

**PART 67: ORDINANCE 1**

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**MINOR IN POSSESSION OF ALCOHOL ORDINANCE**

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AN ORDINANCE TO DEFINE AND PROHIBIT THE POSSESSION, PURCHASE, CONSUMPTION, OR TRANSPORTATION OF ALCOHOLIC LIQUOR BY MINORS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF LENOX ORDAINS:

**INTENT:** It is the intention of Lenox Township to incorporate, by reference, state law with regard to minors in possession/consumption of alcohol or controlled substances as found at MCLA 750.141a, as amended.

**SECTION 1: Definitions.**

"Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

"Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, propriety, patented, and by whatever means called, containing ½ of 1% or more of alcohol by volume which are fit for use for beverage purposes.

"Minor" means a person less than 21 years of age.

**SECTION 2: Prohibition and Penalties for Purchase, Consumption or Possession of Alcohol Liquor.**

(A). A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions:

- (1). For the first violation by a fine of not more than \$100.00. A court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, and may order that minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense.
- (2). For a second violation by imprisonment for not more than 30 days but only if the Court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the Court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine of not more than \$200.00, or both. A court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.

- (3). For a third or subsequent violation by imprisonment for not more than 60 days, but only if the Court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine of not more than \$500.00, or both. A Court may order a minor under this subsection to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the Public Health Code, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.
- (B). An individual who furnishes fraudulent identification to a minor, or a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- (C). When a minor who has not previously been convicted of or received a violation of subsection (A) pleads guilty to a violation of such or offers a plea of admission in a juvenile delinquency proceeding for a violation of such, the Court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (A)(1), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the Probate Code of 1939, and section 1j of chapter IX of the Code of Criminal Procedure, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure. If a Court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The Secretary of State shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished as required by State Law.

- (D). A violation of subsection “A.” successfully deferred, discharged, and dismissed under subsection (C) is considered a prior violation for the purposes of subsection (A)(2) and (3).
- (E). A Court may order an individual convicted of violating subsection (A) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the Public Health Code, in order to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (A) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor under 18 years of age not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.
- (F). The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (A) or (B), as provided in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319.
- (G). A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require that individual to submit to a preliminary chemical breath analysis. A peace officer may arrest an individual based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
- (H). A law enforcement agency, upon determining that an individual less than 18 years of age who is not emancipated under 1968 PA 293, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (A) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (A) is less than 18 years of age and not emancipated under 1968 PA 293. The law enforcement agency may notify the parent, guardian, or custodian 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 an individual less than 17 years of age is incarcerated for violating subsection (A), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

- (I). This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (J). The following individuals are not considered to be in violation of subsection (A):
- (1). A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - (2). A minor who accompanies an individual who meets both of the following criteria:
    - (i) Has consumed alcoholic liquor.
    - (ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan Penal Code, committed against a minor.
  - (3). A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.
- (K). If a minor under the age of 18 who is not emancipated under 1968 PA 293, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (J), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.
- (L). This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.
- (M). The consumption of alcoholic liquor by a minor 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 act if the purpose of the consumption is solely educational and is a requirement of the course.
- (N). The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

- (O). Subsection (A) does not apply to a minor who participates in either or both of the following:
- (1) An undercover operation in which the minor 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 minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
- (P) The State Police, the Commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (A).
- (Q) In a criminal prosecution for the violation of subsection (A) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (R) As used in this section:
- (1) "Any bodily alcohol content" means either of the following:
    - (i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
    - (ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
  - (2) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.
  - (3) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.
- (S). A law enforcement officer who witnesses a violation of this Ordinance, may stop and detain a person and obtain satisfactory identification, seize illegally possessed alcoholic liquor, and issue an appearance ticket as prescribed in section 9c of chapter IV of the Code of Criminal Procedure, 1927 PA 175, MCL 764.9c.

