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ORDINANCE VI

An ordinance to recodify Ordinance VI, being an ordinance to promote the public health, safety and welfare by regulating conduct relating to the acquisition and consumption of alcoholic beverages; assaultive conduct; attempts, conspiracies, and aiding in the commission of offenses; the destruction of property; controlled substances and paraphernalia related thereto; the reporting of false alarms and police reports; stealing, defrauding and embezzling of property; littering; immoral conduct including prostitution, indecent exposure, gambling and disorderly conduct, curfew violations, prohibited communications; resisting arrest and obstructing justice; trespass and unlawful assemblies; weapons offenses; dogs and certain other animals; forfeitures; sex offenders; and providing for the enforcement thereof and penalties therefore.

ARTICLE I

SECTION 6.1-1 Short Title

The Charter Township of Flint hereby adopts Ordinance VI of its Compiled Ordinances as “The Criminal Code of the Charter Township of Flint.” The Criminal Code contains certain Articles which regulate conduct within the Charter Township of Flint in order to further the public health, safety and welfare of its residents.

SECTION 6.1-2 Gender

The masculine gender as used throughout this Code shall be deemed to refer to the feminine and neuter genders also. The feminine gender shall be deemed to refer to the masculine and neuter genders also. The neuter gender shall be deemed to refer to the masculine and feminine genders also. Also as used throughout this Code “person” shall include both the singular and plural and shall include natural persons, corporations, public corporations, partnerships, joint ventures, groups, associations, and organizations.

SECTION 6.1-3 Sections

A) The Articles, Sections, paragraphs, sentences and clauses of this Code are severable, and if any clause, sentence, paragraph, Section or Article shall be declared unconstitutional, unenforceable or otherwise invalid by any court or tribunal of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining clauses, sentences, paragraph, Sections or Articles of this Code.

B) Titles and headings to Articles of this Code and the Sections and paragraphs contained herein are inserted for convenience of reference and are not intended to affect the interpretation or construction of this Code or its Articles.

SECTION 6.1-4 Penalty

Whenever in this Code and the Articles contained herein any act is prohibited or is made or declared to be unlawful, or the doing of an is required, or the failure to do an act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the Genesee County Jail for a term not to exceed ninety (90) days or by both fine and imprisonment.

SECTION 6.1-5 Repeal of Prior Inconsistent Ordinances

Any prior version of this Code or the Articles or Sections contained therein that is in conflict with this Ordinance is hereby repealed as of the effective date of this Ordinance. The repeal of those Articles or Sections does not affect or impair any act done, offense committed, or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 6.1-6 Intentionally Left Blank

ARTICLE II
ALCOHOL RELATED OFFENSES

SECTION 6.2-1 Definition of Alcoholic Liquor

The term alcoholic liquor shall be as defined in the Michigan liquor control code of 1998, MCL 436.1101 *et. seq.*

SECTION 6.2-2 Minor Purchasing, Consuming, Possessing or Transporting Alcohol

A) No person under the age of twenty-one (21) shall purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this Section.

- 1) For the first violation of Subsection (A), or a statute or local ordinance substantially conforming to Subsection (A), a person may be fined not more than \$100.00, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in Section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in Subsection (A)(5).
- 2) For a violation of Subsection (A) following a prior conviction or juvenile adjudication for a violation of Subsection (A), Section 33b(1) of former 1933 (Ex Sess.) PA 8, or a local ordinance substantially corresponding to Subsection (A) or Section 33b(1) of former 1933 (Ex Sess.) PA 8, a person may be imprisoned for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, and fined not more than \$200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in Section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in Subsection (A)(5).
- 3) For a violation of Subsection (A) following 2 or more prior convictions or juvenile adjudications for a violation of Subsection (A) , section 33b(1) of former 1933 (Ex. Sess.) PA 8, or a local ordinance substantially corresponding to Subsection (A) or section 33b(1) of former 1933 (Ex. Sess.) PA 8, a person may be imprisoned for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that

conviction or juvenile adjudication, and fined not more than \$500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in Section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in Subsection (A)(5).

- 4) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of Subsection (A) pleads guilty to a violation of Subsection (A) or offers a plea of admission in a juvenile delinquency proceeding for a violation of Subsection (A), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in Subsection (A)(1), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m and Section 1j of chapter IX of the code of criminal procedure, 1927 PA 175 MCL 769.1j, and the costs of probation as prescribed in Section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this Subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this Section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of this Section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under Subsection (A)(2) and (3). There may be only 1 discharge or dismissal under this Subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this Subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this Subsection. This record shall be furnished to any of the following:
 - (a) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this Subsection.
 - (b) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

- (i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.
 - (ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.
- 5) The court may order the person convicted of violating Subsection (A) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in Section 6103 of the public health code, 1978 PA 368, MCL 333.6103 in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

B) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this Subsection is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$100.00

C) Upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of Subsection (A) the Township police department shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the Township police department. The notice required by this Subsection shall be made not later than 48 hours after the Township police department determines that the person who allegedly violated Subsection (A) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating Subsection (A), his or her parents or legal guardian shall be notified immediately as provided in this Subsection.

