

**STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON**

CHAPTER 46

**AN ORDINANCE TO AMEND CHAPTER 46 OF
THE CHARTER TOWNSHIP OF CANTON CODE
OF ORDINANCES TO REVISE SECTIONS 46-243,
46-501, 46-503 AND 46-534 TO BRING IT INTO
COMPLIANCE WITH STATE LAW REGARDING
THE AGE OF JUVENILE, ACT 108 OF 2019.**

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SECTION 1. AMENDMENT TO CODE:

Chapter 46, Article IV, Division 2 of the Charter Township of Canton Code of Ordinances, Sec- 46-243, is hereby amended to read as follows:

Sec. 46-243. - Possession, pointing or discharge generally.

(a) *Pointing or discharging without malice.* It shall be unlawful for any person to intentionally, without malice, point or aim any firearm at or toward any other person, or to discharge any firearm while so aimed.

(b) *Discharge upon or across certain places prohibited.* It shall be unlawful to discharge a firearm within the township, except at an approved range. It shall be unlawful to:

- (1) Discharge a firearm within 150 yards of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining written permission of the owner, renter, or occupant of the property.
- (2) Discharge any firearm upon any platted land or within 150 yards of any public or private school property.
- (3) Discharge any firearm upon or across any public road or highway within the township.

(c) *Discharge by person under 18 years of age.* It shall be unlawful for any person under the age of 18 years to discharge a firearm unless under the direct supervision and control of and accompanied by a parent, legal guardian or adult authorized by the parent or legal guardian to have direct supervision of the person under the age of 18. It shall be the responsibility of every parent, legal guardian or other person having the physical custody or charge of any minor under the age of 18 years to control the minor and prevent him from violating or attempting to violate any provision of this subdivision.

SECTION 2. AMENDMENT TO CODE:

Chapter 46, Article VIII, Division 1 of the Charter Township of Canton Code of Ordinances, Sec- 46-501, is hereby amended to read as follows:

Sec. 46-501. - CONTRIBUTING TO NEGLECT OR DELINQUENCY OF A MINOR

Any person who shall by an act, or by any work, encourage, contribute toward, cause or tend to cause any minor child under the age of 18 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in section 2 of chapter 12a of Public Act No. 288 of 1939 (MCL 712A.2), whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor

SECTION 3. AMENDMENT TO CODE

Chapter 46, Article VIII, Division 1 of the Charter Township of Canton Code of Ordinances, Sec 46.503, is hereby entirely omitted.

Sec. 46-503. - Curfew

(a) It is unlawful for any minor under 18 years of age to be in any public place between 12:00 midnight and 6:00 a.m. It is unlawful for any minor under 13 years of age to be in any public place between 10:00 p.m. and 6:00 a.m.

(b) It is a defense to prosecution under subsection (a) of this section that the minor was:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(c) It is unlawful for the parent, guardian or other person having custody or control of any child to allow such child to violate the provisions of subsection (a) of this section.

(d) It is unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises in violation of subsection (a) of this section. It is a defense to prosecution under this subsection that the owner, operator, or employee of an establishment promptly notified the public safety department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

SECTION 4. AMENDMENT TO CODE:

Chapter 46, Article VIII, Division 2 of the Charter Township of Canton Code of Ordinances, Sec- 46-534, is hereby amended to read as follows:

Sec. 46-534. - PRESENCE IN PLACES WHERE SOLD

It shall be unlawful for any minor child under 18 years of age to be permitted to remain in any dancehall, saloon, or bar room or any place where any alcoholic liquor is sold, given away or furnished for a beverage, unless the minor is accompanied by a parent or guardian. It shall be unlawful for any proprietor, keeper or manager of any such place to permit a minor child to remain in any such place, and it shall be unlawful for any person to knowingly encourage or induce in any way a minor child to enter such place or to remain therein. A person found to be in violation of this section shall be guilty of a misdemeanor.

SECTION 5. AMENDMENT TO CODE.

Any other Article, Division or Section of Chapter 46 that references a minor being 17 or under is hereby amended to reflect that a minor is a person 18 years of age or under for criminal adjudication purposes.

SECTION 6. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only by to the extent necessary to give this Ordinance full force and effect.

SECTION 8. SAVING CLAUSE

All rights and duties which have been matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 9. PUBLICATION

The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

SECTION 10. EFFECTIVE DATE

This Ordinance, as amended, shall take effect upon publication.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 12th day of October, 2021, and was ordered to be given publication in the manner required by law.

Clerk

Michael Siegrist

Introduced: 9/28/2021

Adopted: 10/12/2021

Published: 10/28/2021

Effective: 10/28/2021