**SECTION 3: Prohibition and Penalties for Possessing or Transporting Alcoholic Liquor in Motor Vehicle by Minor.**

- (A). A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under the state liquor law, a common carrier designated by the liquor control commission, the liquor control commission or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. A person who violates this subsection is guilty of a misdemeanor.
- (B). Within 30 days after the conviction of a person for the violation of subsection (A), which conviction has become final, complaint may be made by the arresting officer or the officer's superior before the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the offense and praying that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint the court shall issue an order to the owner of the motor vehicle shall not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than 10 days after the issuance of the order and shall be served by delivering a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, as amended, being section 257.403 of the Michigan Compiled Laws.
- C. If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the offense the motor vehicle was being driven by the person less than 21 years of age with the express or implied consent or knowledge of the owner, and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court shall authorize the impounding of the vehicle for a period to be determined by the court, of not less than 15 days nor more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and the risk of the owner of the vehicle. Appeal shall lie from the order to the circuit court of the county and the provisions governing the taking of appeals from judgments for damages shall be applicable to the appeal. This section shall not prevent a bona-fide lien-holder from exercising rights under a lien.
- D. A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.

**PART 67: ORDINANCE 2**

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**ASSAULT AND BATTERY ORDINANCE**

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AN ORDINANCE TO DEFINE AND PROHIBIT ASSAULT AND BATTERY, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: ASSAULT AND ASSAULT AND BATTERY:**

- A. It shall be unlawful for any person within the Township of Lenox to attempt to, or offer, with force and violence, to do a corporal hurt to another, or assault and/or batter any other person.
- B. An assault is an attempted battery or an unlawful act, which places another in reasonable apprehension of receiving an immediate battery.
- C. A battery is a willful touching of a person by the Defendant, or by some substance put into motion by the Defendant, and a battery is the consummation of the assault.
- D. It is the intention of Lenox Township to incorporate, by reference, existing state law with regard to assault and assault and battery as found at MCLA 750.81.

**SECTION 2: PENALTY:**

A person who shall be convicted of an assault or an assault and battery where no other punishment is prescribed shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the Macomb County Jail of not more than ninety (90) days, or by fine of not more than \$500, or both, together with the cost of prosecution.

**SECTION 3: CONFLICTING PROVISIONS REPEALED:**

Any ordinance or part of ordinance in conflict herewith is hereby repealed.

**SECTION 4: EFFECTIVE DATE:**

This Ordinance shall be effective thirty (30) days after publication.

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**PART 67: ORDINANCE 3**

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**DISORDERLY CONDUCT ORDINANCE**

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AN ORDINANCE TO DEFINE AND PROHIBIT DISORDERLY CONDUCT AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: Definitions.**

The term "public place" as used in this Chapter 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.

**SECTION 2: Acts Prohibited.**

No person shall:

- A. Commit an assault, or an assault and battery on any person.
- B. Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- C. Fire, discharge, display, or possess any fireworks except the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as last amended by Act: 164 of Public Acts of 1962.
- D. Engage in peeping in the windows of any inhabited place.
- E. Utter vile, profane, or obscene language in any public place.
- F. Make any immoral exhibition or indecent exposure of his or her person.
- G. Willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the Township or located in the public places of the Township, or mark or post hand bills on, or in any manner mar the walls of any public building, or fence, tree or pole within the Township, or remove the same from the building or place where it may be kept, placed or stored, without proper authority; or disturb, tamper with disconnect or damage any Village water meter without proper authority;
- H. Summon, as a joke or prank or otherwise, without any good reason therefor, by telephone or otherwise, the Police or the Fire Department or any public or private ambulance to go to any address where the service called for is not needed;
- I. Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.
- J. Engage in any disturbance, fight, or quarrel in a public place.
- K. Loiter on any street or sidewalk or in any park or public building or conduct and obstruct the free and uninterrupted passage of persons.