D) This Section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by The Michigan Liquor Control Act 1998, by the Liquor Control Commission, or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

E) This Section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this Article.

F) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this Section if the purpose of the consumption is solely educational and is a requirement of the course.

G) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this Section.

H) Subsection (A) does not apply to a minor who participates in either or both of the following:

- (1) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office or Township attorney as part of an employer-sponsored internal enforcement action.
- 2) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the Liquor Control Commission, or the Township police department as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the Liquor Control Commission, or the Township police department and was not part of the undercover operation.

SECTION 6.2-3 Furnishing Alcohol to Minor

A) No person shall give or furnish any alcoholic liquor to any person under twenty-one (21) years of age, except upon authority of and pursuant to a prescription of a duly licensed physician. Further, persons in charge of any establishment where alcoholic liquor is sold or furnished for consumption, either on or away from the premises, shall have the right at any time to demand of any person offering to buy or drinking any alcoholic liquor proof that said person has attained the age of twenty-one (21) years.

B) A person who violates Section 6.2-3(A) or who fails to make diligent inquiry as to whether the person is a minor, shall be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the Genesee County Jail for a term not to exceed ninety (90) days or by both fine and imprisonment except that if the violation is the result of an undercover operation in which the minor received alcoholic liquor under the direction of the Township police as part of an enforcement action, the licensee's clerk, agent, or employee is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

C) A licensee shall not be charged with a violation of Subsection (A) unless all of the following occur if applicable:

- (1) Enforcement action is taken against the minor who purchased or attempted to purchase, consumed or attempted to consume, or possessed or attempted to possess alcoholic liquor.
- (2) Enforcement action is taken under this Section against the person 21 years of age or older who is not the retail licensee or the retail licensee's clerk, agent, or employee who sold or furnished the alcoholic liquor to the minor .
- (3) Enforcement action under this Section is taken against the clerk, agent, or employee who directly sold or furnished alcoholic liquor to the minor.

D) Subsection (C) does not apply if the minor against whom enforcement action is taken, the clerk, agent, or employee of the licensee who directly sold or furnished alcoholic liquor to the minor, or the person 21 years of age or older who sold or furnished alcoholic liquor to the minor is not alive or is not present in this state at the time the licensee is charged. Subsection (C)(1) does not apply under either of the following circumstances:

- (1) The violation of Subsection (A) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office or the Township attorney as part of an employer-sponsored internal enforcement action.
- (2) The violation of Subsection (A) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the Township police as part of an enforcement action.

SECTION 6.2-4 False Identification to Purchase Alcohol

A) No person shall furnish fraudulent identification to a minor and no minor shall use fraudulent identification to purchase alcoholic liquor.

B) A person violating Section 6.2-4(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.2-5 Persons Under Eighteen Where Liquor is Furnished

A) Except as may be provided by law, no person under the age of eighteen (18) years of age shall be permitted to enter or remain in any dance hall, saloon, barroom or any place where alcoholic liquor is sold, given away or furnished, unless said person is accompanied by a parent or legal guardian. Further, no proprietor, keeper or manager of any such place shall permit any person under the age of eighteen (18) to enter or remain in any such dance hall, saloon, barroom or any place where alcoholic liquor is sold, given away or furnished, unless said person is accompanied by parent or legal guardian.

B) No person under the age of eighteen (18) years of age shall be permitted to enter or remain in any restaurant, dance hall or other place where alcoholic liquor is sold, given away or furnished, incidental to the serving of food, after twelve o'clock (12:00) midnight, unless such person is accompanied by a parent or legal guardian.

SECTION 6.2-6 Restricted Areas for Consuming Alcohol

A) No person shall consume alcoholic liquor on any public street, park or any other public place, or private place open to the public, including stores, drive-in restaurants or other establishments not licensed by the state and authorized to permit on premises consumption of such alcoholic liquor.

B) No person shall consume any alcoholic liquor in any public dance hall, toilet, cloak room or appendage to any such dance hall unless said premises are duly licensed by the Michigan Liquor Control Commission. Further, no person, co-partnership or corporation engaged in the business of operating or managing any public dance hall shall knowingly allow, permit or suffer to be consumed any alcoholic liquor upon such premises unless said premises are duly licensed. Further, any owner or proprietor of such an establishment shall be held criminally liable for knowingly permitting the acts of his manager, servant, agent or employee in violation of the provisions of this Section.

