

## Chapter 20

### OFFENSES\*

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**ARTICLE I. IN GENERAL**

**Sec. 20-1. 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, and 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 1972, § 81.1; Ord. No. 03-210, § 81.1, 10-13-2003)

**Cross reference** – Definitions generally, § 1-2.

**Sec. 20-2. Penalty.**

Violations of the provisions of this chapter shall be deemed a misdemeanor.

(Code 1972, § 81.3; Ord. No. 03-210, § 81.3, 10-13-2003)

**Secs. 20-3 – 20-30. Reserved.**

**ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS**

**Sec. 20-31. Assaulting or obstructing police officer or firefighter.**

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

(Code 1972, § 81.2(19); Ord. No. 03-210, § 81.2(19), 10-13-2003)

**State law references** – Obstruction of police or government officers, MCL 750.479; assault, MCL 750.81 et seq.

**Sec. 20-32. Summoning police department, fire department or ambulance service without cause.**

It shall be unlawful for any person to summon, as a joke or prank or otherwise without good reason therefore, by telephone or otherwise, the police or the fire department or any public or private ambulance to go to any address where the service called for is not needed.

(Code 1972, § 81.2(27); Ord. No. 03-210, § 81.2(22), 10-13-2003).

**State law references** – False report of crime, MCL 750.411a; false fire alarms, MCL 750.240.

**Sec. 20-33. Making false report causing evacuation or closing of public building.**

It shall be unlawful for any person to make a false report, by telephone or otherwise, to any public official which may be reasonably expected to cause the evacuation or closing of a building or place open to the public.

(Code 1972, § 81.2(27); Ord. No. 03-210, § 81.2(27), 10-13-2003)

**State law reference** – False police reports, MCL 750.411a.

**Sec. 20-34. Impersonating a public officer.**

It shall be unlawful for any person to falsely impersonate a police officer, firefighter or housing, building or zoning code enforcer for the purpose of gaining entry to private property, or access to private records or access to public records which would not otherwise be subject to public disclosure under the law.

(Code 1972, § 81.2(28); Ord. No. 03-210, § 81.2(28), 10-13-2003)

**State law reference** – Falsely impersonating public officers, MCL 750.215.

**Secs. 20-35 – 20-60. Reserved.**

**ARTICLE III. OFFENSES AGAINST THE PERSON**

**Sec. 20-61. 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

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reasonable expectation of privacy and without the occupant's express or implied consent.

(Code 1972, § 81.2(4); Ord. No. 03-210, § 81.2(4), 10-13-2003)

**State law reference** – Window peeper deemed a disorderly person, MCL 750.167(1)(c).

### **Sec. 20-62. Accosting, molesting or annoying others.**

It shall be unlawful for any person to accost, molest, or otherwise annoy, either by touching or by word of mouth, or by sign or motion, any person in any public place with intent to interfere with or abuse that person or culpably offend his dignity or sensibilities.

(Code 1972, § 81.2(8); Ord. No. 03-210, § 81.2(8), 10-13-2003)

**State law reference** – Assaults, MCL 750.81.

### **Sec. 20-63. Jostling or crowding others; obstructing passage.**

It shall be unlawful for any person to jostle or roughly crowd persons in any street, alley, park, or public building, or conduct oneself in any public place so as to obstruct the free and uninterrupted passage of the public.

(Code 1972, § 81.2(12); Ord. No. 03-210, § 81.2(12), 10-13-2003)

**State law reference** – Similar provisions, MCL 750.167(1)(1).

### **Sec. 20-64. Failure to support family.**

It shall be unlawful for any person to refuse or neglect to support his family, if he shall have sufficient ability to do so.

(Code 1972, § 81.2(25); Ord. No. 03-210, § 81.2(25), 10-13-2003)

**State law reference** – Relief and support or poor persons, MCL 401.1 et seq.

### **Sec. 20-65. Malicious use of service provided by telecommunications service provider.**

(a) It shall be unlawful to maliciously use any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace

and quiet of another person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.
- (2) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.
- (3) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided through the use of a telecommunications service or device.
- (4) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.
- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone is answered.
- (6) Making an unsolicited commercial telephone call that is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this section, the term “unsolicited commercial telephone call” means a call made by a person or recording device, on behalf of a person, soliciting business or contributions.
- (7) Deliberately engaging or causing to be engaged the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications

service or prevents the person from utilizing his telecommunications service or device.

(b) As used in this section, the terms “telecommunications,” telecommunications service,” and “telecommunications device” mean those terms as defined in MCL 750.540c.