- L. Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling or the illegal sale of intoxicating liquor, or where any other illegal or immoral business or occupation is permitted or conducted.
  - M. Engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation.
  - N. Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
  - O. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
  - P. Obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of his duties as such.
  - Q. Spit on any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage.
  - R. Wrongfully throw or propel any snowball, missile or object from any moving automobile, or toward any person or moving vehicle.
  - S. Enter in or remain upon the lands or premises of another without the written consent of the owner or occupant, or the agent, servant, or lessee of the owner or occupant, under any of the following conditions:
    - (1) The lands are fenced or enclosed and maintained in a manner to exclude intruders;
    - (2) The lands are posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be two inches and the signs shall be so spaced as will enable a person to observe not less than one sign at any point of entry upon the lands.
- When neither of the above conditions exists, no person shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or occupant, nor shall such person neglect or refuse to depart therefrom upon being notified to do so by the owner or occupant, or by the agent, servant or lessees of the owner or occupant.
- 20. Transport or possess within the passenger compartment of a vehicle that is on a highway, street, alley, or any public or private property which is open to the general public, alcoholic liquor in any container which is open or uncapped or which has a broken seal. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped or which has a broken seal shall be encased or enclosed. This section does not apply to a chartered passenger vehicle which is licensed by the Michigan Public Service Commission.
  - 21. Consume alcoholic liquor on a highway, street, alley or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises.

**SECTION 3: Penalty.**

Any person who shall be found guilty of violating any provision of this ordinance shall be punishable by imprisonment in the County Jail for not more than ninety (90) days or by fine of not more than Five Hundred (\$500.00) Dollars or by both such fine and imprisonment.

**SECTION 4: Conflicting Provisions Repealed.**

Any ordinance or part of ordinance in conflict herewith, is hereby repealed. If any provision, section or part of this Disorderly Conduct Ordinance is declared to be unconstitutional, the balance shall remain in full force and effect.

PART 67: ORDINANCE 4

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**DRIVING WHILE LICENSE SUSPENDED (DWLS)**

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[MCL 257.904, .904c, .904e, as adapted from 58 556]

**SECTION 1: [MCL 257.904].**

- A. A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified in Section [MCL 257.212] of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the Township of Lenox.
- B. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking or vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.
- C. Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows: For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the Secretary of State upon notification by a peace officer.
- D. Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the Secretary of State and shall furnish the record to the court. The driving record of the person may be obtained from the Secretary of State's computer information network.
- E. This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

- F. A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section [MCL 257.212] of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle with this state, except as permitted under this act, while any of those conditions existing is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not more than 3 days or more than 93 days or a fine of not more than \$500, or both.
- G. For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

**SECTION 2: [MCL 257.904c].**

- A. When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:
  - (1) Immediately confiscate the vehicle's registration plate and destroy it.
  - (2) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the Secretary of State for temporary registration plates issued under section [MCL 257.226a or .226b.].
  - (3) Place the temporary vehicle registration plate on the vehicle in the manner required by the Secretary of State.
  - (4) Notify the Secretary of State through the law enforcement information network in a form prescribed by the Secretary of State that the registration plate was confiscated and destroyed, and a temporary plate was issued.
- B. A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

**SECTION 3: [MCL 257.904c].**

- A. A court shall order a vehicle immobilized under section [MCL 257.904d] by the use of any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendants from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section [MCL 257.625] or a suspension, revocation, or denial under section [MCL 257.904] to pay the cost of immobilizing and storing the vehicle.

- B. A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93 without a court order.
- C. A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during this immobilization period.
- D. A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.
- E. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- F. To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.
- G. If a peace officer stops a vehicle that is being operated in a violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.
- H. The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

**SECTION 4: Conflicting Provisions Repealed.**

Any ordinance or part of ordinance in conflict herewith is hereby repealed.

**SECTION 5: Effective Date.**

This Ordinance shall be effective thirty (30) days after publication.