SECTION 6.2-7 Alcohol or Controlled Substance Use Causing Damage to Hotel

A) No person or group shall do one or more of the following on the premises or property of a hotel nor shall an individual or group rent or lease a hotel room with reason to know that another individual or group will do one or more of the following on the premises or property of a hotel:

- (1) Use or possess a controlled substance in violation of Section 7403 or 7404 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.7403 and 333.7404 of the Michigan Compiled Laws, or a Flint Township ordinance substantially similar to those Sections.
- (2) Consume or possess alcoholic liquor in violation of Flint Township Ordinance VI, Section 6.2-2 or a state statute substantially similar to that Section.
- (3) Commit a violation of this Section resulting in damage to the room or its furnishings.

B) In a case involving damage to the room, a court may order the individual to pay restitution which may include the reasonable loss of revenue resulting from the inability to rent or lease the room during the period of time the room is being repaired.

C) As used in this Section "hotel" means that term as defined in Section 1 of Act 188 of the Public Acts of 1913, being Section 427.1 of the Michigan Compiled Laws.

SECTION 6.2-8 Consuming Alcohol on School Property

A) No person shall consume alcoholic liquor on school property.

B) No person shall possess alcoholic liquor on school property with the intent to consume it on that property.

C) As used in this Section, "school property" mean those terms as defined in MCL 750.237a.

D) A person violating Section 6.2-8(A) or 6.2-8(B) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

**ARTICLE III
ASSAULT AND BATTERY**

SECTION 6.3-1 Assault

A) No person shall intentionally assault another by the unlawful offer of corporal injury under such circumstances as create a well-founded fear of imminent peril.

B) A person violating Section 6.3-1(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.3-2 Assault And Battery

A) No person shall assault or batter another, with or without a dangerous weapon, and inflict injury upon the person of another.

B) A person violating Section 6.3-2(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.3-3 Stalking

A) No person shall stalk another person.

B) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

SECTION 6.3-4 Domestic Assault and Battery

A) No person shall assault or assault and batter his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

B) As used in this Section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

C) A person violating Section 6.3-4(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.3-5 Ethnic Intimidation

A) No person shall maliciously, and with specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, or does any of the following:

- (1) Causes physical contact with another person.
- (2) Damages, destroys, or defaces any real or personal property of another person.

- (3) Threatens, by word or act, to do an act described in Subsection (a)(1) or (2) of this Section, if there is reasonable cause to believe that an act described in such Subsections will occur.

SECTION 6.3-6 Assaulting Police, Firefighter or Emergency Medical Service Personnel

A) No person shall assault or batter a police officer, firefighter or emergency medical service personnel while fulfilling the duties of their office, with or without a dangerous weapon.

B) A person violating Section 6.3-6(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

ARTICLE IV
ATTEMPT, CONSPIRACY AND AIDING AND ABETTING

SECTION 6.4-1 Attempting to Commit a Crime

A) Any person who shall attempt to commit an offense prohibited by this Code and the Articles contained herein, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same.

B) A person violating Section 6.4-1 shall be guilty of a misdemeanor punishable by a fine of not more than Two Hundred and Fifty Dollars (\$250.00) and/or imprisonment in the County jail for not more than forty five (45) days.

SECTION 6.4-2 Conspiracy to Commit a Crime

No person shall combine, conspire or agree with another or other persons to commit any act outlawed by the Ordinances or Articles of The Charter Township of Flint or to commit any act which is innocent in itself, but which becomes unlawful when done by the concerted action of the conspirators.

SECTION 6.4-3 Aiding and Abetting

No person shall violate any provision of any Section of this Criminal Code, or aid, assist or abet another to violate any provision of any such Section.

**ARTICLE V
DESTRUCTION OF PROPERTY AND ARSON**

SECTION 6.5-1 Maliciously Destroy Property

A) No person shall willfully and maliciously mark, deface, mutilate, injure or destroy the personal or real property of another.

B) A person violating Section 6.5-1(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.5-2 Automobiles, Unlawful Use or Damaging

A) No person shall intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of said motor vehicle.

B) No person shall intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top covering or upholstery of any motor vehicle, the property of another, or intentionally cut, mash, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof.

C) No person shall intentionally release the brake upon any standing motor vehicle, with intent to injure said machine or cause the same to be removed without the consent of the owner; provided, that this Subsection shall not apply in case of moving or starting of motor vehicles by a police officer under the authority of law or by a member(s) of a fire department(s) in case of emergency in the vicinity of a fire.

D) No person shall operate a motor vehicle on any public or private property, without the consent of the owner of the motor vehicle, or in any area other than an area designated as a driveway or parking area.