(Code 1972, § 81.2(26); Ord. No. 03-210, § 81.2(26), 10-13-2003)

**State law reference** – Similar provisions, MCL 750.540e.

**Secs. 20-66 – 20-90. Reserved.**

#### **ARTICLE IV. OFFENSES AGAINST PROPERTY**

##### **Sec. 20-91. Damaging or removing property.**

It shall be unlawful for any person to willfully destroy or damage or in any manner deface, destroy, or injure any property not his own, or any publicly owned building, bridge, fire hydrant, alarm box, streetlight, street sign, or shade tree, or mark or post handbills on or in any manner mar the walls of any public building or any fence, tree, or pole within the city, or take or meddle with any property from the building or place where it may be kept, placed, standing, or stored, without authority from the city manager or other official custodian of such property.

(Code 1972, § 81.2(7); Ord. No. 03-210, § 81.2(7), 10-13-2003)

**State law reference** – Malicious mischief generally, MCL 750.377 et seq.

##### **Sec. 20-92. Urinating, defecating or spitting on public or private property.**

It shall be unlawful for any person to urinate, defecate, or spit on any street, sidewalk, alley, park, parkway, parking lot or structure, or public carrier, or upon any public building or place of public assemblage or upon any other public or private property of another open to public view, or upon any private property of an-

other without the consent of the owner, except where an approved sanitary facility is provided and used.

(Code 1972, § 81.2(9); Ord. No. 03-210, § 10-13-2003)

##### **Sec. 20-93. Trespassing in garden or orchard.**

It shall be unlawful for any person to enter any enclosed or unenclosed vegetable garden or orchard located within the city without the consent of the owner or tenant, or his agent, and there cut down, injure, damage, destroy, eat or carry away any portion of such garden, including any growing thing, crop, tree, timber, grass, seed, soil, fertilizer, water supply, tool, implement, fence or any other protective device or any other thing used for the development, cultivation, maintenance and use of such gardens or orchards.

(Code 1972, § 81.2(20); Ord. No. 03-210, § 81.2(20), 10-13-2003)

**State law references** – Mischief generally, MCL 750.377 et seq.; trespass, MCL 750.552.

##### **Sec. 20-94. Prowling.**

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 1972, § 81.2(21); Ord. No. 03-210, § 81.2(21), 10-13-2003)

**Secs. 20-95 – 20-120. Reserved.**

#### **ARTICLE V. OFFENSES AGAINST THE PUBLIC PEACE\***

##### **Sec. 20-121. Intoxication in public place.**

It shall be unlawful for any person to be intoxicated in a public place and to endanger directly the safety of another person or property.

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\***State law references** – Riots and unlawful assemblies, MCL 752.541 et seq.; jostling or roughly crowding, MCL 750.167(1)(1); disturbing public places, MCL 750.170; disorderly intoxication, MCL 750.167(1)(c).

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(Code 1972, § 81.2(1); Ord. No. 03-210, § 81.2(1), 10-13-2003)

**State law reference** – Similar provisions, MCL 750.167(1)(e).

### Sec. 20-122. Begging or soliciting alms.

(a) Definitions. 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 the person, or upon property in his immediate possession.

*Ask, beg* and *solicit* mean and include the spoken, written or printed word or such 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) Lawful begging or soliciting. Except when performed in the manner and locations set forth in subsections (c) and (d) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

(c) Prohibited locations. 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 tell 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 or within 15 feet of any bus stop or taxistand;

(6) From any operator of a motor vehicle that is in traffic on a public street; provided however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

(7) From any person who is waiting in line for entry to any building, public or private, including any residence, business, or athletic facility.

(d) Soliciting in prohibited manner. It shall be unlawful for any person to solicit money or other things of value by:

- (1) Accosting another; or
- (2) Forcing oneself upon the company of another.

(Code 1972, § 81.2(5); Ord. No. 03-210, § 81.2(5), 10-13-2003)

**Cross reference** – Peddlers and solicitors, ch. 24.

**State law reference** – Begging, MCL 750.167(1)(h).

### Sec. 20-123. Disturbing the peace.

It shall be unlawful for any person to disturb the public peace and quiet by loud or boisterous conduct or by engaging in any disturbance, fight, brawl or quarrel in any public place.

(Code 1972, § 81.2(10); Ord. No. 03-210, § 81.2(10), 10-13-2003)

**State law reference** – Disturbing public places, MCL 750.170.

**Sec. 20-124. Unlawful assemblies.**

It shall be unlawful for any person to assemble or act in concert with four or more other persons for the purpose of engaging in conduct constituting the crime of riot, or to be present at any assembly that either has or develops such a purpose and to remain thereat with the intent to advance such purpose.

(Code 1972, § 81.2(11); Ord. No. 03-210, § 81.2(11), 10-13-2003)

**State law reference** – Riots and unlawful assemblies, MCL 750.541 et seq.

**Sec. 20-125. Loitering.**

It shall be unlawful for any person to loiter, remain or wander in or about a place without apparent reason and under circumstance which warrant alarm for the safety of persons or property and, upon the appearance of a peace officer, take flight, manifestly endeavor to conceal himself, or, upon inquiry by a police officer, refuse to identify himself or give a reasonable, credible account of his conduct and purposes.

