

## Chapter 19

### OFFENSES\*

---

\* **Cross References:** Police department, § 2-101 et seq.; police chief's certification for business licensing, § 16-11; nuisances, Ch. 18; traffic and motor vehicles, Ch. 33.

**State Law References:** Crimes, MSA Title 28.

---

#### Art. I. In General, §§ 19-1--19-25

#### Art. II. Offenses Affecting Governmental Functions, §§ 19-26--19-45

#### Art. III. Offenses Against the Person, §§ 19-46--19-60

#### Art. IV. Offenses Against Property, §§ 19-61--19-80

#### Art. V. Offenses Against Public Peace, §§ 19-81--19-105

#### Art. VI. Offenses Against Public Morals, §§ 19-106--19-125

#### Art. VII. Offenses Against Public Safety, §§ 19-126--19-145

#### Art. VIII. Offenses on School Grounds, §§ 19-146--19-149

### ARTICLE I.

#### IN GENERAL

##### Sec. 19-1. 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.

(Code 1977, § 9.161)

**Cross References:** Definitions and rules of construction generally, § 1-2.

##### Sec. 19-2. Abolition of distinction between accessory and principal.

Every person concerned in the commission of an offense, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he or she had directly committed such offense.

(Code 1977, § 1.7)

**State Law References:** Similar provisions, MCL 767.39, MSA 28.979.

##### Sec. 19-3. Begging.

It shall be unlawful for any person to beg in any public place.  
(Code 1977, § 9.162(7))

**State Law References:** Such person defined as a disorderly person, MCL 750.167(1)(h), MSA 28.364(1)(h).

**Sec. 19-4. Fortune telling.**

It shall be unlawful for any person to pretend for money or gain, to predict future events by cards, tokens, trances, the inspection of the hands or the conformation of the skull of any person, mind reading so-called, or by consulting the movements of the heavenly bodies.

(Code 1977, § 9.162(10))

**State Law References:** Similar provisions, MCL 750.267, MSA 28.478.

**Sec. 19-5. Spitting in public places.**

It shall be unlawful for any person to 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.

(Code 1977, § 9.162(27))

**Sec. 19-6. Selling, giving, or furnishing tobacco products to a minor.**

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 eighteen (18) years of age.

(Ord. No. 561, § 1, 2-3-97)

**Sec. 19-7. Possessing or using tobacco products in public by a minor.**

A person under eighteen (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 fifty dollars (\$50.00) for each offense.

(Ord. No. 561, § 1, 2-3-97)

**Secs. 19-8--19-25. Reserved.**

**ARTICLE II.**

**OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS\***

---

\* **Cross References:** Administration, Ch. 2; false alarm of fire, § 13-1; obstruction of fire hydrants, § 13-3.

---

**Sec. 19-26. Destruction of official notices.**

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any city officer, unless permission is given by an officer to remove such notice.

(Code 1977, § 1.11)

**Cross References:** Signs generally, Ch. 26.

**Sec. 19-27. Obstruction of officers.**

It shall be unlawful for any person to obstruct, resist, hinder or oppose any member of the police force, or any peace officer in the discharge of his or her duties as such.

(Code 1977, § 9.162(23))

**State Law References:** Obstruction of police officer, MCL 750.479, MSA 28.747.

**Secs. 19-28--19-45. Reserved.**

**ARTICLE III.**

**OFFENSES AGAINST THE PERSON**

**Sec. 19-46. Assault and battery.**

(a) It shall be unlawful for any person to commit an assault, or an assault and battery on any other person.

(b) A person who commits an assault or assault and battery on an individual is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both.

(Code 1977, § 9.162(1); Ord. No. 666, § 1, 5-16-05)

**State Law References:** Assaults, MCL 750.81 et seq., MSA 28.276 et seq.

**Secs. 19-47--19-60. Reserved.**

**ARTICLE IV.**

**OFFENSES AGAINST PROPERTY\***

---

\* **Cross References:** Injury to fire equipment, § 13-2; failure to return books at public library, § 15-1; deceptive practices to obtain material from public library, § 15-2; damage or obstruction of school property, § 19-148; injury to park property, § 21-6.

---

**Sec. 19-61. Malicious mischief generally.**

It shall be unlawful for any person to wilfully destroy, remove, damage, alter or in any manner deface any property not his or her 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 city or located in the public places of the city, 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 city, or destroy, take, or meddle with any property belonging to the city, 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 city water meter without proper authority.