SECTION 6.5-3 Cutting, Breaking, Tapping, Connecting Line, Wire or Cable

A) No person shall willfully and maliciously cut, break, tap or make any connection with, or read, or copy, by the use of telegraph or telephone instruments, or otherwise, in any unauthorized manner, any message, either social or business, sporting, commercial or other news reports, from any telegraph or telephone line, wire or cable so unlawfully cut or tapped in The Charter Township of Flint; or make unauthorized use of the same,

B) No person shall willfully and maliciously prevent, obstruct or delay by any means or contrivance whatsoever the sending, conveyance or delivery, in this Township, of any authorized communication, sporting, commercial or other news reports, by or through any telegraph or telephone line, cable or wire under the control of any telegraph or telephone company doing business in The Charter Township of Flint,

SECTION 6.5-4 Preparation to Burn Property

A) No person shall willfully and maliciously, prepare, arrange, place, devise, or distribute an inflammable, combustible, or explosive material, liquid, substance, or

device in or near property, owned by himself or herself or another person intending it to be burned.

B) A person violating Section 6.5-4(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

SECTION 6.5-5 Arson

A) No person shall willfully and maliciously burn any personal property, owned by himself or herself or another.

B) A person violating Section 6.5-5(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

ARTICLE VI
CONTROLLED SUBSTANCES AND RELATED OFFENSES

SECTION 6.6-1 Possession of Marijuana

No person shall (i) possess nor (ii) transport marijuana nor (iii) knowingly possess, transport or have under his control in any motor vehicle any marijuana, unless such person possesses, transports or controls said marijuana upon authority of and pursuant to a prescription of a duly licensed physician, or pursuant to specific authorization by the State of Michigan or the United States of America.

SECTION 6.6-2 Passing Bogus Prescription

A) No person shall obtain or attempt to obtain a prescription drug by giving a false or fictitious name to a pharmacist or other authorized seller, prescriber, or dispenser.

B) No person shall falsely represent himself to be a lawful prescriber, dispenser, or licensee, or acting on behalf of any of them, obtain a prescription drug.

C) No person shall falsely make, utter, publish, pass, alter, or forge a prescription.

D) No person shall knowingly possess or have under his control any blank prescription, or blank prescription pads, nor a false, fictitious, forged or altered prescription.

E) No person shall knowingly attempt to obtain, or possess a drug by means of a prescription for other than a legitimate therapeutic purpose or as a result of a false, fictitious, forged or altered prescription.

F) No person shall possess or control for the purpose of resale, or sell, offer to sell, dispense or give away a drug, pharmaceutical preparation or chemical which has been dispensed on prescription and has left the control of a pharmacist, or has been damaged or subjected to damage by heat, smoke, fire, water, or other cause, and which is unfit for human or animal use.

G) No person shall prepare or permit the preparation of prescription drugs except as delegated by a pharmacist.

H) No person shall sell at auction drugs in bulk or in open packages unless the sale has been approved in accordance with the laws of the State of Michigan.

SECTION 6.6-3 Sale of Controlled Substance's Paraphernalia

A) No person shall sell, offer for sale or give away any drug paraphernalia.

B) Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, or used in violation of this division, shall be seized and forfeited.

C) The prohibitions contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals,

research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal, lawful course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injections.

D) Definitions:

- (1) As used in this Article “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; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following:
 - (a) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.
 - (b) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.
 - (c) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.
 - (d) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.
 - (e) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (f) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.
 - (g) 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.
 - (h) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - (i) 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.

- (j) A device, commonly known as a bullet that is specifically designed to deliver a measured amount of controlled substances to the user.
- (k) A device, commonly known as a snorter that is specifically designed to carry a small amount of controlled substances to the user's nose.
- (l) 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.
- (m) 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.
- (2) As used in this Article "controlled substance" means any drug, substance or immediate precursor as defined in MCL 333.7101 *et. seq.*

SECTION 6.6-4 Possession by or Sale of Tobacco to a Minor

A) A person under 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.

B) 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 18 years of age.

- (1) It is an affirmative defense to a charge pursuant to Subsection (B) that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this Subsection shall file and serve notice of the defense, in writing, upon the court and the prosecuting attorney. The notice shall be served not less than 14 days before the date set for trial.
- (2) If the Township attorney proposes to offer testimony to rebut the affirmative defense described in Subsection (1) the Township attorney shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than 7 days before the date set for trial, and shall contain the name and address of each rebuttal witness.

C) A person violating Section 6.6-4 of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Fifty Dollars (\$50.00) for each offense.

SECTION 6.6-5 Possession or Sale of Controlled Substances

No person shall manufacture, administer, deliver, transport, possess, distribute, prescribe or dispense any controlled substance as defined in MCL 333.7101 *et. seq.*

SECTION 6.6-6 Possession of Drug Implement

A) No person shall at any time have or possess any empty gelatin capsules, hypodermic syringe or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one year; provided, that the prohibition contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists and embalmers in the normal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

B) No person shall at any time deliver, furnish, supply or giveaway any empty gelatin capsules, hypodermic syringe or any other instrument or implement adapted for the use of controlled substances by subcutaneous injection or intracutaneous injection or any other manner or method of introduction to any person known to be a nonmedical habitual user of controlled substances. This Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists and embalmers in the normal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

C) For the purposes of this Section a “nonmedical habitual user of controlled substances” shall mean any person who uses controlled substances merely to satisfy a craving for controlled substances.

