

PART II - CODE OF ORDINANCES

Chapter 46 OFFENSES AND MISCELLANEOUS PROVISIONS

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ARTICLE I. IN GENERAL

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Sec. 46-1. Definitions.

The following words, terms and phrases, when used in this chapter, 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, or 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 1989, § 9.101)

Cross reference— Definitions generally, § 1-2.

Sec. 46-2. Obstructing or resisting police.

No person shall obstruct, resist, hinder, or oppose any member of the police department or any peace officer in the discharge of his duties as such.

(Code 1989, § 9.102(29))

State Law reference— Obstruction of police officer, MCL 750.479.

Sec. 46-3. False calls for emergency assistance.

No person shall summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed.

(Code 1989, § 9.102(38))

State Law reference— False fire alarms, MCL 750.240; false report on crime, MCL 750.411a.

Sec. 46-4. Places where illegal activities conducted.

No person shall attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation is permitted or conducted.

(Code 1989, § 9.102(22))

Sec. 46-5. Soliciting for illegal purposes.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Code 1989, § 9.102(24))

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Sec. 46-6. Illegal diversions.

No person shall engage in any illegal diversion.

(Code 1989, § 9.102(39))

Sec. 46-7. Playing ball on streets or sidewalks or otherwise obstructing traffic.

No person shall 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 1989, § 9.102(20))

Cross reference— Streets, sidewalks and other public places, ch. 62.

Sec. 46-8. Spitting.

No person shall 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 1989, § 9.102(32))

Sec. 46-9. Throwing objects from moving vehicle.

No person shall wrongfully throw or propel any snowball, missile or object from any moving automobile.

(Code 1989, § 9.102(35))

Cross reference— Solid waste, ch. 54; traffic and vehicles, ch. 78.

Sec. 46-10. Throwing objects at person or vehicle.

No person shall wrongfully throw or propel any snowball, missile or object toward any person or automobile.

(Code 1989, § 9.102(36))

State Law reference— Throwing stone or missile at train or automobile, MCL 750.394.

Sec. 46-11. Contributing to neglect or delinquency of minor.

No person shall, by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in section 2 of chapter XIIA of Public Act No. 288 of 1939 (MCL 712a.2), whether or not such child shall in fact be adjudicated a ward of the probate court.

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(Code 1989, § 9.102(41))

State Law reference— Similar provisions, MCL 750.145.

Sec. 46-12. Parking of house trailers.

- (a) In this section, the term "house trailer" shall mean any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies.
- (b) No person shall park overnight or permit the parking overnight of any house trailer upon any public highway, street, alley, park or other public place within the city.
- (c) No person shall park or permit the parking of a house trailer for occupancy on any private property within the city except in an authorized trailer camp licensed under the provisions of the Mobile Home Commission Act (MCL 125.2301 et seq.) or part 125 of the Public Health Code (MCL 333.12501 et seq.).
- (d) No person shall park or permit the parking of any unoccupied house trailer outside of a duly licensed trailer coach park; except the parking of unoccupied trailers in any accessory private garage building, or in any rear yard, is permitted provided no living quarters shall be maintained or any business practiced in such trailers. Nothing in this section shall be construed to hinder or prevent any person from engaging in the business of handling trailer coaches for sale or resale or for storage, subject to such regulations as may be prescribed by this Code relative to zoning or regulation of such business.
- (e) Emergency or temporary parking or stopping is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway.

(Code 1989, § 5.161)

Secs. 46-13—46-40. Reserved.

ARTICLE II. OFFENSES AGAINST THE PERSON

[Sec. 46-41. Assault and battery.](#)

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Sec. 46-41. Assault and battery.

No person shall commit an assault, or an assault and battery, on any person.

(Code 1989, § 9.102(1))

State Law reference— Assault, MCL 750.81 et seq.

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Sec. 46-42. Insulting or annoying others.

No person shall insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.

(Code 1989, § 9.102(15))

Secs. 46-43—46-70. Reserved.

ARTICLE III. OFFENSES AGAINST PROPERTY

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Sec. 46-71. Malicious mischief; damaging or tampering with city property.

No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, streetlight, 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 make or post handbills 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 such property 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 1989, § 9.102(13))

State Law reference— Malicious mischief, MCL 750.377a et seq.

Sec. 46-72. Damaging or polluting water fountains.

No person shall 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 fountain.

(Code 1989, § 9.102(14))

Secs. 46-73—46-100. Reserved.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

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Sec. 46-101. Discharge of weapons.

