

Chapter 54 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross reference(s)**--Controlled substances and prostitution nuisances, § 26-261 et seq.; law enforcement, ch. 46; traffic and vehicles, ch. 92.

ARTICLE I. IN GENERAL

Sec. 54-1. Illegal occupation or business--Prohibited; penalty.

No person shall engage in an illegal occupation or business.

(Code 1975, § 12-10(a)(3), (b))

State law reference(s)--Similar provisions, MCL 750.167(1)(d).

Sec. 54-2. Same--Loitering.

(a) A person who knowingly and willfully loiters in and about a place where an illegal occupation or business (as prohibited by ordinance and state statute) is being conducted shall be guilty of a misdemeanor.

(b) The term "to knowingly and willfully loiter," as used in this section, is hereby defined as to linger idly, to stand or recline in one place or to move slowly about with full knowledge of such prohibited activity or occupation and with intent to engage or participate in any of such prohibited acts or occupations.

(Code 1975, § 12-10(a)(8), (b))

State law reference(s)--Similar provisions, MCL 750.167(1)(j).

Sec. 54-3. Collecting on streets for unlawful purpose.

All persons who shall collect in crowds upon the streets or in the alleys of the city for an unlawful purpose shall be deemed guilty of a misdemeanor.

(Code 1975, § 18-7)

State law reference(s)--Disorderly persons, MCL 750.167.

Sec. 54-4. Spitting in public.

No person shall spit, expectorate or in any manner deposit upon any sidewalk, or the walks in any park, or on the floor, walls or furniture of any public room, library, office, theatre, hall, opera house, school building, church, hospital, public building, depot, passenger waiting room, or in any passageway in and out of such buildings or any of such places, or in any public conveyance, any phlegm, saliva, spittle, substance, sputum, excretion or discharge from the lungs, throat, mouth or nose. Any person who violates any provision of this section shall be responsible for a civil infraction.

(Code 1975, § 12-4)

Sec. 54-5. Interference with communications reception.

- (a) It shall be unlawful for any person, knowingly or wantonly, to operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with radio, television, telephone or other communications reception in the city; provided, however, that x-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference and are not negligently operated. This section shall not be construed to embrace the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any act of the Congress of the United States.
- (b) Any person who violates any of the provisions of this section shall be responsible for a civil infraction. Each day during which such violation continues shall constitute a separate offense.

(Code 1975, § 12-9)

Sec. 54-6. False reporting of fires.

Any person who falsely reports the existence of a fire by any method including, but not limited to, the use of a fire alarm system, telephone, word of mouth, radio transmission, electronic mail or any other method of reporting a fire, shall be guilty of a misdemeanor.

(Code 1975, § 12-28)

Cross reference(s)--Fire prevention and protection, ch. 30.

State law reference(s)--False fire alarms, MCL 750.240.

Secs. 54-7--54-30. Reserved.

ARTICLE II. OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 54-31. Theft of cable television services; defrauding persons of charges; damaging, tampering with or removing cable television equipment or willfully interrupting services.

- (a) The term "cable television service" means any and all services provided by or through the facilities of any cable television system or closed circuit coaxial cable communication system, or any microwave similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communication system.
- (b) Any person who, with the intent to avoid payment by himself or another person or with the intent to defraud another person of the lawful charge for any cable television service, obtains or attempts to obtain such service for himself or another person, or avoids or attempts to avoid payment by himself or another person, by means of making or using, or attempting to make or use unauthorized

connections, whether physically, electrically, acoustically, inductively or otherwise, or without authority or permission attaches or attempts to attach any device or devices to any cable, wire, microwave or other component of a cable television system duly licensed by this city commission, or to a television set, shall be responsible for a civil infraction.

- (c) Any person who sells, rents, lends, offers or advertises for sale, rental or use, any instrument, apparatus, equipment, device, or plans, specifications or instructions for making or assembling such device, for the purpose of making a fraudulent, unauthorized, or nonpermitted connection to a cable television system duly licensed by this city commission in violation of subsection (b) of this section shall be responsible for a civil infraction.
- (d) Any person who, without the consent of the owner, willfully tampers with, removes or damages any cable, wire, microwave or other component of a cable television system duly licensed by this city commission, or willfully interrupts the service of such a licensed cable television system without the consent or permission of the owner shall be responsible for a civil infraction.

(Code 1975, § 12-27)

State law reference(s)--Theft of cable services, MCL 750.219a; devices used to defraud telecommunication companies, MCL 750.540c.