SECTION 6.6-7 Intentionally Left Blank

SECTION 6.6-8 Frequenting a Drug House

No person shall frequent a store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place which is resorted to by persons using controlled substances as that term is defined in MCL 333.7101 *et. seq.*, or which is used for keeping or selling them.

SECTION 6.6-9 Maintaining a Drug House or Vehicle

No person shall receive or admit, or offer to receive or admit, any person into any place, structure, house, building or vehicle for the purpose of buying, selling, giving away or using any controlled substance as that term is defined in MCL 333.7101 *et. seq.*, or knowingly permit any person to remain in any such place for any such purpose.

SECTION 6.6-10 Prohibited Use of Chemical Agents

A) No person shall, intentionally smell, inhale, drink, eat or otherwise introduce a certain chemical agent, into his/her respiratory or circulatory system for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system.

B) A person violating Section 6.6-10(A) of this Section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

SECTION 6.6-11 Selling or Distributing Nitrous Oxide

A) No person sell, offer for sale or give away otherwise distribute to another person a device or container of nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system.

B) A person violating Section 6.6-11(A) of this Section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

**ARTICLE VII
FALSE REPORTS AND ALARMS**

SECTION 6.7-1 False Report

A) No person shall report any felony or misdemeanor or give any information relating to any such felony or misdemeanor to the police department or to any member of the police department by telephone, in writing or by any other means of communication, knowing that no such felony or misdemeanor has in fact been committed.

B) No person shall report or cause to be reported any felony or misdemeanor or cause to be given any information relating to any such felony or misdemeanor to the police department or to any member of the police department by telephone, in writing or by any other means of communication, knowing that no such felony or misdemeanor has in fact been committed.

C) A person violating Section 6.7-1(A) or (B) of this Section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.7-2 False Alarm

No person shall willfully and knowingly raise a false alarm of fire, ring any bell, or apparatus for the purpose of creating a false alarm of fire, or raise a false alarm of fire orally, by telephone or in person.

SECTION 6.7-3 Installation And Operation Of Alarms

A) License Required

(1) A person, firm, company, partnership, or corporation shall not engage in the business of security alarm systems contractor, or security alarm system agent, notwithstanding the name or title used in describing the agency and notwithstanding that other functions and services may be performed for fee, hire, or reward, nor shall a person, firm, company, partnership or corporation advertise the business to be that of security alarm system contractor or security alarm system agent, without having obtained from the State of Michigan a license to so do, as provided for in Public Act 330 of 1968, as amended, for each bureau, agency, subagency, office and branch office to be owned, conducted, managed, or maintained for the conduct of that business.

(2) A person shall not sell, install, operate, adjust, arrange for, or contract to provide a device which upon activation either mechanically, electronically, or by any other means initiates the automatic calling or dialing of or makes a connection directly to a telephone assigned to the Township Police Department for the purpose of delivering a recorded message, without first having obtained written permission from the Police Department.

B) Definitions

(1) "Security Alarm System" means a detection device or an assembly of equipment and/or devices arranged to signal the presence of a hazard requiring urgent attention to which police are expected to respond. A fire alarm system or an alarm system which monitors temperature, humidity, or

other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises is excluded from the provisions of this Article.

- (2) "Security Alarm System Agent" means a person employed by an alarm system contractor whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or causing others to respond to an alarm system.
- (3) "Security Alarm System Contractor" means a person, firm, company, partnership, or corporation engaged in the installation, maintenance, alteration, or servicing of alarm systems or who responds to an alarm system. "Alarm system contractor" shall not include a business which only sells or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.
- (4) "False Alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or his employee or agent. False alarm does not include an alarm caused by a tornado, earthquake, or other violent condition beyond the control of the owner or lessee of an alarm system or of their employee or agent.

C) Installation Of Systems

- (1) An security alarm system may not be installed or operated in the Charter Township of Flint unless the system is :
 - (a) Installed by a security alarm system contractor licensed under Public Act 330 of 1968, as amended; or
 - (b) Installed by the owner or occupant of a residence in his or her own residence.
- (2) A security alarm system installed in a commercial or public building shall utilize equipment and methods of installation equivalent to or exceeding minimum Underwrite Laboratory, American National Standards Institute or any other nationally recognized testing laboratory requirements for the appropriate installation.
- (3) A security alarm system installed in a residence shall utilize equipment equivalent to or exceeding minimum applicable Underwriters Laboratory or American National Standards Institute requirements for household burglar alarm systems.

D) False Alarms And Defective Systems.