(Code 1977, § 9.162(13))

**State Law References:** Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

**Sec. 19-62. Pollution, damage to drinking fountains.**

It shall be unlawful for any person to destroy, injure or in any manner deface any drinking fountain located in the city, or throw or deposit any substance therein, or in any manner pollute the water in the basin of any fountain or detach the cups or other parts of such drinking fountains.

(Code 1977, § 9.162(14))

**State Law References:** Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

**Sec. 19-63. Prowling in alleys, on private property.**

It shall be unlawful for any person to prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

(Code 1977, § 9.162(25))

**Sec. 19-64. Trespass upon lands or premises of another.**

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, agent or servant of the owner or occupant, or after such lands or premises have been previously posted by the owner or occupant, agent or servant of the owner or occupant, with a conspicuous notice forbidding any trespass thereon, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor.

**State Law References:** Similar provisions, MCL 750.552, MSA 28.820(1).

**Sec. 19-65. Unlawful presence.**

It shall be unlawful for any person to lurk, lie in wait or be concealed in any building or any yard or premises within the city, with intent to do any mischief or to pilfer or to commit any crime or offense whatever.

(Code 1977, § 9.162(26))

**Sec. 19-66. Window peeping.**

No person shall be found looking into the windows or doors of any house, apartment or other residence in the city, in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.

(Code 1977, § 9.162(6))

**State Law References:** Such person defined as a disorderly person, MCL 750.167(1)(c), MSA 28.364(1)(c).

**Secs. 19-67--19-80. Reserved.**

**ARTICLE V.**

**OFFENSES AGAINST  
PUBLIC PEACE\***

---

\* **Cross References:** School disturbances, § 19-147.

---

### **Sec. 19-81. Disturbing the peace generally.**

It shall be unlawful for any person to disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

(Code 1977, § 9.162(21))

**State Law References:** Disturbing public places, MCL 750.170, MSA 28.367.

### **Sec. 19-82. Language or gestures causing public disorder.**

A person shall be deemed guilty of a misdemeanor if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his or her conduct is likely to cause public danger, alarm, disorder or nuisance, such person willfully uses abusive or obscene language or makes an obscene gesture to any other person when such words by their very utterance inflict injury or tend to incite an immediate breach of the peace.

(Code 1977, § 9.162(15))

**State Law References:** Indecent language in presence of women or child, MCL 750.337, MSA 28.569; disorderly persons, MCL 750.167, MSA 28.364; cursing and swearing, MCL 750.103, MSA 28.298.

### **Sec. 19-83. Obstruction of public passages.**

It shall be unlawful for any person to conduct himself or herself in any public place so as to obstruct, hinder or interfere with the free and uninterrupted passage of the public after being told to move on by a police officer.

(Code 1977, § 9.162(19))

**State Law References:** Certain loiterers deemed disorderly persons, MCL 750.167(i--k), MSA 28.364(i--k).

### **Sec. 19-84. Playing in streets, sidewalks.**

It shall be unlawful for any person to play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(Code 1977, § 9.162(20))

### **Sec. 19-85. Jostling.**

It shall be unlawful for any person to jostle or roughly crowd persons in any street, alley, park, or public building.

(Code 1977, § 9.162(18))

**State Law References:** Such person defined as a disorderly person, MCL 760.167(1)(l), MSA 28.364(1)(l).

### **Sec. 19-86. Fighting in public.**

It shall be unlawful for any person to engage in any disturbance, fight, or quarrel in a public place.

(Code 1977, § 9.162(16))

**Sec. 19-87. Unlawful assemblies.**

It shall be unlawful for any person to collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

(Code 1977, § 9.162(17))

**State Law References:** Riots and unlawful assemblies, MCL 752.541 et seq., MSA 28.790(1) et seq.

**Sec. 19-88. Disorderly place.**

It shall be unlawful for any person to permit or suffer any place occupied or controlled by him or her to be a resort of noisy, boisterous, or disorderly persons.

(Code 1977, § 9.162(22))

**Sec. 19-89. Curfews for minors.**

(a) No minor, the age of twelve (12) years or under, shall loiter, idle or congregate in or on any public area, street, highway, alley or park between the hours of 10:00 p.m. and 6:00 a.m., unless the minor child is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

(b) No minor, seventeen (17) years of age or under, shall loiter, idle or congregate on any public area, street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m. immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

(c) No parent, guardian, or other person of the age of eighteen (18) years or older shall permit, assist, aid, abet, allow or encourage any minor to violate section 19-89(a) and (b).