Sec. 54-32. Damaging, removing or defacing public property generally.

- (a) No person shall destroy, damage, deface or remove any:
 - (1) Barrier erected to protect any excavation or obstruction in any street, alley or public place, or any light placed as a warning of such excavation or obstruction;
 - (2) Street sign placed to designate the name of the street, avenue, court or place;
 - (3) Streetlamp, light post, pole or any of the parts or attachments thereto, or any telephone or telegraph pole or, any wire or appliances thereof;
 - (4) Device erected by the authority of the city; or
 - (5) Public property.
- (b) No person shall deface or otherwise damage signs erected in public parks, playgrounds, ponds and other public places for the regulation of the use of such areas.
- (c) Any person convicted of violating this section shall be responsible for a civil infraction.

(Code 1975, § 12-38)

State law reference(s)--Malicious mischief, MCL 750.377 et seq.

Sec. 54-33. Damaging buildings.

Any person who shall, with sticks, stones or in any manner, willfully break or

injure any window, door or other part of any building, whether such building is occupied or not, shall be guilty of a misdemeanor.

(Code 1975, § 12-39)

State law reference(s)--Malicious mischief, MCL 750.377 et seq.

Sec. 54-34. Obscenities on buildings, wells, fences, etc.

- (a) No person shall write, print, paint, cut, mark or design on any wall of any room, building or hall, or on any fence, walk or other structure of any kind, or in any public place in the city, any indiscreet, vile or obscene language, words, pictures or representations.
- (b) It is hereby made the duty of all police officers, whenever they shall have knowledge of any violation of this section, to notify the owner, occupant or person having control of the premises where such language, word, picture or representation may be, to remove such language, word, picture or representation. It shall be unlawful for any person so notified to fail or refuse to remove such language, word, picture or representation, within 24 hours after receipt of such notice.
- (c) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-15, 12-26)

Sec. 54-35. Trespass.

- (a) It shall be unlawful for any person to willfully enter upon the lands or premises of another, whether publicly or privately owned, without lawful authority, after having been forbidden to do so by the owner or occupant, or the agent or servant of the owner or occupant, or for any person, being on the land or premises of another, whether publicly or privately owned, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, to without lawful authority neglect or refuse to depart therefrom; and all police and other peace officers of the city are hereby authorized to arrest any person detected by them in such unlawful act and to detain such person in custody until the proper complaint can be made against such person.
- (b) It shall be unlawful for any person to commit any trespass, as defined in subsection (a) of this section, in or upon any land or buildings owned, occupied or otherwise used by a school within the city, and all persons not having legitimate business in and around the schools located in the city shall be presumed to be trespassing within the meaning of subsection (a) of this section; and all police and other peace officers of the city are hereby authorized to arrest such persons.
- (c) No person not a student or employee of any school located in the city, or parent or guardian of any student enrolled therein, shall remain within any school during normal school hours without securing the written permission of the principal or person in charge of such school. The term "student," as used in this subsection, is hereby defined as any person of school age and properly enrolled in the school at which he then is present.

- (d) No person not a student, as defined in subsection (c) of this section, or employee of any school located in the city, or parent or guardian of any student enrolled therein, shall remain on any lands owned, occupied or use by any school within the city and adjacent to a school, without securing written permission of the principal or person in charge of such school.
- (e) Any person convicted of a violation of this section shall be guilty of a misdemeanor.

(Code 1975, § 12-40)

State law reference(s)--Trespass, MCL 750.546 et seq.

Sec. 54-36. Failure to pay for taxicab or horse-drawn taxicab service.

A person who fails for any reason to pay or arrange to pay the legally determined fare charged by the driver or operator of a taxicab or horse-drawn taxicab for carrying when the person has been transported as a passenger for hire shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(15), (b))

Cross reference(s)--Vehicles for hire, ch. 102.

Secs. 54-37--54-60. Reserved.

ARTICLE III. OFFENSES INVOLVING PUBLIC SAFETY

Sec. 54-61. Use of weapons.