- (1) A security alarm system experiencing more than four (4) false alarms within a calendar year is deemed defective and upon written notice to the owner or lessee of the security alarm system by the Police Department the owner or lessee shall have the system inspected by an alarm system contractor who shall within 15 days file a written report to the Department of State Police and to the Chief of the Police Department of the results of its inspection of the system, the probable cause of the false alarms, and its recommendations for eliminating false alarms.
- (2) Failure to comply with this Section shall, after written notice to the owner or lessee of the security alarm system, result in the revocation of any written permission granted pursuant to Section 6.7-3(A)(1) and (2).

(E) Penalty

- (1) If, after receiving notice of a revocation pursuant to Section 6.7-3(D)(2), an owner or lessee has a subsequent false alarm, the owner or lessee shall be in violation of this Section. A violation of this Section is hereby designated a municipal civil infraction and a fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is found responsible for each such violation. Violators will also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Act 236 of the Public Acts of 1961, as amended.
- (2) If the civil fine is paid at the Township's Municipal Violation's Bureau pursuant to a municipal ordinance violation notice the fine shall be \$100.00. No costs shall be imposed or collected at the Violation Bureau for this violation.

SECTION 6.7-4 False Requests for Police, Fire or Medical Emergency Services

A) No person shall use the telephone system to request emergency services from the Police Department, the Fire Department or any agency assisting the Police or Fire Department in providing emergency services, when such a request is false and is deliberately made.

B) As used in this Section:

- (1) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of such property or life.
- (2) "Request for police, fire or medical emergency services" means a request in whatever form that is used to summon or obtain a response from the Police Department, the Fire Department or any agency assisting the Police or Fire Department in providing emergency services.
- (3) "Telephone system" means any device attached to the communications common carrier or 911 enhanced system that transmits a request for emergency services to the Police Department, the Fire Department or any agency assisting the Police or Fire Department in providing emergency services.

**ARTICLE VIII
LARCENY AND RELATED OFFENSES**

SECTION 6.8-1 Larceny

A) No person shall commit the offense of larceny by stealing the personal property, including, but not limited to, money, goods or chattels, bank notes or bills, financial transaction devices such as credit or debit cards, bonds, promissory notes, due bills, drafts, books of account, deeds or other writing containing a conveyance of land, or process, or public records belonging to another.

B) A person violating Section 6.8-1(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-2 Retail Fraud

A) No person shall, in a store or in its immediate vicinity:

- 1) While the store is open to the public, steal property from the store that was offered for sale;
- 2) While the store is open to the public, alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale; or
- 3) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.
- 4) Possess a laminated or coated bag or device that is intended to shield merchandise from detection by an electronic or magnetic theft detection device with the intent to commit or attempt to commit larceny.
- 5) Possess a tool or device designed to allow the deactivation or removal of a theft detection device from any merchandise with the intent to use the tool or device to deactivate a theft detection device on, or to remove a theft detection device from, any merchandise without the permission of the merchant or person owning or lawfully holding that merchandise.
- 6) Deactivate a theft detection device or remove a theft detection device from any merchandise in a retail establishment prior to purchasing the merchandise with the intent to commit or attempt to commit a larceny.

B) A person violating Section 6.8-2(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-3 Break and Enter Coin Boxes

No person shall break or enter into any coin operated or other coin device or depository box or other receptacle established and maintained for the convenience of the public wherein is contained money or other things of value or valuable property therein.

SECTION 6.8-4 Break and Enter Without Permission

A) No person shall break and enter, or shall enter without breaking, any dwelling house, tent, hotel, office, store, shop, warehouse, barn, factory or other building, boat, ship, railroad car, apartment, cottage, clubhouse, lodge, garage, or the out-buildings belonging thereto, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent or person having lawful control thereof.

SECTION 6.8-5 Receive and Conceal Stolen Goods

A) No person shall buy, receive or aid in the concealment of any stolen, embezzled or converted money, goods, or property, knowing the same to have been stolen, embezzled or converted.

B) Any person being a dealer in or collector of any merchandise or personal property, or the agent, employee, or representative of a dealer or collector who fails to make reasonable inquiry that the person selling or delivering any stolen, embezzled, or converted property to him has a legal right to do so, or who buys or receives any such property which has a registration, serial or other identifying number altered or obliterated on any external surface thereof, shall be presumed to have bought or received such property knowing it to have been stolen, embezzled or converted. This presumption may, however, be rebutted by proof.

C) In any prosecution of the offense of buying, receiving or aiding in the concealment of stolen, embezzled or converted money, or other property, it shall not be necessary to aver, nor on the trial thereof to prove, that the person who stole, embezzled or converted such property has been convicted.