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**PART 67: ORDINANCE 5**

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**SALE OR USE OF FIREWORKS**

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THE TOWNSHIP OF LENOXORDAINS:

**SECTION 1.**

The Township of Lenox hereby adopts by reference the Michigan Fireworks Safety Act, being Act No. 256 of the Public Acts of 2011, set forth at MCLA, §28.451 - 28.471 and any amendments to the Act or Rules as may be enacted hereafter. Fines and penalties shall be as cited in the subject Act.

**SECTION 2.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3.**

Copies of the Michigan Fireworks Safety Act promulgated there under are available for inspection or purchase at the Township offices during regular business hours.

**SECTION 4.**

This Ordinance shall be effective immediately after publication.

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**PART 67: ORDINANCE 6**  
**LITTERING ORDINANCE**

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THE TOWNSHIP OF LENOXORDAINS:

**SECTION 1.**

The Township of Lenox hereby adopts by reference Article II, Chapter 2, Part 89 (Littering) of the Natural Resources and Environmental Protection Act, being Act No. 451 of the Public Acts of 1994, in part, set forth at MCLA, §324.8901...324.8907 and any amendments to the Act or Rules as may be enacted hereafter. Fines and penalties shall be as cited in the subject Act.

**SECTION 2.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3.**

Copies of Part 89 (Littering) of Michigan Public Act 451 of 1994 promulgated there under are available for inspection or purchase at the Township offices during regular business hours.

**SECTION 4.**

This Ordinance shall be effective immediately after publication..

PART 67: ORDINANCE 7

**POSSESSION OF MARIJAUNA**

AN ORDINANCE TO DEFINE AND PROHIBIT THE POSSESSION OF MARIJUANA AND ASSOCIATED PARAPHERNALIA WITHIN THE TOWNSHIP OF LENOX, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: Purpose.**

The purpose of this ordinance is to protect the public health, peace and welfare of property and persons within Lenox Township from persons possessing marijuana and associated paraphernalia within Lenox Township.

**SECTION 2: Enabling Authority/State Law Adopted By Reference.**

It is the intention of Lenox Township to adopt, by reference, existing State law, as it relates to marijuana and drug paraphernalia, only, as found at MCLA 333.7101 et. seq. and MCLA 333.7401 et. seq.

**SECTION 3: Definitions.**

- A. *"Marijuana"* shall mean all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound made from the plant. 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 made from the plant, except the resin extracted therefrom, or the sterilized seed of the plant which is incapable of germination.
- B. *"Drug Paraphernalia"* shall mean all equipment, products and materials of any kind which are intended 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 marijuana as defined above.

**SECTION 4: Prohibition.**

It shall be unlawful for any person to knowingly or intentionally possess or use the controlled substance mown as marijuana within Lenox Township, and it shall also be unlawful for any person to use, or to possess with intent to use, drug paraphernalia within Lenox Township.

**SECTION 5: Penalty.**

A person who is convicted violating this ordinance shall be guilty of a misdemeanor and shall be subject to a penalty of up to ninety (90) days in the Macomb County Jailor a fine up to \$500, or both, together with the costs of prosecution. Further, upon conviction, at the discretion of the court, the court may suspend the individual's driver's license for a period up to, and not to exceed, six (6) months, provided that the possession of marijuana or drug paraphernalia took place in a motor vehicle.

**SECTION 6: Conflicting Provisions Repealed.**

Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

**SECTION 7: Effective Date.**

This Ordinance shall be effective thirty (30) days after publication.

Adopted: January 03, 2000  
Publication Date: January 19, 2000  
Effective Date: February 18, 2000

PART 67: ORDINANCE 8

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**MOTOR CARRIER SAFETY ACT**

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THE TOWNSHIP OF LENOXORDAINS:

**SECTION 1:**

The Township of Lenox hereby adopts by reference the Motor Carrier Safety Act of 1963, Act No. 1981 of the Public Acts of 1963, set forth at Michigan Compiled Laws, §480.11 et seq. and the Motor Carrier Safety Rules promulgated pursuant to the Motor Carrier Safety Act as set forth at Michigan Administrative Code, 1984 AACCS, R 460.16101 through 460.16820 and any amendments to the Act or Rules as may be enacted hereafter.