No person shall discharge any firearm, air rifle, air pistol, pellet gun, or bow and arrow in the city, except when lawfully acting in the defense of persons or property of the enforcement of law or at a duly established range, the operation of which has been approved by the city council. The City may allow for the discharge of a bow and arrow, or cross-bow, by an individual approved under a permit issued by the City and carrying a valid Michigan hunting license, for the purpose of hunting of deer, per Article V of Chapter 14 of the City's Code of Ordinances.

(Code 1989, § 9.102(4))

State Law reference— Authority to prohibit discharge of firearms preserved, MCL 123.1104.

Sec. 46-102. Fireworks.

No person shall fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by chapter XXXIX of the Michigan Penal Code (MCL 750.243 et seq.).

(Code 1989, § 9.102(5))

Cross reference— Fire prevention and protection, ch. 38.

Sec. 46-103. Abandoned refrigerators.

No person shall have in his possession, either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other similar airtight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from such icebox, refrigerator or other similar container.

(Code 1989, § 9.21)

State Law reference— Abandoned iceboxes, MCL 750.493d.

Secs. 46-104—46-130. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE AND ORDER [121](#)

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Sec. 46-131. Peace disturbance.

No person shall disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

(Code 1989, § 9.102(27))

Sec. 46-132. Disturbing meetings.

No person shall disturb any school, meeting, or congregation lawfully assembled, whether religious, political, or otherwise.

(Code 1989, § 9.102(33))

State Law reference— Disturbing religious worship, MCL 750.169; disturbing lawful meetings, MCL 750.170.

Sec. 46-133. Disorderly places.

No person shall permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.

(Code 1989, § 9.102(28))

Sec. 46-134. Crowds.

No person shall 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 1989, § 9.102(17))

State Law reference— Unlawful assembly, MCL 750.543.

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Sec. 46-135. Quarrels or fights.

No person shall engage in any disturbance, fight, or quarrel in a public place.

(Code 1989, § 9.102(16))

Sec. 46-136. Public intoxication.

It is unlawful for any person to be intoxicated in a public place and either endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.

(Code 1989, § 9.102(2))

Cross reference— Alcoholic liquor, ch. 6.

State Law reference— Local ordinances prohibiting public intoxication, MCL 333.6523, 750.167(1)(e).

Sec. 46-137. Voyeurism.

- (a) No person shall peep into an occupied dwelling of another person or go upon the land of another with the intent to peep into an occupied dwelling of another person.
- (b) No person shall peep into an area where an occupant of the area reasonably can be expected to disrobe, including restrooms, baths, showers, and dressing rooms, without the consent of the other person.

(Code 1989, § 9.102(6))

Sec. 46-138. Begging and soliciting alms.

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

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg and solicit mean and include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (b) It shall be unlawful for any person to solicit money or other things of value:
 - (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 - (2) Within 15 feet of the entrance to or exit from any public toilet facility;

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- (3) Within 15 feet of an automatic teller machine, provided that, when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 - (4) Within 15 feet of any pay telephone, provided that, when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - (5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxistand;
 - (6) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
 - (7) Within 15 feet of the entrance to or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
- (c) It shall be unlawful for any person to solicit money or other things of value:
- (1) By accosting another; or
 - (2) By forcing oneself upon the company of another.

(Code 1989, § 9.102(7))

Cross reference— Solicitors, § 22-211 et seq.

Sec. 46-139. Jostling others.

No person shall jostle or roughly crowd persons in any street, alley, park, or public building.

(Code 1989, § 9.102(18))

State Law reference— Similar provisions, MCL 750.167(1)(l).

Sec. 46-140. Indecent, immoral or insulting language.

No person shall use any indecent, immoral, or insulting language to, or in the presence or hearing of, any other person, or manifest any indecent or insulting behavior in the city in the presence, view or hearing of any other person.

(Code 1989, § 9.102(9))

Sec. 46-141. Loitering.

No person shall loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.

(Code 1989, § 9.102(19))

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Sec. 46-142. Prowling.

No person shall 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 1989, § 9.102(31))

Sec. 46-143. Curfew for underage persons.

- (a) It shall be unlawful for any minor under the age of 17 years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places between the hours of 11:00 p.m. on Sundays through Thursdays both inclusive and 4:00 a.m. of the following day and between the hours of 1:00 a.m. to 4:00 a.m. on Saturdays and Sundays.
- (b) This section does not apply if the minor was:
- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
 - (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
 - (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (8) Married or had been married or had disabilities of minority removed in accordance with law.
- (c) It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 17 years to knowingly permit such minor to violate the provisions of this section.
- (d) Any minor violating the provisions of this section shall be dealt with in accordance with juvenile court law and procedure. Any parent, guardian, or other adult person having the care and custody of a minor violating this section shall be guilty of an offense.

(Code 1989, §§ 9.111—9.113)

State Law reference— Curfew for underage persons, MCL 722.751 et seq.

