

Chapter 50 OFFENSES AND MISCELLANEOUS PROVISIONS*

*Cross reference(s)--Law enforcement, ch. 46; traffic and vehicles, ch. 82.

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ARTICLE I. IN GENERAL

Secs. 50-1--50-30. Reserved.

ARTICLE II. OFFENSES AGAINST THE PEACE

Sec. 50-31. Definitions.

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:

Public place means 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 1971, § 9.20)

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

Sec. 50-32. Acts prohibited.

No person shall:

- (1) Commit an assault or an assault and battery on any person.
- (2) Engage in any obscene conduct in any public place.
- (3) Fire, discharge, display or possess any fireworks except of the type, and under the conditions, specifically permitted in MCL 750.243a(3), MSA 28.440(1), (3).
- (4) Attend, frequent, operate or be an occupant of any place where illegal gambling, the illegal sale of intoxicating liquor, prostitution, or any other illegal or immoral business or occupation is conducted.
- (5) Engage in illegal gambling, prostitution, the illegal sale of intoxicating liquor

or any other illegal or immoral business or occupation.

- (6) Solicit or accost any person for the purpose of inducing the commission of any illegal act.
- (7) Obstruct, resist, hinder or oppose any member of the police department, or any other law enforcement officer, in the discharge of his duties as such.
- (8) Willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or occupant, agent or servant of owner or occupant, of the lands or premises, or willfully neglect or refuse to depart from the land or premises of another, without lawful authority to remain on the lands or premises, after being notified to depart therefrom by the owner, occupant, agent or servant of owner or occupant, of the lands or premises.
- (9) Enter a certain building or structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof.
- (10) Enter or break into a motor vehicle, house trailer, trailer, or semitrailer for the purpose of stealing or unlawfully removing therefrom goods, chattels, or property of a value of \$5.00 or more.
- (11) Remove a ship, boat, or vessel from its fastenings; maliciously loose a ship, boat, or vessel fastened by lock, chain, or other fastening to the bank or shore and let it float away without the consent of the owner or person having charge of said vessel; rent or hire a ship, boat, or vessel and leave and abandon the same without giving notice to its owner or the person having charge thereof.
- (12) Solicit door-to-door at any residence or place of business to receive donations or sell memberships, for and on behalf of an organization, institution, or association which is not duly licensed pursuant to the Charitable Organizations and Solicitations Act, MCL 400.271 et seq., MSA 3.240(1) et seq.
- (13) Knowingly or intentionally possess the controlled substance marijuana.
- (14) Be found begging in a public place without a permit.
- (15) Be a window peeper on private property.
- (16) Prowl on any private property without authority or the permission of the owner of such property.
- (17) Enter, or remain in, any public park or other public property beyond the hours

posted for use of such park or property.

- (18) Spit on any sidewalk or on the floor or seat of any public place, or on the floor or seat of any public carrier.
- (19) Throw or propel any snowball, missile or object towards any person, moving vehicle or building.
- (20) Summon as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or police department or fire department or any public or private ambulance to go to any address where the service called for is not needed.
- (21) Willfully and knowingly make a fictitious report of the commission of a crime, knowing the same to be false, to a police officer.
- (22) Impersonate or falsely represent himself to be another person, and in such assumed character and with intent to convert to his own use, receive certain property, the value of which is \$100.00 or less, the property intended to be delivered to the party so impersonated.
- (23) Commit the offense of larceny by stealing certain property, which belongs to another person, the value of which is \$100.00 or less.
- (24) Attempt to commit the crime of larceny in a building, of property belonging to another, by stealing.
- (25) Dump, deposit or place junk, trash, rubbish, garbage or refuse on the grounds or premises of another person or entity, without the specific permission of the owner or supervisor of such grounds or premises.
- (26) Willfully and maliciously destroy or injure a building or an appurtenance thereof, belonging to or possessed by another resulting in damage thereto, the value of which is \$250.00 or less.
- (27) Willfully and maliciously destroy or injure certain personal property, belonging to or possessed by another, resulting in damage thereto in an amount of \$250.00 or less.
- (28) Willfully and maliciously, or wantonly and without cause, cut down, destroy, or injure any tree, shrub, grass, turf, plants, crops or soil of another, that is standing, growing, or located on the land of such other person or entity.
- (29) Telephone any other person repeatedly or cause any person to be telephoned

repeatedly for the purpose of harassing such other person or his family, whether or not conversation ensues, except for telephone calls made for legitimate business purposes.

