

ORDINANCE NO. 2006 - 2

Short Title: VILLAGE OF FARWELL – SCHOOL CODE

Article I. Offenses on School Grounds.

1. Admission restricted.

No person who is not a regularly enrolled student or parent or guardian thereof or a school official, teacher, or other public or school employee shall enter or trespass upon or loiter in or upon any public, private, or parochial school building or school property in the village for any reason whatever unless such person has received written permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such public, private or parochial school building or school property; provided, however, that such written permission need not be secured by persons engaging in or attending a school or recreation board authorized activity or by persons using school playground or playground equipment after school hours or when school is not in session unless such entry or use shall have been otherwise prohibited by a rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry. State law reference(s) – Trespassing, MCL 750.546 et seq., MSA 28.814. et seq.

2. Trespass on school property.

No person shall enter or remain in any public, private or parochial school building in the village except when in attendance as a regularly enrolled student, teacher, administrator or employee, or when engaged in legitimate school business or pursuits.

3. Disturbing schools.

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. State law reference(s) – Disturbing public place, MCL 750.170, MSA 28.367.

4. Violator to leave premises.

Any person found to be in violation of the foregoing sections shall be guilty of a misdemeanor and shall, upon direction from the superintendent, or any designated person, leave the premises. State law reference(s) – Disturbing public places, MCL 750.170, MSA 28.367.

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5. Extortion.

No person shall by violence, threats of violence or other form of coercion force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time. State law reference(s) – Extortion, MCL 750.213 et seq., MSA 28.410 et seq.

6. Borrowing of money or things of value from students in the school or traveling to or from school.

No person shall borrow or attempt to borrow any money or thing of value from any student in or upon any public, private or parochial school building or school property in the village or during any time when such student is engaging in, going to or returning from any regularly scheduled session or activity of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval; provided, however, that this section shall not apply to college students who borrow money or things of value from other college students or adults.

7. Destruction of school property.

No person shall damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto. State law reference(s) – Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

8. Operation of motor vehicles.

(a) No person, other than faculty, administration or employees of the public schools, acting in the course of their employment, shall operate a motor vehicle upon any property owned by the public schools unless the person is presently enrolled in said school and not subject to suspension or exclusion therefrom, or is transporting students to or from school property during regular hours of school opening and closing, or is attending an authorized and properly supervised extracurricular activity, and the person shall so operate a motor vehicle upon streets and roadways designated for vehicular traffic.

(b) No person shall operate any unlicensed motor vehicle upon any property owned by the public schools.

9. Authority of superintendent to remove certain persons.

The superintendent, or any person designated by the superintendent with proper authority, may order or cause the removal from school buildings or school property, of any individual whom that person knows or has reason to believe:

- (a) To have been expelled or suspended from school provided that such expulsion or suspension is in full force and effect.
- (b) To be an individual who is not a student at the school and has not been either invited to the school by a proper authority or have legitimate business at the school or on the school property;
- (c) To be indulging in any criminal activity in or on school property, or to conspire to indulge in such activity;
- (d) To be a nonstudent and have no purpose or business on school property, if the person shall not be able to state any legitimate purpose or business on school property;
- (e) To be a person who is instigating or may instigate, by any means whatever, a disturbance of any sort on the school property.

Article II. Offenses Involving Minors

1. Smoking

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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.), as amended, or a consortium or cooperative arrangement consisting of any combination of these.

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

Smoking or smoke means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

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

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

Use a tobacco product means any of the following:

- (a) The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
- (b) The inhaling or chewing of a tobacco product.
- (c) The placing of a tobacco product in one's mouth.

2. Possession of tobacco by minors.

A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, such 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, in a public place of business or amusement or on school property.

3. Smoking on school property.

(a) Except as otherwise provided in this section, a person shall not use a tobacco product on school property.

(b) This section shall not apply to the part of a school property consisting of outdoor dining areas including, but not limited to, an open air stadium, during either of the following time periods:

- 1. Saturdays, Sundays or 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.

4. Penalty.

(a) A person who violates this division is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.

(b) In addition to the fine stated in subsection (a) of this section, a minor who violates section 2 may be required by the court to participate in a health promotion and risk reduction assessment

program, if available. A minor who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a minor who violates section 2 is subject to the following:

1. For the first violation, the court may order the minor to do one of the following:
 - (a) Perform not more than 16 hours of community service 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 minor to perform not more than 32 hours of community service in a hospice, nursing home or long-term care facility.
3. For a third or subsequent violation in addition to participation in a health promotion and risk reduction program, the court may order the minor to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.
5. Sale of tobacco products to minors; prohibition, penalty; public health department sign.
 - (a) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any other form to a person under 18 years of age. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$100.00 for each offense.
 - (b) Beginning 90 days after the effective date of this subsection, 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 sign that includes the following statement:
“The purchase of tobacco products by a minor under 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.”
 - (c) If the sign required under subsection (b) is more than six feet from the point of sale, it shall be five and one-half inches by eight and one-half inches, and the statement required under subsection (b) shall be

printed in 36-point boldface type. If the sign required under subsection (b) is six feet or less from the point of sale, it shall be two inches by four inches, and the statement required under subsection (b) shall be printed in 20-point boldface type. For purpose of this section, a "person who sells tobacco products at retail" means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Adopted by the Council of the Village of Farwell this 7 day of August, 2006.

Sharon Crabtree, Clerk
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