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Secs. 46-144—46-170. Reserved.

FOOTNOTE(S):

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Cross reference— Streets, sidewalks and other public places, ch. 62. [\(Back\)](#)

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

DIVISION 1. - GENERALLY

DIVISION 2. - DRUG PARAPHERNALIA

DIVISION 1. GENERALLY

[Sec. 46-171. Transporting persons to places where gambling or prostitution conducted.](#)

[Sec. 46-172. Prostitution.](#)

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[Sec. 46-174. Being under influence of narcotics.](#)

[Sec. 46-175. Obscene conduct.](#)

[Sec. 46-176. Indecent exposure.](#)

[Secs. 46-177—46-200. Reserved.](#)

Sec. 46-171. Transporting persons to places where gambling or prostitution conducted.

No person shall 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.

(Code 1989, § 9.102(25))

Sec. 46-172. Prostitution.

No person shall engage in any act of prostitution.

(Code 1989, § 9.102(21), (23))

State Law reference— Prostitution, MCL 750.448 et seq.

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Sec. 46-173. Gambling, illegal sales of alcohol, and other illegal businesses.

No person shall:

- (1) Engage in gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation.
- (2) Keep or maintain a gaming room, gaming table, or any gaming device used for gaming, or knowingly suffer a gaming room, gaming table, or any gaming device to be kept, maintained, played or sold on any premises occupied or controlled by him.

(Code 1989, § 9.102(23), (26))

State Law reference— Gambling, MCL 750.301 et seq.

Sec. 46-174. Being under influence of narcotics.

No person shall be under the influence of any narcotic drug in any public place.

(Code 1989, § 9.102(2))

State Law reference— Controlled substances, MCL 750.7101 et seq.

Sec. 46-175. Obscene conduct.

No person shall engage in any obscene conduct in any public place.

(Code 1989, § 9.102(3))

Sec. 46-176. Indecent exposure.

No person shall:

- (1) Bathe in any body of water in a naked state, or with his or her person so much undressed that there shall be an indecent exposure of the body.
- (2) Make any immoral exhibition or indecent exposure of his or her person.

(Code 1989, § 9.102(8), (11))

State Law reference— Indecent exposure, MCL 750.335a; local ordinances regulating nudity, MCL 117.4i(e), 117.5h.

Secs. 46-177—46-200. Reserved.

DIVISION 2. DRUG PARAPHERNALIA

[Sec. 46-201. Definitions.](#)

[Sec. 46-202. Sale prohibited.](#)

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[Sec. 46-203. Use prohibited.](#)

Sec. 46-201. 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:

Controlled substance has the meaning assigned to it in section 7104 of the Public Health Code (MCL 333.7104).

Drug paraphernalia means any equipment, product, material, or combination of equipment, products, or materials which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; or injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, including, but not limited to, all of the following:

- (1) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.
- (2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.
- (3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.
- (4) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.
- (5) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.
- (7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (8) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (9) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- (10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.
- (11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.
- (12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.

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- (13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

State Law reference— Similar provisions, MCL 333.7451.

(Code 1989, § 9.102(42)(a), (d))

Cross reference— Definitions generally, § 1-2.

Sec. 46-202. Sale prohibited.

- (a) Subject to subsection (b) of this section, a person shall not sell or offer for sale drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- (b) Before a person is arrested for a violation of subsection (a) of this section, the city attorney shall notify the person in writing, not less than two business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the city attorney to be drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that, if the person complies with the notice, no arrest will be made for a violation of subsection (a) of this section.
- (c) If a person complies with a notice sent under subsection (b) of this section, the compliance is a complete defense for the person against a prosecution under this section, as long as the compliance continues.
- (d) This section does not apply to any of the following:
- (1) An object sold or offered for sale to a person licensed under article 15 of the Occupational Code (MCL 339.1501 et seq.), or any intern, trainee, apprentice, or assistant in a profession licensed under such article 15 or for use in that profession.
 - (2) An object sold or offered for sale to any hospital, sanitarium, clinical laboratory, or other health care institution, including a penal, correctional, or juvenile detention facility, for use in that institution.
 - (3) An object sold or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies.
 - (4) Equipment, a product, or material which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.
 - (5) A blender, bowl, container, spoon, or mixing device not specifically designed for a use described in the definition of "drug paraphernalia" in section 46-201.
 - (6) A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.
 - (7) An object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

(Code 1989, § 9.102(42)(a))

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State Law reference— Similar provisions, MCL 333.7453, 333.7457.

Sec. 46-203. Use prohibited.

A person shall not possess drug paraphernalia with intent to use the paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(Code 1989, § 9.102(42)(a))