- (a) No person shall use any revolver, pistol, rifle, shotgun, air gun, spring gun, sling shot or other implement or weapon designed for shooting, hurling or throwing missiles of any kind within the city.
- (b) No person occupying or having control of any house, building, lot, yard or premises of any character within the city shall permit in or about such house, building, lot, yard or premises the use of any of the weapons or implements mentioned in subsection (a) of this section; provided that, the use of appropriate lands, places or premises for practice in the use of such weapons or implements may be permitted, but only after written application to and authorization of the chief of police and the payment of the license fee required for such operation, if any. Such authorization shall be given upon a showing that public safety will not be endangered and that there will be compliance with all laws and ordinances.
- (c) Nothing in this section shall be construed to prevent the police department of the city or any other governmental agency from establishing weapons practice ranges at such place or places in the city as shall be approved from time to time by the chief of police.
- (d) Any person violating any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, § 12-5)

State law reference(s)--Authority to prohibit discharge of firearms preserved, MCL 123.1104.

Sec. 54-62. Placing unwholesome substances in public fountains; improper use of water.

No person shall place or cause to be placed any unclean, impure or unwholesome substance in any of the watering or drinking fountain nor shall any person take from any such fountain any water for building purposes or for any purpose whatever, except to furnish drink to persons and stock. Any person who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, § 12-2)

Sec. 54-63. Abandoned refrigerators and similar containers.

- (a) No person shall leave or suffer to remain outside of any building in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or container of any kind which has an air-tight door or lock which may not be released from the inside of such icebox, refrigerator or container, unless the door or lock is first removed therefrom.
- (b) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(Code 1975, § 12-6)

State law reference(s)--Abandoned or unattended icebox or refrigerator, MCL 750.493d.

Sec. 54-64. Assault and battery; breach of peace.

A person who commits any assault or assault and battery or other breach of the peace shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(12), (b))

State law reference(s)--Assaults, MCL 750.81 et seq.

Secs. 54-65--54-90. Reserved.

ARTICLE IV. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 54-91. Public intoxication.

A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(4), (b))

State law reference(s)--Similar provisions, MCL 750.167(1)(e); local public intoxication ordinances, MCL 333.6523.

Sec. 54-92. Disturbing lawful assemblies.

- (a) It shall be unlawful for any person to in any manner disturb any school, meeting or congregation lawfully assembled, whether religious, political or otherwise.
- (b) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-22, 12-26)

State law reference(s)--Disturbance of religious meeting, MCL 750.169.

Sec. 54-93. Window peeping.

No person shall look through the window of another person under circumstances that would violate the other person's reasonable expectation of privacy. A person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(2), (b))

State law reference(s)--Window peeping, MCL 750.167(1)(c).

Sec. 54-94. Jostling; roughly crowding.

A person who is found jostling or roughly crowding people unnecessarily in a public place shall be guilty of a misdemeanor.

Jostling is defined as roughly pushing, shoving or jabbing another person.

(Code 1975, § 12-10(a)(10), (b); Ord. No. 2272, 4-27-2010)

State law reference(s)--Similar provisions, MCL 750.167(1)(l).

Sec. 54-95. Fighting.

A person who engages in quarreling or fighting in a public place shall be guilty of a misdemeanor.

Quarreling is defined as verbally disputing in a heated or angry manner, or arguing or bickering in a contentious manner.

Fighting is defined as engaging in a physical altercation or struggle; physically opposing somebody in battle; struggling in hand to hand combat; coming to exchange blows; or otherwise scuffling or skirmishing physically with somebody.

(Code 1975, § 12-10(a)(11), (b); Ord. No. 2272, 4-27-2010)

Sec. 54-96. Prowling.

- (a) No person shall willfully and knowingly prowl or attempt to conceal himself in or about any house, building, yard or other place in the city in the nighttime, without having the express or implied consent of the owner, lessee or other person having responsibility for the control of the premises; provided, however, that prior

to arrest for the offense stated in this subsection, a police officer shall afford the person an opportunity to explain his presence and conduct or may request him to leave the area.

(b) The term "prowl" as used in this section, means to move or wander over in a stealthy, secret, furtive or clandestine manner.

(c) A person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(13), (b))

Sec. 54-97. Loitering.

A person who willfully and knowingly loiters upon the sidewalks or streets adjacent to or in front of any public hall, church, theater, opera house, hotel, restaurant, tavern or other public building, so as to obstruct or block the free passage of pedestrians or vehicle traffic on a street or sidewalk shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(14), (b))

Sec. 54-98. Disorderly houses.

(a) No person occupying or having the control of any house, building, lot, yard or premises of any character shall permit any indecent, loud, boisterous or improper noise or disturbance in or about such house, building, lot, yard or premises, nor permit persons to congregate in or about such premises in a manner that results in such noise or disturbance, nor permit such premises to be resorted to by tipplers, gamblers, vagrant or other disorderly persons, nor permit in or about such premises any fighting, quarreling or lewd or lascivious conduct.