**SECTION 2.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3.**

Copies of the Motor Carrier Safety Act of 1963 and the Motor Carrier Safety Rules promulgated there under are available for inspection or purchase at the Township offices during regular business hours.

**SECTION 4.**

This Ordinance shall be effective thirty (30) days after publication.

Adopted: March 6, 1989

Effective Date: April 28, 1989

**PART 67: ORDINANCE 9**

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**DRIVING WHILE INTOXICATED/IMPAIRED AND RECKLESS DRIVING**

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[MCL 257.625]

THE TOWNSHIP OF LENOXORDAINS:

**SECTION 1.**

The Township of Lenox hereby adopts by reference Chapter 257 Motor Vehicles, Chapter VI (Driving While Intoxicated, And Reckless Driving) of the Michigan Vehicle Code, being Act No. 300 of the Public Acts of 1949, in part, set forth at MCLA §257.625...257.626c and any amendments to the Act or Rules as may be enacted hereafter. Fines and penalties shall be as cited in the subject Act.

**SECTION 2.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3.**

Copies of Chapter VI (Driving While Intoxicated, And Reckless Driving) of the Michigan Vehicle Code, being Act No. 300 of the Public Acts of 1949, in part, promulgated there under are available for inspection or purchase at the Township offices during regular business hours.

**SECTION 4.**

This Ordinance shall be effective immediately after publication.

PART 67: ORDINANCE 10

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**PARKING AND STANDING ORDINANCE**

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AN ORDINANCE to provide for the regulation of parking and standing of commercial vehicles, on both sides of 29 Mile Road east of Gratiot Road, and to provide penalties for the violation thereof.

THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: Title.**

This Ordinance shall be known and cited as the Lenox Township Parking and Standing Ordinance, Ordinance No. 03 of 2007.

**SECTION 2: Definitions.**

The words, “parking” and “standing,” wherever used in this Ordinance, is defined to mean allowing a commercial vehicle to remain standing for more than 5 minutes, regardless of whether or not that vehicle is occupied by a driver at the time, and regardless of whether or not that vehicle engine is running.

**SECTION 3: Regulations.**

No commercial vehicle of any kind, including, but not limited to, trucks and/or any vehicle used to haul garbage or debris, shall engage in parking or standing on either side of 29 Mile Road, east of Gratiot Road only, for more than 5 minutes.

**SECTION 4: Violation, Penalties.**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of this Ordinance shall be fined not to exceed two hundred fifty dollars (\$250.00) and costs of prosecution, or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both, such fine and imprisonment in the discretion of the court for each offense.

**SECTION 5: Validity.**

Should any Section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 6. Conflicting Provisions Repealed.**

Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 7: Effective Date.**

This Ordinance shall take effect on the 19<sup>th</sup> day of January, 2007, or thirty (30) days after the publication date of this Ordinance.

Adopted: December 4, 2006  
Published: December 20, 2006  
Effective: January 19, 2007

## PART 67: ORDINANCE 11

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**SALE, USE, AND POSSESSION OF TOBACCO PRODUCTS**

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THE TOWNSHIP OF LENOX ORDAINS:

**SECTION 1: Purpose.**

The purpose of this Ordinance is to regulate the sale, use, and possession of tobacco products within Lenox Township; intended to protect the public safety and welfare of persons residing within Lenox Township; to set forth the penalties for the violation of this ordinance; and to repeal any and all ordinances in conflict therewith.

**SECTION 2: Enabling Legislation / Adoption of State Law by Reference.**

It is the intention of Lenox Township to adopt State law by reference in this ordinance, the enabling legislation of which is set forth at MCLA 722.641 et. seq.

