

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 – a public place is generally understood to be any place that is open to or may be used by the members of the community, or that is otherwise not restricted to the private use of a defined group of persons. A public place is one where, by general invitation, members of the public attend for reasons of business, entertainment, instruction, or the like, and are welcome as long as they conform to what is customarily done there.

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.

[State Law reference— Obstruction of police officer, MCL 750.479 (felony)]

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.

[State Law reference— False fire alarms, MCL 750.240 (misdemeanor); false report on crime, MCL 750.411a (misdemeanor or felony).]

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.

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.

Sec. 46-6. Persons obstructing traffic.

No person shall obstruct traffic on any street, alley, or sidewalk by collecting in groups thereon, for any purpose.

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

Sec. 46-7. 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 public place.

Sec. 46-8. Throwing objects from moving vehicle.

- (a) No person shall throw or propel any snowball, missile, or object from any moving automobile.
- (b) No person shall wrongfully throw or propel any snowball, missile or object toward any person or automobile.
- (c) No person shall purposefully throw, drop, or place litter, refuse, or garbage on public property unless within an approved receptacle.

[State Law reference— Throwing stone or missile at train or automobile, MCL 750.394 (misdemeanor or felony).]

Sec. 46-9. 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.

[State Law reference— Minor; contributing to neglect or delinquency MCL 750.145 (misdemeanor).]

Sec. 46-10. 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, including but not limited to recreational vehicles, travel trailers, travel coaches and campers
- (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, unless within a designated area established for such purpose by 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.

Sec. 46-11. Violations

Unless a provision within this Chapter is specifically designated* as a criminal misdemeanor under this Code, violations of this Chapter shall be deemed municipal civil infractions and violators shall be subject to fines, costs, and other relief pursuant to Section 2-204 of the Code.

Many provisions within this Chapter that are civil infractions under the Code have nearly equivalent state law provisions which make the same or similar behavior a criminal act, either a misdemeanor or felony, under state law. Nothing in this Chapter shall preclude an officer from charging a person under the state law, when a more egregious, related behavior warrants a criminal charge, in lieu of a municipal civil infraction.

ARTICLE II. OFFENSES AGAINST THE PERSON

Sec. 46-41. Assault and battery.

Sec. 46-42. Insulting or annoying others.

***Sec. 46-41. Assault and battery.**

No person shall commit an assault, or an assault and battery, on any person. An assault and/or battery shall be deemed a criminal misdemeanor under the Code.

[State Law reference— Assault or assault and battery, MCL 750.81 et seq. (misdemeanor or felony).]

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.

ARTICLE III. OFFENSES AGAINST PROPERTY

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

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

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.

[State Law reference— Willful and malicious destruction of property, personalty; MCL 750.377a (misdemeanor or felony).]

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 any parts of such drinking fountain.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 46-101. Discharge of weapons.

Sec. 46-102. Fireworks.

Sec. 46-103. Abandoned refrigerators.

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 or 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.

[State Law reference—authorizing statute, 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 the Michigan fireworks safety act, MCL 28.451 et. seq., as amended. Pursuant to said act, no person shall ignite, use or discharge consumer fireworks except for on the following days after 11 a.m.:

- (a) December 31 until 1 a.m. on January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Pursuant to state law, MCL 28.457, as amended, any violation of this provision shall carry a fine of \$1,000 for each violation and no other fine or sanction. \$500 of the fine collected under this ordinance shall be remitted to the City of Montague law enforcement agency, pursuant to state law.

***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 and size sufficient to permit the entrapment and suffocating of a child therein, 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. A violation of this provision shall be deemed a misdemeanor.

[State Law reference— Icebox or refrigerator; abandoned without removing snap lock or locking device, penalty, MCL 750.493d (misdemeanor).]

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE AND ORDER

Sec. 46-131. Peace disturbance.

Sec. 46-132. Disturbing meetings.

Sec. 46-133. Disorderly places.

Sec. 46-134. Crowds.

Sec. 46-135. Quarrels or fights.

Sec. 46-136. Public intoxication.

Sec. 46-137. Voyeurism.

Sec. 46-138. Begging and soliciting.

Sec. 46-139. Jostling others.

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

Sec. 46-141. Loitering.

Sec. 46-142. Prowling.

Sec. 46-143. Curfew for underage persons.

Sec. 46-131. Peace disturbance.

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

[State Law reference – Disorderly person, MCL 750.167(f) (misdemeanor).]

Sec. 46-132. Disturbing meetings.

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

[State Law reference— Disruption of religious meeting, MCL 750.169 (misdemeanor); Disturbance of lawful meetings, MCL 750.170 (misdemeanor).]

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.

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.

Sec. 46-135. Quarrels or fights.

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

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.

Sec. 46-138. Begging and soliciting.

- (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 money.

Forcing oneself upon the company of another means continuing to request, beg or solicit 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;
 - (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 taxi stand;
 - (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.

[Cross reference— *Solicitors*, § 22-131 et seq.]

Sec. 46-139. Jostling others.

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

[State Law reference— *Similar provisions, Disorderly person, MCL 750.167(1) (misdemeanor).*]

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.

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.

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.

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

[State Law reference— Curfew for minors under age 16, MCL 722.752; Curfew for children under 12 years old, MCL 722.751.]

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

Sec. 46-171. Prostitution.

Sec. 46-172. Gambling, illegal sales of alcohol, and other illegal businesses.

Sec. 46-173. Indecent exposure.

Sec. 46-171. Prostitution.

No person shall engage in any act of prostitution.

State Law reference— Soliciting, accosting, or inviting to commit prostitution or immoral act; crime, MCL 750.448 et seq.

Sec. 46-172. Gambling, illegal sales of alcohol, and other illegal businesses.

No person shall engage in illegal gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation.

[State Law reference— Gambling, MCL 750.301 et seq.]

Sec. 46-173. Indecent exposure.

No person shall:

- (a) 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.
- (b) Make any immoral exhibition or indecent exposure of his or her person.

[State Law reference— Indecent exposure, MCL 750.335a (misdemeanor).]