(b) Any person violating this section shall be guilty of a misdemeanor.

(Code 1975, § 12-11)

Sec. 54-99. Keeping a place of prostitution.

(a) No person keeping, managing or controlling, or who shall assist in keeping managing or controlling, any house, building, hall, barroom, theatre, dance house, room or other place within the city shall permit such place to be resorted to, visited, frequented or resided in by any prostitute, nor permit such place to be resorted to, visited or frequented by any other person who shall then and there behave or conduct himself in an indecent, boisterous, disorderly or improper manner.

(b) Any person who shall violate any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, § 12-12(d),(e))

Sec. 54-100. Obscene conduct.

A person who engages in obscene conduct in a public place shall be guilty of a misdemeanor.

Obscene conduct is defined as conduct that is offensive to modesty or decency

or is otherwise lewd or repulsive as judged by contemporary community standards.

(Code 1975, § 12-10(a)(5), (b); Or. No. 2272, 4-27-2010)

Sec. 54-101. Disorderly conduct.

A person who engages in disorderly conduct shall be guilty of a misdemeanor.

A person commits disorderly conduct if he disturbs the peace or quiet of a neighborhood, family or person by:

1. Engaging in fighting, violent or seriously disruptive behavior; or
2. Making unreasonable noise; or
3. Using abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Making protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refusing to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency.

(Ord. No. 2272, 4-27-2010)

State law reference(s)--Similar provisions, MCL 750.167(1)(f).

Secs. 54-102--54-120. Reserved.

ARTICLE V. OFFENSES INVOLVING PUBLIC MORALS

DIVISION 1. GENERALLY

Sec. 54-121. Drug implements.

- (a) For purposes of this section, the term "controlled substances" are those defined as such by article 7 of the Public Health Code (MCL 333.7101 et seq.). The term "knowingly and willfully loiter," as used in this section, is defined as to linger idly, or stand or recline in one place or to move slowly about with full knowledge of the activities and/or occupations prohibited in this section and with intent to engage in any such prohibited activities or occupations, or with intent to purchase or acquire any of such items illegally sold.
- (b) The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self injection so long as the device is not adapted to injection of illegal controlled substances. No person shall possess unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician

issued within the period of one year:

- (1) Hypodermic syringe or needle or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction and which is possessed for that purpose.
 - (2) Any pipe, tube or inhalation device used or adopted for the introduction of controlled substances into the body of a person when possessed for such purpose.
- (c) No person shall knowingly and willfully loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, airplane or other place of any description whatsoever, where controlled substances, hypodermic syringes, needles or other instruments or implements or empty gelatin capsules are used, sold, dispensed, furnished, given away, stored or kept illegally.
- (d) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-20, 12-26)

State law reference(s)--Drug paraphernalia, MCL 333.7451 et seq.

Sec. 54-122. Loitering in places where liquor is sold without license.

- (a) It shall be unlawful for any person to knowingly and willfully loiter or frequent in any house, room building or other place where intoxicating liquor is sold without a license to sell such liquor.
- (b) The term to "knowingly and willfully loiter or frequent," as used in this section, is hereby defined as to linger idly, to stand or recline in one place or to move slowly about with full knowledge of the illegal activities and/or occupations set forth in this section and with intent to engage in any of such prohibited activities or occupations, or with intent to purchase or consume any intoxicating liquors illegally sold.
- (c) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-24, 12-26)

Cross reference(s)--Alcoholic liquor licenses, § 50-131 et seq.

Secs. 54-123--54-140. Reserved.

DIVISION 2. PROSTITUTION AND RELATED OFFENSES*

***Cross reference(s)**--Prostitution nuisances, § 26-261 et seq.

State law reference(s)--Prostitution and related offenses, MCL 750.448 et seq.

Sec. 54-141. Prostitution prohibited.

No person shall commit an act of prostitution. A person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-10(a)(1), (b))

State law reference(s)--Common prostitutes, MCL 750.167(1)(b).

Sec. 54-142. Solicitation.

- (a) No person shall solicit the illegal services of a prostitute. A person who violates this subsection shall be guilty of a misdemeanor.
- (b) It shall be unlawful for any person to 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 illicit sexual intercourse or to do any other lewd or immoral act. Any person who violates any provision of this subsection shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-10(a)(1), (b), 12-13)

State law reference(s)--Soliciting acts of prostitution, MCL 750.448, 750.449a.