(d) Violation of section 19-89(c) is punishable as a misdemeanor.  
(Ord. No. 525, § 1, 4-17-95)

**Secs. 19-90--19-105. Reserved.**

**ARTICLE VI.**

**OFFENSES AGAINST  
PUBLIC MORALS**

**Sec. 19-106. Gambling, prostitution and similar offenses.**

it shall be unlawful for any person to:

- (1) Engage in any act of prostitution;
- (2) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of alcoholic liquor, or where any other illegal business or occupation is permitted

or conducted;

- (3) Engage in prostitution, gambling, the illegal sale of alcoholic liquor, or any other illegal business or occupation;
- (4) Solicit or accost any person for the purpose of inducing the commission of any illegal act;
- (5) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling or in any illegal act;
- (6) Keep or maintain a gaming room, gaming tables, or any policy of pool tickets, used for gaming; or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her.

(Code 1977, § 9.163)

#### **Sec. 19-107. Indecent or obscene conduct.**

It shall be unlawful for any person to engage in any indecent or obscene conduct in any public place.

(Code 1977, § 9.162(3))

**State Law References:** Such person defined as a disorderly person, MCL 750.167(1)(f), MSA 28.364(1)(f).

#### **Sec. 19-108. Open or indecent exposure.**

It shall be unlawful for any person to knowingly make any open or indecent exposure of his or her person or of the person of another.

(Code 1977, § 9.162(11))

**State Law References:** Similar provisions, MCL 750.335a, MSA 28.567(1).

#### **Sec. 19-109. Disorderly intoxication.**

It shall be unlawful for any person to be intoxicated or under the influence of any controlled substance in a public place and

- (1) Endanger directly the safety of another person or of property; or
- (2) Act in a manner that causes a public disturbance.

(Code 1977, § 9.162(2))

**Cross References:** Alcoholic liquor generally, Ch. 3.

#### **Sec. 19-110. Drug paraphernalia.**

(a) *Definitions.* The following words and phrases, when used in this section, shall, for the purpose of this section, have the meanings respectively ascribed to them:

- (1) *Cocaine spoon:* A spoon with a bowl so small that the primary use for which it is reasonably adopted or designed, is to hold or administer cocaine, and which is so small as to be unsuited for

the typical lawful uses of a spoon.

- (2) *Controlled substance:* Any drug, substance, or immediate precursor designated as a schedule 1-5 substance in Article 7, Controlled Substances, Act 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq., MSA 14.15(7101) et seq.), as amended, (commonly known as the Public Health Code).
- (3) *Drug paraphernalia:* All equipment, products, and materials of any kind which are used, adapted for use, or designed for use, in planting, manufacturing, compounding, producing, testing, containing, concealing, injecting, or otherwise introducing into the human body a controlled substance in violation of the public health code of the state.
- (4) *Marijuana or hashish pipe:* A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.

(b) *Sale, display, possession prohibited.* It shall be unlawful for any person to sell, offer for sale, display, furnish, supply, possess, give away or advertise any drug paraphernalia which is primarily adapted or designed for the administration or use of any controlled substance.

(c) *Licensed persons; exemptions.* This section shall not apply to a person licensed by the state board of pharmacy (administrator) pursuant to the public health code. Such person may possess, manufacture, distribute, prescribe, dispense, or conduct research with controlled substances to the extent authorized by its license. The following persons need not be licensed and may lawfully possess controlled substances under this section:

- (1) An agent or employee of a licensed manufacturer while acting in the ordinary course of employment.
- (2) Common or contract carrier or warehousemen, or employee thereof while possessing in ordinary course of employment.
- (3) Persons suffering from diabetes, asthma, or any other medical condition requiring self injection or pursuant to a lawful order of a practitioner.
- (4) An officer or employee of a federal, state, political subdivision or agency of this state who is engaged in the enforcement of state or local laws relating to controlled substances and who is authorized to possess controlled substances in the course of that person's official duties.

(Ord. No. 373, §§ 9.401, 9.402, 4-6-81; Ord. No. 375, 5-18-81)

### **Sec. 19-111. Possession and use of marijuana.**

(a) *Definitions.* As used in this section, "marijuana" means 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, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. 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 manufacture, sale, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(b) *Possession or control.* No person shall possess or control marijuana within the city unless such possession or control is pursuant to a license or prescription, or otherwise allowed under Act 368 of the Public Acts of 1978, as amended.