(Code 1972, § 81.2(13); Ord. No. 03-210, § 81.2(13), 10-13-2003)

**Sec. 20-126. Allowing premises to be used so as to disturb public peace.**

It shall be unlawful for any person to knowingly permit or suffer any place occupied or controlled by him to be used so as to disturb the public peace.

(Code 1972, § 81.2(18); Ord. No. 03-210, § 81.2(18), 10-13-2003)

**Secs. 20-127 – 20-150. Reserved.**

**ARTICLE VI. OFFENSES AGAINST**

**PUBLIC MORALS\***

**Sec. 20-151. Public nudity.**

(a) As used in this section, the term “public nudity” means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual’s genitals or anus with less than a fully opaque covering or a female individual’s breasts with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman’s breastfeeding of a baby whether or not the nipple or areola is exposed or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

(b) Any person displaying public nudity is guilty of a misdemeanor.

**State law reference** – Similar provisions, MCL 117.4i(e).

**Sec. 20-152. Indecent exposure.**

It shall be unlawful for any person to knowingly engage in any indecent or obscene conduct in any public place, or knowingly make any immoral exhibition or indecent exposure of his person.

(Code 1972, § 81.2(2); Ord. No. 03-210, § 81.2(2), 10-13-2003)

**State law reference** – Similar provisions, MCL 750.355a.

**Sec. 20-153. Nude swimming.**

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\***State law references** – Indecent or obscene conduct, MCL 750.167(1)(f); prostitution, MCL 750.448 et seq.; gambling, MCL 750.301 et seq.; controlled substances, MCL 333.7101 et seq.



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It shall be unlawful for any person to swim or bathe in the nude in any public place. (C0de 1972, § 81.2(6); Ord. No. 03-210, § 81.2(6), 10-13-2003)

### **Sec. 20-154. Prostitution.**

(a) It shall be unlawful for any person, male or female, 17 years of age or older, 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 prostitution or to do any other lewd or immoral act.

(b) It shall be unlawful for any person to engage or offer to engage the services of another person, not his spouse, for the purpose of prostitution, lewdness or assignation, by payment in money or other form of consideration.

(c) It shall be unlawful for any person to keep, maintain or operate, or aid and abet in keeping, maintaining or operating, a house of ill fame, bawdy house or any house or place resorted to for the purpose of prostitution or lewdness.

(d) It shall be unlawful for any person to knowingly loiter in a house of ill fame or prostitution or a place where prostitution or lewdness is practiced, encouraged or allowed. (C0de 1972, § 81.2(15); Ord. No. 03-210, § 81.2(15), 10-13-2003)

State law reference – Similar provisions, MCL 750.167 (1)(i), 750.448, 750.449a, 750.452.

Sec. 20-155. Operating or frequenting place where illegal business is conducted.

It shall be unlawful for any person to knowingly attend, frequent, operate or loiter in or about any place where prostitution, gambling, the illegal sale of alcoholic liquor or controlled substances, or any other illegal business or occupation is permitted or conducted. (C0de 1972, § 81.2(14); Ord. No. 03-210, § 81.2(14), 10-13-2003)

**State law references** – Prostitution generally, MCL 750.448 et seq.; gambling generally, MCL 750.301 et seq.; loitering in a house of ill fame, MCL 750.167(1)(i); loitering

in place of illegal occupation, MCL 750.167(1)(j); Michigan Liquor Control Code of 1998, MCL 436.1101 et seq.

### **Sec. 20-156. Transporting person to place where prostitution or gambling is practiced.**

It shall be unlawful for any person to 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 such acts. (C0de 1972, § 81.2(16); Ord. No. 03-210, § 81.2(16), 10-13-2003)

### **Sec. 20-157. Gambling; gaming rooms.**

It shall be unlawful for any person to keep or maintain a gaming room, gaming table, or any policy or pool tickets, used for gaming; knowingly suffer a gaming room, gaming table or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him except as permitted by law; conduct or attend any cockfight or dogfight; or place, receive, or transmit any bet on the outcome of any race, contest, or game of any kind whatsoever.