Sec. 54-143. Loitering in place of prostitution.

- (a) A person who knowingly and willfully loiters in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged or allowed shall be guilty of a misdemeanor.
- (b) The term "knowingly and willfully loiter," as used in this section, is hereby defined as to linger idly, or stand or recline in one place or to move slowly about with full knowledge of the activities and/or occupations prohibited in this section and with intent to engage in any such prohibited activities or occupations, or with intent to purchase or acquire any of such items illegally sold.
- (c) No person shall visit, frequent, reside in or be found in any house of ill fame for the purpose of prostitution or lewdness within the city.
- (d) Any person who shall violate any provision of subsection (b) of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-10(a)(7), (b), (f), 12-12)

State law reference(s)--Similar provisions, MCL 750.452.

Sec. 54-144. Keeping house of prostitution.

- (a) No person shall keep, manage or control, or assist, directly or indirectly, in keeping, managing or controlling, a house of ill fame for the purpose of prostitution or lewdness within the city.
- (b) No person shall keep manage or control, or assist, directly or indirectly, in keeping, managing or controlling, any place, building, saloon, barroom, theatre, room or rooms resorted to for the purpose of prostitution or lewdness within the city.
- (c) Any person who shall violate any provision of this section shall, upon conviction,

be guilty of a misdemeanor.

(Code 1975, § 12-12(a), (c), (e))

State law reference(s)--Managing, leasing, etc., house of prostitution, MCL 750.452 et seq.

Secs. 54-145--54-160. Reserved.

DIVISION 3. GAMBLING*

***State law reference(s)**--Gambling, MCL 750.301 et seq.

Sec. 54-161. Gambling.

- (a) It shall be unlawful for any person to keep any table, wheel or other apparatus used wholly or in part for gaming or gambling purposes, or to permit any gambling to be done with or upon such table, wheel or apparatus for any valuable consideration whatever, or to engage in playing or gambling for money or any other thing which, among the persons so engaged, represents money or any other valuable thing.
- (b) Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor.

(Code 1975, §§ 12-18, 12-26)

State law reference(s)--Gambling, MCL 750.301 et seq.

Sec. 54-162. Frequenting gaming places.

Any person who shall attend or frequent any place where gambling or gaming is suffered or permitted, or any place operated or occupied as a common gaming or gambling house or room within the city, shall be guilty of a misdemeanor.

(Code 1975, § 12-19)

State law reference(s)--Frequenting gaming places, MCL 750.309.

Secs. 54-163--54-180. Reserved.

DIVISION 4. MODEL GLUE*

***State law reference(s)**--Model glue, MCL 750.271 et seq.

Sec. 54-181. Definition.

As used in this division the term "model glue" shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles,

containing toluene, acetone or other solvent or chemical having the property of releasing toxic vapors.

(Code 1975, § 12-69)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 54-182. Penalty for violations of division.

Any person convicted of a violation of the provisions of this division shall be guilty of a misdemeanor.

(Code 1975, § 12-74)

Sec. 54-183. Inhalation of fumes.

No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any model glue; provided, however, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(Code 1975, § 12-70)

State law reference(s)--Similar provisions, MCL 752.272.

Sec. 54-184. Purchase or possession by minors.

No person under 17 years of age shall purchase or possess any model glue, without the written consent of his parent or guardian.

(Code 1975, § 12-71)

Sec. 54-185. Sale or transfer of possession to minors.

- (a) No person shall sell or transfer possession of any model glue to another person who is under 17 years of age; provided, however, a person may sell or transfer possession of model glue to a person under 17 years of age for model building or other lawful use, where such juvenile has in his possession and exhibits the written consent of his parent or guardian.
- (b) A person making a sale or transfer of possession of model glue to a person under 17 years of age, who exhibits the written consent of his parent or guardian, shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. Such data shall be kept in a permanent type register available for inspection by the police department for a period of at least six months.

(Code 1975, § 12-72)

Sec. 54-186. Possessing, buying, selling, etc., for purpose of violating division.

No person shall, for the purpose of violating or aiding another to violate any provision of this division, intentionally possess, buy, sell, transfer possession or receive

possession of any model glue.

(Code 1975, § 12-73)

Secs. 54-187--54-210. Reserved.

ARTICLE VI. OFFENSES INVOLVING PUBLIC AUTHORITY*

***Cross reference(s)**--Administration, ch. 2.

Sec. 54-211. Obstruction of police officer.