(c) *Use of marijuana.* No person shall use marijuana within the city unless such use is pursuant to a license or prescription, or otherwise allowed under Act 368 of the Public Acts of 1978, as amended.

(d) *Penalties.* Anyone violating this section or any subsection, paragraph, clause or part hereof, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for a period of not more than ninety (90) days, or by both such fine and imprisonment in the discretion of a court of competent jurisdiction.

(Ord. No 567, § 1, 4-26-98)

**Secs. 19-112--19-125. Reserved.**

## **ARTICLE VII.**

### **OFFENSES AGAINST PUBLIC SAFETY**

**Sec. 19-126. Abandoned refrigerators.**

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or container having air-tight doors.  
(Code 1977, §§ 9.91, 9.92)

**State Law References:** Similar provisions, MCL 750.493d, MSA 28.761(4).

**Sec. 19-127. Fireworks prohibited.**

(a) *Sale prohibited.* Within the city limits, a person shall not sell at retail, offer for sale at retail, expose for sale at retail, keep with intent to sell at retail, give, furnish, transport, use, explode or cause to explode any firecrackers, torpedoes, sky rockets, Roman candles, day glow bombs or other fireworks of like construction containing more than .25 of a grain of explosive content per device, nor any fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

(b) *Discharge, possession.* It shall be unlawful for any person to fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by chapter 38 of the Penal Code of the State of Michigan (MCL 750.243 et seq., MSA 28.440(1) et seq.).

(Code 1977, §§ 9.162(5), 9.224)

**Cross References:** Fire prevention and protection generally, Ch. 13.

**Sec. 19-128. Carrying dangerous weapons.**

It shall be unlawful for any person to carry on his or her person or in the passenger compartment of any motor vehicle any dangerous weapon, including but not limited to, segments of chain, hunting knives, jackknives having one (1) or more blades which exceed three (3) inches in length, club, metal pipe, or any other dangerous weapon, unless carried in the normal course of a business or profession, excluding firearms.  
(Code 1977, § 9.164)

**State Law References:** Dangerous weapons, MCL 750.224 et seq., MSA 28.421 et seq.

**Sec. 19-129. Discharge of weapons.**

It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow, sling shot or wrist rocket within the city.  
(Code 1977, § 9.162(4))

**Sec. 19-130. Throwing objects from vehicles.**

It shall be unlawful for any person to wrongfully throw or propel any snowball, missile or object from any moving automobile.  
(Code 1977, § 9.162(28))

**Cross References:** Traffic and motor vehicle vehicles generally, Ch. 33. See § 33-18(5.55(a)).

**Sec. 19-131. Throwing objects toward vehicles.**

It shall be unlawful for any person to wrongfully throw or propel any snowball, missile or object toward any person or automobile.  
(Code 1977, § 9.162(29))

**Cross References:** Traffic and motor vehicles generally, Ch. 33.

**Secs. 19-132--19-145. Reserved.**

**ARTICLE VIII.**

**OFFENSES ON  
SCHOOL GROUNDS**

**Sec. 19-146. Dropouts and suspended students.**

No former student who has dropped out or quit school, or who has been suspended from school, shall enter upon or into any school property within the city without first having received authorization from the school authorities to so enter.

(Code 1977, § 9.165-1)

**Sec. 19-147. School disturbances.**

No person who is not a member of the student body or who has been suspended, or who has dropped out of school, shall disturb or disrupt the normal school instructional program by creating or causing to be created any disturbance or loud noises or commotions of any kind upon any school property, or in any street, alley, park

or other public place in close proximity to the school.

(Code 1977, § 9.165-3)

**Cross References:** Offenses against public peace generally, § 19-81 et seq.

**State Law References:** Disturbing public places, MCL 750.170, MSA 28.367.

### **Sec. 19-148. Damage or destruction of property.**

No person shall intentionally or willfully or maliciously do any act which damages or destroys any school property or the personal property of any other person, which personal property is authorized to be on school property.

(Code 1977, § 9.165-5)

**Cross References:** Offenses against property generally, § 19-61 et seq.

**State Law References:** Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

### **Sec. 19-149. Joint liability and penalty.**

Should any damage be done to school property or other personal property by persons not authorized to be on school property during the course of or as a result of any disturbance or commotion on school property or in the streets, alleys, parks or other public places which adjoin school property, then all persons who are not authorized to be on school property at that time, who take part in the disturbance or commotion, shall be guilty of violating section 19-148 and shall be punishable as provided in section 1-8.

(Code 1977, § 9.165-8)