(C0de 1972, § 81.2(17); Ord. No. 03-210, § 81.2(17), 10-13-2003)

### **Secs. 20-158 – 20-180. Reserved.**

## **ARTICLE VII. OFFENSES AGAINST PUBLIC SAFETY\***

### **Sec. 20-181. Possession or discharge of firearm, airgun or slingshot in public place.**

It shall be unlawful for any person to use, operate, or discharge any firearm, BB gun, air rifle which projects projectiles, slingshot, bow

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\***State law references** – Discharge of firearms, MCL 750.234 et seq.; license required to purchase, carry or transport a pistol, MCL 750.224 et seq.; concealed weapons, MCL 750.227.

and arrow, catapult, or any other toy shooting apparatus, gun, or implement that might result in damage or destruction of life or property within the limits of the city other than at a duly established range. For purposes of this section, the term "firearm" means any weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion.

(C0de 1972, § 81.2(3); Ord. No. 03-210, § 81.2(3), 10-13-2003)

**Sec. 20-182. Throwing missile from moving automobile.**

It shall be unlawful for any person to wrongfully throw or propel any snowball, missile or object from any moving automobile.

(C0de 1972, § 81.2(23); Ord. No. 03-210, § 81.2(23), 10-13-2003)

Cross reference – Traffic and vehicles, ch. 36.

**Sec. 20-183. Throwing missile toward person or automobile.**

It shall be unlawful for any person to wrongfully throw or propel any snowball, missile or object toward any person or automobile.

(C0de 1972, § 81.2(24); Ord. No. 03-210, § 81.2(24), 10-13-2003)

**Sec. 20-184. Carrying weapons.**

(a) It shall be unlawful for any person to carry a dagger, a dirk, a double-edged non-folding stabbing instrument of any length, or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by such person, except in his dwelling house or place of business or on other land possessed by such person.

(b) A dagger, dirk, stiletto, a double-edged non-folding stabbing instrument of any length, metal knuckles, blackjacks, saps, switchblades, and similar articles designed for the purpose of bodily assault or defense shall be dangerous weapons per se.

(c) Bludgeons, billys, karate sticks and similar articles which are commonly used for the purpose of bodily assault or defense, but which also may have a lawful and proper purpose under appropriate circumstances, are dangerous weapons only if used or carried for the purpose of assault or defense, unless such articles either have no lawful and proper purpose or have been modified so as to be either no longer useful for their intended lawful and proper purpose or have as their apparent purpose an instrument of bodily assault or defense, in which case they are presumed to be dangerous weapons.

(d) Pocket knives with blades three inches or less, razors, hammers, hatchets, wrenches, cutting tools, ball bats and similar articles generally used for peaceful and proper purposes are dangerous weapons only if used or carried for the purpose of assault or defense, unless such articles have been modified so as to be either no longer useful for their intended purpose or have as their apparent purpose an instrument of bodily assault or defense, in which case they are presumed to be dangerous weapons.

(C0de 1972, § 81.2(30); Ord. No. 03-210, § 81.2(30), 10-13-2003)

State law reference – Dangerous weapons, MCL 750.422 et seq.

**Secs. 20-185 – 20-210. Reserved.**

**ARTICLE VIII. OFFENSES PERTAINING TO UNDERAGE PERSONS**

**Sec. 20-211. Enticing a minor to enter motor vehicle or private property.**

It shall be unlawful for any person to invite, entice, coax, persuade, or induce by threat any minor child under the age of 17 years to enter any motor vehicle, or conveyance, or private property or place, except where the parent or guardian of such child has given that person express prior consent. This section shall not prohibit school personnel, peace officers, or pub-

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lic health or social welfare personnel from carrying out the normal duties of their employment. (Code 1972, § 81.2(29); Ord. No. 03-210, § 81.2(29), 10-13-2003)

### **Sec. 20-212. Curfew of minors.**

(a) *Minors under twelve.* No minor under the age of 12 years shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 9:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the minor.

(b) *Minors under eighteen.* Subject to the provisions in part (a), no minor under the age of 18 shall loiter, idle, congregate or be in or on any public street, highway, alley, park or public place between the hours of 10:00 p.m. and 6:00 a.m. except when the minor is accompanied by a parent or guardian or some 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 or her parent or guardian.

(c) *Aiding and abetting violation.* Any person who assists, aids, abets, allows or permits or encourages any minor to violate the provisions of the curfew restrictions of this ordinance shall be guilty of a misdemeanor.

(d) *Exceptions.* The provisions of this ordinance do not apply to:

- (1) A minor going to or returning from work; provided the minor's hours of employment do not violate state law; and provided further that such minor shall be exempt from the requirements of this ordinance for not more than one (1) hours before the minor's work day begins and not more than one (1) hour after the minor's work day ends; or
- (2) A minor going to or returning from a school or school-sponsored activity; and provided further that such minor shall be exempt from the requirements of

this ordinance for not more than one (1) hours before the minor's class begins or school sponsored activity ends at such school, and for not more than one (1) hour after the minor's class ends or school sponsored activity ends at such school.

(Ord. No. 08-216, 9-25-2008)

**State law reference** – Similar provisions, MCL 722.751 et seq.