(a) No person shall knowingly or wilfully obstruct, resist, oppose, assault, beat or wound any police officer, peace officer, sheriff or deputy sheriff or person acting with police officer powers or any other person authorized by law to maintain or preserve the peace, while such officer, sheriff, deputy sheriff or person is lawfully serving or executing process, carrying out lawful orders, enforcing the laws, preserving or maintaining the peace or performing or attempting to perform their lawful duties.

(b) Any person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-1(c), (e))

State law reference(s)--Obstruction of police, MCL 750.479.

Sec. 54-212. Identification.

(a) Where there is probable cause to arrest a person for the commission of a crime or reasonable basis to stop a person to issue him or her a civil infraction citation, the person shall not fail to give true information of their identity and identifying information, including, but not limited to, their full name, address, and date of birth, to a police officer, peace officer, sheriff or deputy sheriff, or person acting with and having police officer powers, who is lawfully exercising police or peace officer powers, upon the lawful request or demand of such officer or authorized person. No person shall give false or misleading identifying information in response to such request or demand.

(b) Any person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-1(b), (e); Ord. No. 2046, 5-22-2001)

State law reference(s)--Disobedience of police signal, MCL 750.479a.

Sec. 54-213. Disobedience of lawful instruction of police officer.

(a) No person shall disobey or act in a manner contrary to the notice authorized by the city on any sign or the lawful instructions of a police officer, peace officer, sheriff or deputy sheriff, or person acting with police officer powers in the city in any public place or city facility or building in the city.

(b) Any person who violates this section shall be guilty of a misdemeanor.

(Code 1975, § 12-1(a), (e))

Sec. 54-214. False impersonation of police officer.

No person, other than duly appointed and regularly acting police officers of the police department of the city, shall wear any uniform of a pattern or design or in the semblance of the uniform adopted by the police department of the city for the use of its regular members, or wear or carry about his person any star, badge or uniform of a pattern or design that may be mistaken or confounded with a star, badge or uniform adopted by the police department of the city, with the intent to impersonate a police officer. Any person who violates any provision of this section shall be responsible for a civil infraction.

(Code 1975, § 12-3)

State law reference(s)--False impersonation, MCL 750.215.

Secs. 54-215--54-240. Reserved.

ARTICLE VII. OFFENSES INVOLVING MINORS

DIVISION 1. GENERALLY

Sec. 54-241. Curfew for underage persons.

- (a) It is unlawful for any minor 16 years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; provided, that the provisions of this subsection shall not apply in the following instances:
- (1) When a minor is accompanied by such minor's parent, guardian or other adult person having the lawful care and custody of the minor.
 - (2) When the minor is upon an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.
 - (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance.
 - (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this section during the proscribed period of time.
 - (5) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion.
 - (6) When the minor is engaged in interstate travel with the consent of his parent or guardian.

(b) 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.

(c) Any person who violates this section shall be responsible for a civil infraction.

(Code 1975, § 12-86)

State law reference(s)--Curfew, MCL 722.751 et seq.

Sec. 54-242. Use or possession of tobacco products by minors in public; penalty; special conditions of probation.

(a) 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. In addition a court may order probation, which may include, in addition to the court's general probation orders, provisions for probation found in MCL 722.642(2)(a)--(c).

(b) Definitions of the terms "chewing tobacco" and "tobacco snuff" shall be the same as those found in MCL 722.644.

(Ord. No. 1194, 8-10-1999)

Secs. 54-243--54-260. Reserved.

DIVISION 2. ALCOHOLIC BEVERAGES

Sec. 54-261. Children in places where liquor is sold.

No minor child under 17 years of age shall be permitted to remain in any dance hall, saloon, barroom or any place where any spirituous or intoxicating liquor, or any wine or beer, or any beverage, liquor or liquors containing any spirituous or intoxicating liquor, beer, or malt liquor is sold, given away or furnished for a beverage, unless such minor is accompanied by a parent or guardian. Any proprietor, keeper or manager of any such place who shall permit such minor child to remain in any such place, and any person who shall encourage or induce in any way such minor child to enter such place or to remain therein shall be deemed guilty of a misdemeanor.

(Code 1975, § 12-93)

State law reference(s)--Similar provisions, MCL 750.141.

Sec. 54-262. Selling, furnishing; notice.

(a) Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor. A suitable sign which describes this section and the penalties for

violating this section shall be posted in a conspicuous place in each room where alcoholic liquors are sold. The signs shall be approved and furnished by the state liquor control commission.