- (30) Use electronic mail (e-mail) for the purpose of harassing or threatening the intended recipient.
- (31) Threaten or use vulgar, obscene, or insulting language over any telephone.
- (32) Damage, destroy or deface any public, private or parochial school building, or any building occupied by any public, private or parochial school or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto.
- (33) 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.
- (34) Utter vile, profane or obscene language in any public place.
- (35) Enter and remain in any school building, whether public, private or parochial, in the city, for any reason whatsoever unless he or she is a regularly enrolled student, or parent or guardian of a regularly enrolled student, or teacher or other school employee or has received permission from the principal, or other person designated by the principal.
- (36) Permit, cause, suffer or allow any animal owned, possessed or under his or her control to discharge its excreta upon any parking lot, public thoroughfare, sidewalk, street, highway, road, boulevard, school property, cemetery, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of the property, unless such person has in his immediate possession an appropriate device and uses such device for the transmission of such excreta immediately by a person to a suitable receptacle or location.
- (37) Discharge any firearm, air rifle, air pistol or bow and arrow in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the council.
- (38) Bathe in any public body of water in a naked state, or with his person so much undressed that there shall be an indecent exposure of the body.

- (39) Use the public streets and/or sidewalks so as to cause large crowds to gather and obstruct the free use of the streets and/or sidewalks, unless for an event approved by the city.
- (40) Permit any place owned, occupied or controlled by him to be attended or occupied by persons whose conduct is loud or boisterous and which conduct disturbs the peace and quiet of persons in the neighborhood. This subsection shall not apply to city-sanctioned events such as a public fireworks display and parades.
- (41) Be a person under the age of 21 years in possession of any beer, wine, liquor or other alcoholic beverage.
- (42) Loiter in any public place after having been told by a police officer to move from the area where his continued presence tends to obstruct the free and uninterrupted passage of the public.

(Ord. No. 99-120, § 9.21, 5-26-1999)

Sec. 50-33. Curfew for persons under the age of 17 years.

- (a) It shall be unlawful for a person to be on a public street, public parking area, playground, school or other place normally open to the public, if such person is under 17 years of age, between the hours of 12:00 midnight and 6:00 a.m.
- (b) The provisions of this section do not apply to:
 - (1) A person under the age of 17 years accompanied by his or her parent, legal guardian or other adult person having the care or custody of the person; or
 - (2) A person under the age of 17 years going to or returning from work, provided, that the person's hours of employment do not violate state law; provided further, that the person possesses a signed statement issued by his or her employer within the previous 90 days setting forth the person's hours of employment; and provided further, that such person shall be exempt from the requirements of this section for not more than one hour before the person's work day begins and for not more than one hour after the person's work day ends.
- (c) Every member of the police force while on duty is hereby authorized to detain any such person violating the provisions of this section until a parent or guardian of the person has taken such person into custody, and such officer shall promptly undertake to attempt to communicate with a parent or guardian regarding such detention.

(Code 1971, § 9.21; Ord. No. 99-120, § 9.22, 5-26-1999)

State law reference(s)--Disorderly persons, MCL 750.167 et seq., MSA 28.364 et seq.; disturbing meetings, MCL 750.169 et seq., MSA 28.366 et seq.; dueling, MCL 750.171 et seq., MSA 28.368 et seq.; assault and batteries, MCL 750.81 et seq., MSA 28.276 et seq.; malicious mischief, MCL 750.377a et seq., MSA 28.609(1) et seq.; indecency and immorality, MCL 750.335 et seq., MSA 28.567 et seq.; possession or dissemination of obscene material, MCL 752.361 et seq., MSA 28.579(361) et seq.; fireworks, MCL 750.243a et seq., MSA 28.440(1) et seq.

Secs. 50-34--50-65. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON

Sec. 50-66. Harassment by telephone.

(a) It shall be unlawful for any person to telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family, whether or not conversation ensues, except for telephone calls made for legitimate business purposes.

(b) It shall be unlawful for any person to use any threatening, vulgar, indecent, obscene, immoral or insulting language over any telephone.

(Code 1971, § 9.22)

State law reference(s)--Malicious use of communication service, MCL 750.540e, MSA 28.808(5).

Secs. 50-67--50-100. Reserved.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 50-101. Entering water limited.

No person shall dive, jump or enter into the water from any public dock, pier, mooring area or boat launch site except in a designated swimming area.

(Ord. No. 110, § 9.21(36), 6-9-1997)

Secs. 50-102--50-130. Reserved.

ARTICLE V. OFFENSES ON OR NEAR SCHOOL GROUNDS

Sec. 50-131. Prohibited acts.

(a) No person shall damage, destroy or deface any public, private or parochial school building, or any building occupied by any public, private or parochial school, or the

grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging to such school.