D) A person violating Section 6.8-5(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-6 Embezzlement

A) No person shall as the agent, servant or employee of another, or as the trustee, bailee or custodian of the property of another, of any partnership, voluntary association, public or private corporation, or of any county, city, village, township or school district within this state, fraudulently dispose of or convert to his own use, or take or secrete with intent to convert to his own use without the consent of his principal, any money or other personal property of his principal which shall have come to his possession or shall be under his charge or control by virtue of his being such agent, servant, employee, trustee, bailee or custodian as aforesaid. In any prosecution under this Section the failure, neglect or refusal of such agent, servant, employee, trustee, bailee or custodian to pay, deliver or refund to his principal such money or property entrusted to his care upon demand shall be prima facie proof of intent to embezzle.

B A person violating Section 6.8-6(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-7 Defraud by Written Instruments

A) No person shall embezzle, fraudulently remove, conceal or dispose of any personal property held by him subject to any chattel mortgage or written instrument intended to operate as a chattel mortgage, or any lease or written instrument intended to operate as a lease, or any contract to purchase not yet fulfilled with intent to injure or defraud the mortgagee, lessor or vendor under such contract or any assignee thereof.

B) A person violating Section 6.8-7(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-8 Make, Draw, Utter or Deliver Check with Non-Sufficient Funds

A) No person shall, with intent to defraud, make or draw or utter or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivery, that the maker, or drawer has not sufficient funds in or credit with such bank or other depository, for the payment of such check, draft, or order, in full, upon its presentation, and no person, with the intent to defraud, shall make, draw, utter or deliver any check, draft or order for the payment of money to apply on account or otherwise, upon any bank or other depository and who shall not have sufficient funds for the payment for same when presentation for payment is made to the drawee, except where such lack of funds is due to garnishment, attachment, levy, or other lawful cause and such fact was not known to the person who made, drew, uttered or delivered the instrument at the time of so doing.

B) A person violating Section 6.8-8(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-9 Theft by False Token or False Pretense

A) No person shall, with intent to defraud or cheat, designedly, by color of any false token or writing or by any false or bogus check or other written, printed or engraved instrument, by spurious coin or metal in the similitude of coin, or by means of any false weights or measures, or by any other false pretense, cause any person to grant, convey, assign, demise, lease or mortgage any land or interest in land, or obtain the signature of any person to any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money or personal property or the use of any instrument, facility or article or other valuable thing or service, or by any means of a false weight or measure obtain a larger amount or quantity of property than was bargained for, or by means of any false weights or measures sell or dispose of a lesser amount or quantity of property than was bargained for.

B) A person violating Section 6.8-9(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-10 Defrauding Hotel or Restaurant

No person shall put up at any hotel, motel, inn, restaurant or cafe as a guest nor procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same. No person, with intent to defraud, shall obtain credit in any hotel, motel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this Section unless complaint is made within sixty (60) days of the violation hereof.

SECTION 6.8-11 Theft From Self-Service

A) No person shall convert to himself any property, commodity, thing of value or service through a self-service system of acquiring such property, without paying for such property or making prior arrangements for payment therefor with the owner, attendant or supplier of such property, commodity, thing of value or service.

B) It shall be prima facie evidence of a violation of this Section for any person to leave the building or premises where such property was obtained without first making full payment therefor with the owner, attendant or supplier. Further, probable cause shall exist to effect an arrest of, or seek a warrant against, the registered owner of any vehicle used to leave a premises where such property was obtained in violation of this Section.

SECTION 6.8-12 Obtaining Personal Identity Information

A) A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:

- (1) To obtain financial credit.
- (2) To purchase or otherwise obtain or lease any real or personal property.
- (3) To obtain employment.
- (4) To obtain access to medical records or information contained in medical records.
- (5) To commit any illegal act.

B) This Section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this Section.

C) This Section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding, or an arbitration proceeding.

D) As used in this Section:

- (1) "Financial transaction device" means that term as defined in MCL 750.157m.
- (2) "Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.

- (3) "Personal identity information" means any of the following information of another:
 - (a) A social security number.
 - (b) A driver license number or state personal identification card number.
 - (c) Employment information.
 - (d) Information regarding any financial account held by another person including, but not limited to, any of the following:
 - (i) A savings or checking account number.
 - (ii) A financial transaction device account number.
 - (iii) A stock or other security certificate or account number.
 - (iv) A personal information number (PIN) for an account described in subparagraphs (i) through (iv).

SECTION 6.8-13 Possession of Burglary Tools

No person shall knowingly have in his possession or control any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical or substance, adapted and designed for cutting or burning through, forcing or breaking open any building, room, vault, safe, motor vehicle, motor vehicle trunk or glove compartment, or other depository, or for starting the engine of a motor vehicle or driving away a motor vehicle without the regular key, in order to steal any money or other property, knowing the same to be adapted and designed for one or more of the purposes aforesaid, with intent to use or employ the same for one or more of the purposes aforesaid.

SECTION 6.8-14 Break and Enter Automobile

A) No person shall willfully break and enter, or shall enter without breaking any motor vehicle, house trailer, trailer, or semi trailer to steal or unlawfully remove or take any wheel, tire, air bag, radio, stereo, clock, telephone, computer, other electronic device or any other property from it.