- (b) In an action for the violation of this section, proof that the defendant or the defendant's agent or employer demanded and was shown, before furnishing alcoholic liquor to a person under 21 years of age, a motor vehicle operator's license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of the age and identity of that person, shall be a defense to an action under this section.

(Code 1975, § 12-94)

State law reference(s)--Sales to underage persons and required signs, MCL 436.1701.

Sec. 54-263. Transportation, possession; penalty.

- (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 party having a license from 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) of this section, which conviction has become final, the 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 to show cause why 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 ten days after the issuance of the order and shall be served by delivering a true copy to the owner not less than three full days before the date of hearing or, if the owner cannot be located, by sending 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 Public Act No. 300 of 1949 (MCL 257.403).
- (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 risk of the owner of the vehicle. Appeal shall be from the order to the circuit court of the county and the provisions governing the taking of appeals from judgements 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.

(Code 1975, § 12-95)

State law reference(s)--Similar provisions, MCL 257.624b.

Sec. 54-264. Purchase or consumption of alcoholic beverages by minors.

- (a) A person less than 21 years of age ("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 a fine of not more than \$100.00 and may be ordered to participate in substance abuse preventions or substance abuse treatment and rehabilitation services as designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his own expense as described in subsection (c) of this section.
 - (2) For a second violation a fine of not more than \$200.00 and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his own expense as described in subsection (c) of this section. The person is also subject to sanctions against his operator's or chauffeur's license imposed in subsection (d) of this section.
 - (3) For a third or subsequent violation a fine of not more than \$500.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his own expense as described in subsection (c) of this section. The person is also subject to sanctions against his operator's or chauffeur's license imposed in subsection (d) of this section.
 - (4) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (a) pleads guilty to a violation of subsection (a) or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (a), 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 upon terms and

conditions that 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 XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding 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. Upon fulfillment of 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 this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under subsection (a)(1) and (2). There may be only 1 discharge and dismissal under this subsection as to an individual. 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 to any of the following:

- (A) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.
 - (B) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:
 - (i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.
 - (ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.
- (b) A person who furnishes fraudulent identification to a person less than 21 years of age, or notwithstanding subsection (a) of this section a person less than 21 years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor. The court shall take the actions set forth in section 703(2) of the

Michigan Liquor Control Code of 1998 (MCL 436.1703(2)).

- (c) The court may order the person found violating subsection (a) of this section to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.
- (d) Immediately upon the entry of a conviction or a probate court disposition for a violation of subsection (a) of this section, the court shall consider all prior convictions or probate court dispositions of subsection (a) of this section, or state law or law of another state substantially corresponding to subsection (a) of this section, and shall impose the sanctions set forth in section 703(4) and (5) of the Michigan Liquor Control Code of 1998 (MCL 436.1703(4) and (5)).
- (e) A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person 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 person less than 21 years of age has consumed or possessed alcoholic liquor. A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
- (f) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection (a) of this section shall notify the parent or parents, custodian, or guardian of the person 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 notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (a) of this section is less than 18 years of age and not emancipated. The notice may be made 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 a person less than 17 years of age is incarcerated for violating subsection (a) of this section, his parents or legal guardian shall be notified immediately as provided in this subsection.
- (g) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his employment if employed by a person licensed by this act, by the liquor control commission, or by an agent of the liquor control commission, if the alcoholic liquor is not possessed for his personal consumption.
- (h) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this ordinance or corresponding state law.
- (i) The consumption of alcoholic liquor by a person less than 21 years of age 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 ordinance if the purpose of the consumption is solely educational and is a necessary ingredient of the course.
- (j) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.
 - (k) Subsection (a) of this section does not apply to a person less than 21 years of age who participates in either or both of the following:
 - (1) An undercover operation in which the person less than 21 years of age 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 person less than 21 years of age purchases or receives alcoholic liquor under the direction of the state police, the liquor control commission, or a local police agency as part of an enforcement action except that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than 21 years of age is under the direction of the state police, the liquor control commission, or the local police agency and is part of the undercover operation. The state police, the liquor control commission, or a local police agency shall not recruit or attempt to recruit a person less than 21 years of age for participation in an undercover operation at the scene of a violation of subsection (a) of this section, or of section 701(2) or 801(1) of the Michigan Liquor Control Code of 1998 (MCL 436.1801(2), MCL 436.1701(1)).
 - (l) As used in this section:
 - (1) The term "probate court disposition" means an order of disposition of the probate court or the family division of the circuit court for a child found to be within the provisions of chapter XIIA of Public Act No. 288 of 1939 (MCL 712A.1 et seq.).
 - (2) The term "work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.
 - (3) The term "any bodily alcohol content" means either of the following:
 - (A) 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.
 - (B) 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.
 - (m) 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.