**SECTION 3: Sale of Tobacco Products to Minors Prohibition.**

No person shall sell, give or furnish any cigarette, cigar, chewing tobacco, snuff or tobacco in any other form to a person under eighteen (18) years of age.

**SECTION 4: Sale of Tobacco Products to Minors Penalty.**

A person who is convicted of violating this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 for each such offense, including the costs of prosecution.

**SECTION 5: Sale of Tobacco Products at Retail/Sign Requirements.**

- A. A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a professional produced sign that includes the following statement: "The purchase of tobacco products by a minor under eighteen (18) years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties."
- B. If a sign required by subsection (1) is more than six (6) feet from the point of sale, it shall be at least 5' by 8', and the statement required by subsection (1) shall be printed in 36 point bold face type. If the sign required under subsection (1) is six (6) feet or less from the point of sale, it shall be at least 2' by 4' and the statement required by subsection (1) shall be printed in 20 point bold face type.
- C. Penalty for violation of sign requirements for sale of tobacco products at retail: A person who is convicted of violating this ordinance shall be guilty of a misdemeanor punishable by a fine of up to \$500 for each separate offense, together with the costs of prosecution.

**SECTION 6: Use of Tobacco Products by Minors/Prohibition.**

A person under eighteen (18) years of age shall not possess nor 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

**SECTION 7: Use of Tobacco Products by Minors / Penalties.**

A. A person who is convicted of violating this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$50 for each offense. The court may require a person who violates this section to participate in a health promotion and risk reduction assessment program and to make them responsible for the costs of participating in that 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 perform not more than sixteen (16) hours of community service in a hospice, nursing home, long-term care facility, or in such other manner as the court deems appropriate.
2. For a second violation, in addition to participation in a health promotion or risk reduction program, the court may order the person to perform not more than thirty-two (32) hours of community service in a hospice, nursing home, long-term care facility, or in such other manner as the court deems appropriate.
3. For a third or subsequent violation, in addition to participation in a health promotion or risk reduction program, the court may order the person to perform not more than forty-eight (48) hours of community service in a hospice, nursing home, long-term care facility, or in other such manner as the court deems appropriate.

**SECTION 8: Enforcement.**

The Lenox Township code enforcement officer or the Macomb County Sheriff's Department shall be the appropriate persons to enforce this Ordinance.

**SECTION 9: Conflicting Provisions Repealed.**

Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

**SECTION 10: Effective Date.**

This Ordinance shall be effective thirty (30) days after publication.

Adopted: January 3, 2000  
Published: January 19, 2000  
Effective: February 18, 2000

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**PART 67: ORDINANCE 12**  
**UNIFORM TRAFFIC CODE**

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An ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages, as well as an ordinance to adopt by reference Lenox Township Ordinance No. 03-99 and Lenox Township Ordinance No. 04-99 as if set forth word by word herein. The Township of Lenox ordains:

**SECTION 1: Code And Existing Township Ordinances Adopted.**

The Uniform Traffic Code for cities, townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code including amendments to the Uniform Traffic Code which were promulgated by the Director of the Department of State Police, effective January 27, 1981, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as well as Lenox Township Ordinance No. 03-99 and Lenox Township Ordinance No. 04-99, previously adopted by the Lenox Township Board of Trustees.

**SECTION 2: References In Code.**

References in the Uniform Traffic Code for Michigan cities, townships and villages to "government unit" shall mean the Township of Lenox.

**SECTION 3: Notice To Be Published.**

The Township Clerk shall publish this ordinance in the manner required by law, which notice shall set forth the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public, as well as a complete copy of Lenox Township Ordinance No. 03-99 and Ordinance No. 04-99.

**SECTION 4: Conflicting Ordinances Repealed.**

All other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

**SECTION 5: Effective Date.**

This amended ordinance shall take effect 30 days after notification of the ordinance being amended is published in accordance with State law.

Adopted : December 6, 1999  
Published: December 15, 1999