area within the Township;

(h)

Owns any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;

(i)

Removes a collar or a tag from any dog or any other animal without the permission of its owner, or decoys or entices any dog or other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or other animal while held or led by any person or while on the property of its owner.

(j)

Leaves any dog or cat in a vehicle, when the temperature outside is 70 Degrees Fahrenheit or higher, unless climate controlled.

(k)

Fails to provide any animal with sufficient food, water, shelter, sanitary conditions, exercise and/or veterinary medical attention.

“Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal, so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (1) The residence of the dog's owner or other individual.
- (2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (3) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

(31)

A person who intentionally and maliciously kills, injures or maims any animal, livestock or poultry owned by another person. However, any person may kill any dog or other animal which he or she sees in the act of or actually attacking or wounding any person, livestock, poultry or other animal, and there shall be no liability on such person in damages or otherwise for such killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this state, including, by way of example, the safe discharge of firearms;

(32)

A person under 18 years of age that possesses or smokes cigarettes or cigars; or possesses or chews, sucks or inhales chewing tobacco or tobacco snuff; or possesses or uses tobacco in any form on a public highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement;

(33)

A person who sells, gives to, or in any way furnishes cigarettes, cigars, chewing tobacco, tobacco snuff or tobacco in any form to a person under 18 years of age

(34)

A person who is engaged in indecent or obscene conduct or indecent exposure of their person in a public place.

(35)

A person who provides false information to a police officer.

(a) Except as provided in this section, a person who is informed by a police officer that he or she is conducting a criminal investigation shall not do any of the following:

- (1) By any trick, scheme, or device, knowingly and willfully conceal from the police officer any material fact relating to the criminal investigation;
- (2) Knowingly and willfully make any statement to the police officer that the person knows is false or misleading regarding a material fact in that criminal investigation;
- (3) Knowingly and willfully issue or otherwise provide any writing or document to the police officer that the person knows is false or misleading regarding a material fact in that criminal investigation;

(b) This section does not apply to either of the following:

- (1) Any statement made or action taken by an alleged victim of the crime being investigated by the police officer.
- (2) A person who was acting under duress or out of a reasonable fear of physical harm to himself or herself or another person from a spouse or former spouse, a

person with whom he or she has or has had a dating relationship, a person with whom he or she has had a child in common, or a resident or former resident of his or her household.

- (c) This section does not prohibit a person from doing either of the following:
- (1) Invoking the person's rights under the Fifth Amendment of the constitution of the United States or section 17 of article I of the state constitution of 1963.
 - (2) Declining to speak to or otherwise communicate with a police officer concerning the criminal investigation.
- (d) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two persons in a business or social context.

§ 36-60_Exceptions.

None of the terms or prohibitions hereof shall apply to or be enforced against:

- (a) The operation of any vehicle of the Township while engaged upon necessary public business.
- (b) Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township or state during the night when the public welfare and convenience renders it impossible to perform such work during the day.

36-61. Parental responsibility.

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of 17 years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this article. Proof that the minor was convicted of violating this article shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such section.

§ 36-62. Violations and penalties; remedies for violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor. Penalties may be imposed up to 90 days' incarceration in the Jackson County Jail and/or fines up to \$500 plus the costs of prosecution. In addition, any violation of this article shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen who lives in the Township to take such action in any court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

EFFECTIVE DATE

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

MEMBERS PRESENT: Supervisor Jancek, Clerk Sercombe, Treasurer Preston and Trustees: Ambs, Pack, Thomas and Williams

MEMBERS ABSENT: None

AYES: 7

NAYS: 0 _____

Adopted: 12/18/2017

Effective: 1/20/2018

Shelly Sercombe, Clerk