(Code 1975, § 12-96; Ord. No. 2288, 1-25-2011)

State law reference(s)--Similar provisions, MCL 436.1703.

Sec. 54-265. Enforcement by authorized officers.

- (a) A police officer or an inspector of the liquor control commission who witnesses a violation of this ordinance or section 703 of the Michigan Liquor Control Code of 1998 (MCL 436.1730) may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor, and issuing an appearance ticket.
- (b) As used in this section, the term "appearance ticket" means a complaint or written notice, issued and subscribed by a police officer or inspector of the liquor control commission, directing a designated person to appear in a designated district, municipal, or probate court at a designated time in connection with the alleged violation. The appearance ticket shall consist of the following parts:
 - (1) The original which shall be a complaint or notice to appear by the officer and filed with the court.
 - (2) The first copy which shall be the abstract of court record.
 - (3) The second copy which shall be delivered to the alleged violator.
 - (4) The third copy which shall be retained by the law enforcement agency.
- (c) A judge may accept a plea of guilty by the defendant of the allegations of an appearance ticket and the court shall then impose a fine, license suspension, or other sanction as further authorized by this section. If the defendant denies the allegations of the appearance ticket, the court shall then set a date for trial or hearing.

(Code 1975, § 12-97)

State law reference(s)--Similar provisions, MCL 436.1705.

Secs. 54-266--54-280. Reserved.

DIVISION 3. PARENTAL RESPONSIBILITY

Sec. 54-281. Definitions.

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

Criminal acts means those acts which violate statutes of the state or the ordinances of the city.

Habitual offender means one who commits two or more criminal acts within a 12-month period.

Minor means any juvenile under the age of 17 years residing with his parents.

Parent means mother, father, legal guardian or any other adult person having the care or custody of a minor or with whom a minor may be found residing.

(Code 1975, § 12-104)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 54-282. Finding of fact.

The city commission finds and determines that many crimes committed by minors are a direct result of a failure on the part of the parents of such minors to exercise reasonable parental control and supervision over the activities of such minors and that some parents have allowed or encouraged their minor children to commit criminal acts or become delinquent within the meaning of the state probate code as pertains to juveniles, contrary to the best interests of the community.

(Code 1975, § 12-103)

Sec. 54-283. Penalty for violation of division.

Any parent, legal guardian, or person determined responsible for a minor who is found guilty of a violation of this division shall be responsible for a civil infraction.

(Code 1975, § 12-108)

Sec. 54-284. Notice to parent when minor arrested.

Whenever a minor shall be arrested or detained for the commission of any criminal act within the city, the parent of such minor shall be immediately notified by the police department, either by personally delivering the notice in writing, or by United States mail, advising the parent of such arrest or detention, the reasons therefor and his responsibility under this division. A record of such notification shall be kept by the police department.

(Code 1975, § 12-105)

Sec. 54-285. Parental neglect--Prohibited.

It shall be unlawful for the parent of any minor to fail to exercise reasonable parental control and supervision of any minor, which failure results in the minor committing any criminal act, or to allow or encourage any minor to commit any criminal act or become delinquent in accordance with the probate code as it pertains to juveniles.

(Code 1975, § 12-106)

Sec. 54-286. Same--Presumptions and required proof.

In any prosecution for a violation of section 54-285:

- (1) The presence of property stolen by a minor upon the premises occupied by the parent shall be prima facie evidence that the parent has failed to exercise reasonable parental control over the minor.
- (2) The parent of a habitual offender shall be presumed to have failed to exercise reasonable parental control over a minor who commits subsequent criminal offenses.

- (3) Failure of the parent to report a felony or high court misdemeanor committed by the minor, of which the parent has knowledge, to the police, shall be prima facie evidence of a failure of the parent to exercise reasonable parental control.
- (4) Violation by a minor of the provisions of section 54-241 or of any other lawful curfew shall be prima facie evidence that the parent has failed to exercise reasonable parental control over the minor.
- (5) Trial or conviction of a minor for a criminal act giving rise to the charge against the parent shall not be required in order to convict the parent. Proof beyond a reasonable doubt that the minor did in fact commit the criminal act shall, however, be required in order to convict the parent.

(Code 1975, § 12-107)