- (b) 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.
- (c) Any person found to be creating a disturbance in any private, public or parochial school or on the surrounding school grounds shall leave immediately when so directed by the principal or by any other person designated by the principal.
- (d) No person who is not a regularly enrolled student, or parent or guardian of a regularly enrolled student, or teacher or other employee shall enter and remain in any school building, whether public, private or parochial, in the city for any reason whatever unless such person has received permission from the principal, or other person designated by the principal, to be in any such public, private or parochial school building.

(Code 1971, § 9.24)

Secs. 50-132--50-165. Reserved.

ARTICLE VI. OFFENSES AGAINST PROPERTY

Sec. 50-166. Littering.

- (a) *Prohibited.* It shall be unlawful for any person to litter or permit to be littered on any of the streets, alleys, sidewalks or other public places within the city and all city-owned property by throwing, depositing, tracking, dropping, dumping or spilling any trash, paper, dirt, mud, ashes, sand, glass, leaves, garbage, refuse, cans, bottles or other waste material, including any glass or other substance falling from, dropped or removed from a vehicle traveling, towed or disabled by accident or otherwise within the city, or to deposit or cause such materials to be deposited upon or permit such materials to be accumulated upon any premises other than those designated as official city dumps.
- (b) *Responsibility of owner or tenant.* In the enforcement of this section, the owner or occupant of premises shall be jointly or severally responsible for permitting the same to be accumulated under the foregoing subsection (a) of this section; except that in the case of an absentee owner, reasonable notice shall be given the owner by the enforcement authorities; and after such notice, the continued violation of subsection (a) may be enforced under the remainder of this section if the owner is subject to the jurisdiction of the court; or the enforcing authorities may enter the premises and clean up the litter and charge the costs, in addition to any reward that may be due

under this section, against that owner and refer the charge to the city assessor as an additional tax on the property; and the same shall thereafter become a lien on the property until paid.

- (c) *Commercial waste.* It shall be unlawful to discharge any commercial or industrial polluted or contaminated waste upon the sidewalks, streets, alleys or gutters within the city at any time.
- (d) *Enforcement.* The city manager and all officials of the police department as well as other city employees officially designated as ordinance police by the city manager are charged with the enforcement of this section and are authorized to issue violation tickets for any violation of this section; except that all tickets under this section shall be authorized by the city manager over his signature in the same manner as warrants, before formal issue and proceedings are taken.
- (e) *Penalties.* Any person violating any of the provisions of this section shall be punished in accordance with section 1-7. The provisions of this section are in addition to, not in lieu of, the provisions of any other ordinance of the city; and no repeal of any other ordinance or any section of any other ordinance is intended by this section.

(Ord. No. 10, §§ 1-5, 6-22-1972)

Cross reference(s)--Solid waste, ch. 62.

State law reference(s)--Littering, MCL 324.8901 et seq., MSA 13A.8901 et seq.

Sec. 50-167. Removal, destruction of public signs.

- (a) No person may injure, deface or remove any sign, guide board, signal or marker of the type erected by the state, any municipality, or by any person lawfully engaged in the construction, demolition, maintenance or repair of property within the city for the warning, instruction or information of the public.
- (b) No person may possess any sign, guide board, signal of the type erected by the state or by any municipality, or by any person lawfully engaged in the construction, demolition, maintenance or repair of property within the city for the warning, instruction or information of the public unless he can demonstrate that he obtained it in a legal manner. Possession of such sign, guide board, signal or marker creates a rebuttable presumption of illegal possession. In this subsection, "possession" means the presence of such a sign, guide board, signal or marker on premises owned or controlled by the person, including but not limited to a rented apartment, rented room or dormitory room.
- (c) Any person who violates this section shall be fined \$50.00 for the first violation, \$100.00 for a subsequent violation, imprisoned not exceeding 30 days for the first violation, or 60 days for a subsequent violation, or both fined and imprisoned in the

discretion of the court. The court may, in addition, order any such person either to restore or replace any such damaged sign, signal or marker, or to pay the cost.
(Ord. No. 21, § 9.25, 9-22-1979)

State law reference(s)—Removal or obstruction of signs on public ways or railroads, MCL 750.383, MSA 28.615.

Sec. 50-168. Removal of Feces of Dogs and Other Pets

- (1) The owner, and any other person having control of, a dog or other pet that defecates on any public property or on any private property other than property owned by the owner of such pet, shall immediately remove such dog's or other pet's feces from such public or private property.
- (2) Any person who violates this Section shall be fined Fifty and 00/100 (\$50.00) Dollars for the first violation and One Hundred and 00/100 (\$100.00) Dollars for each subsequent violation.