

ORDINANCE #10-2017

ORDINANCE TO AMEND “CHAPTER 46 – OFFENSES” OF THE CITY OF MARLETTE CODE OF ORDINANCES

WHEREAS, the City of Marlette has completed a thorough review of its Code of Ordinances in pursuit of publishing a comprehensive update of the Code of Ordinances book; and

WHEREAS, the following amendments are necessary to complete the update.

THE CITY OF MARLETTE ORDAINS . . . .

**Section 1.** That Section 46-81 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~*Section 46-81. Carrying firearms.*~~

~~No person shall carry any loaded BB gun, air rifle, shot gun, rifle or other dangerous weapon, either in an automobile or on the person. This section shall not apply to persons legally licensed to carry loaded firearms nor to police officers.~~

**Section 2.** That Section 46-112 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~*Section 46-112. Possessing or using tobacco products in public by person under 18; violation as misdemeanor.*~~

~~(a) Definitions as used in this section:~~

~~*Chewing tobacco* means loose tobacco or a flat, compressed cake of tobacco that is inserted into the mouth to be chewed or sucked.~~

~~*Tobacco snuff* means shredded, powdered or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.~~

~~(b) A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following:~~

~~(1) For the first violation, the court may order the person to do one of the following:~~

- a. ~~Perform not more than 16 hours of community services in a hospice, nursing home or long-term care facility.~~
- b. ~~Participate in a health promotion and risk reduction program, as described in this subsection.~~
  - (2) ~~For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home or long-term care facility.~~
  - (3) ~~For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.~~

**Section 3.**

That Section 46-166 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

***~~Section 46-166. Use of tobacco product on school property.~~***

*~~(a) Definitions. As used in this section:~~*

*~~School district~~* means a school district, local act school district, or intermediate school district, as those terms are defined in the school code of 1976, Act No. 451 of the Public Acts of Michigan of 1976 (MCL 380.1 et seq., MSA 15.4001 et seq.); a joint high school district formed under part 3A of Act No. 451 of the Public Acts of Michigan of 1976 (MCL 380.171 et seq., MSA 15.4171 et seq.) of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these.

*~~School property~~* means a building, facility, or structure and other real estate owned, leased or otherwise controlled by a school district.

*~~Tobacco product~~* means a preparation of tobacco to be inhaled, chewed or placed in a person's mouth.

*~~Use a tobacco product~~* means any of the following:

- (1) ~~The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.~~
- (2) ~~The inhaling or chewing of a tobacco product.~~
- (3) ~~The placing of a tobacco product within a person's mouth.~~

*~~(b) General prohibition.~~* Except as otherwise provided in subsection (d) of this section, a person shall not use a tobacco product on school property.

*~~(c) Violation.~~* A person who violates subsection (b) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

*~~(d) Exceptions.~~* Subsection (b) does not apply to that part of school property consisting of outdoor areas, including, but not limited to, an open-air stadium, during either of the following time periods:

~~(1) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours:~~

~~(2) After 6:00 p.m. on days during which there are regularly scheduled school hours.~~

**Section 4.** That Section 46-167 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~***Section 46-167. Breaking and entering.***~~

~~No person shall break and enter, or shall enter without breaking, any school building or other building, storage facility, shop, warehouse, or other structure, owned and operated by the public schools, whether occupied or unoccupied, without first obtaining permission to enter from an authorized officer, agent or employee of the public schools, or the person having immediate control thereof; provided, however, that this section shall not apply to entering without breaking any place which at the time of such entry was open to the public, unless such entry has been expressly denied. This section shall not apply in cases where the breaking and entering or entering without breaking were committed by a peace officer or someone under his direction in the lawful performance of his duties as such peace officer.~~

**Section 5.** That Section 46-169 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~***Section 46-169. Larceny.***~~

~~No person shall commit the offense of larceny by stealing any of the property of another, or any of the property belonging to the public schools, upon the premises of the public schools.~~

**Section 6.** That Section 46-170 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~***Section 46-170. Disruptions.***~~

~~No persons shall disrupt any school class, activity or function by engaging in any disturbance, fight or quarrel; by obstructing the free and uninterrupted passage of other persons; by jostling or roughly crowding any persons in any school building, parking lot, playground, yard or athletic ground; by engaging in any loud, boisterous or vulgar conduct; by collecting or standing in crowds or arranging, encouraging or abetting the collections of persons in crowds for illegal or mischievous purposes on any school property; or by otherwise intentionally disrupting any such school class, activity or function.~~

**Section 7.** That Section 46-171 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~***Section 46-171. Consumption or possession of or intoxication by alcoholic liquors or narcotic drugs.***~~

~~No person shall consume, possess, or be under the influence of any alcoholic liquor or any narcotic drug on the premises of the public schools, provided that this~~

~~restriction shall not apply to medicines prescribed by a physician, or patent medicines being used to prevent or cure illness.~~

**Section 8.** That Section 46-172 of Chapter 46 of the City of Marlette Code of Ordinances is hereby deleted in its entirety.

~~**Section 46-172. Extortion.**~~

~~No person shall, either orally or by a written or a printed communication, maliciously threaten any injury to the person or property of another person to extort money or pecuniary advantage whatever, or with intent to compel the person so threatened to do or refrain from doing any act against his will, upon the premises of the public schools.~~

**Section 9.** This Ordinance is declared necessary for the peace, health and safety of the residents of the City of Marlette and shall become effective upon twenty five days after enactment and publication.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

The foregoing ordinance was offered by Council Member \_\_\_\_ and supported by Council Member \_\_\_\_\_:

AYES:

NAYS:

ABSENT:

The Clerk declared the ordinance adopted.

I, Sandra Cargill, the duly qualified and acting Clerk of the City of Marlette, Sanilac County, Michigan do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council at a regular meeting held on Monday, \_\_\_\_\_, 2017, the original of which is on file in the City Office.

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Sandra Cargill, City Clerk