B) A person violating Section 6.8-14(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.8-15 Fraudulent Use of a Financial Transaction Device

A) No person shall knowingly and with the intent to defraud, use a financial transaction device as defined in Section 6.8-12(D) to withdraw or transfer funds from a deposit account at any financial institution in violation of the contractual limitations imposed on the amount or frequency of withdrawals or transfers nor in an amount exceeding the funds then on deposit in the account, the amount of funds withdrawn or transferred.

B) A person violating Section 6.8-15(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

SECTION 6.8-16 Fraudulent Access to Computer

A) No person shall intentionally access or cause access to be made to a computer program, computer, computer system, or computer network as those terms are defined in Section 6.10-9(G) to devise or execute a scheme or artifice with the intent to defraud or to obtain money, property, or a service by a false or fraudulent pretense, representation, or promise.

B) A person violating Section 6.8-16(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

**ARTICLE IX
LITTERING**

SECTION 6.9-1 Dumping

A) It is unlawful for a person, knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water other than property designated and set aside for such purposes. As used in this Section a dumpster placed on private property and paid for by a private owner or user of the property is not property designated for public dumping. As used in this Section, the phrase “public or private property or water” includes, but is not limited to, the right-of-way of a road or highway, parking lots and parking areas, a body of water or watercourse, or the shore or beach thereof, including the ice above the water, a park, playground, building, refuge, or conservation or recreation area and residential or farm properties or timberlands. It is unlawful for a person who removes a vehicle, wrecked or damaged in an accident on a highway, road, or street, to fail to remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

B) The Court, in lieu of any other sentence that may be imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with the particular violation, under the supervision of the Court.

SECTION 6.9-2 Littering From A Moving Vehicle

A) No person shall knowingly cause any litter or any object to fall or to be thrown in the path of or to hit a vehicle traveling on public or private property or water.

B) Except as provided in Subsection (E), in a proceeding for violation of this Section involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

C) The driver of a vessel or vehicle is presumed to be responsible for litter which is thrown, dropped, dumped, placed or left from the vehicle or vessel on public or private property, or water.

D) For purposes of this Section, “vehicle” means a motor vehicle as that term is defined in Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 through Section 257.923 of the Michigan Compiled Laws; and “vessel” means a vessel as that term is defined in Act No. 451 of the Public Acts of 1994, as amended, being Section 324.80104q of the Michigan Compiled Laws.

E) In a proceeding for violation of this Article involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the

defendant named in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

F) The Court, in lieu of any other sentence that may be imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with the particular violation, under the supervision of the Court.

SECTION 6.9-3 Intentionally Left Blank

SECTION 6.9-4 Intentionally Left Blank

**ARTICLE X
MORALS**

SECTION 6.10-1 Indecent Exposure

A) No person shall knowingly or intentionally appear in any public place, place open to the public, or place open to public view, while nude.

B) No person shall knowingly participate or intentionally engage in any live act for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, demonstration or exhibition in any public place, place open to the public, or place open to public view, while nude.

C) As used in this Section, "nude" means the display of the uncovered or less than opaquely covered:

- (1) Male or female genitals;
- (2) Anus;
- (3) Female breast, nipple and areola
- (4) Pubic area.

SECTION 6.10-2 Curfew Violations

A) No person of the age of twelve (12) or less shall loiter, idle, congregate or be in any public street, highway, alley, park or other public place between the hours of 10:00 P.M. and 6:00 A.M. unless that person is accompanied by a parent or guardian.

B) No person of the age of thirteen (13) or fourteen (14) shall loiter, idle, congregate or be in any public street, highway, alley, park or other public place between the hours of 11:00 P.M. and 6:00 A.M. unless that person is accompanied by a parent or guardian.

C) No person of the age of fifteen (15), sixteen (16) or seventeen (17) shall loiter, idle, congregate or be in any public street, highway, alley, park or other public place between the hours of midnight and 6:00 A.M. unless that person is accompanied by (i) a parent or (ii) a guardian or (iii) another adult over the age of twenty-one (21) who has been authorized by a parent or a guardian to accompany that fifteen, sixteen or seventeen year old person or (iv) unless that fifteen, sixteen or seventeen year old person is upon an errand or other legitimate business directed by a parent or a guardian.

D) No parent, legal guardian, legal custodian or other person having responsibility, care or custody of any person seventeen years of age or younger who, by overt act, failure to act, or failure to supervise, shall allow, permit, assist, aid, abet or encourage the person seventeen years of age or younger to violate Subsections (A), (B), or (C) of Section 6.10-8.

E) The fact that a person seventeen years of age or younger is apprehended while on a public street, highway, alley, park or other public place during the hours prohibited by Subsections (A), (B) or (C) of Section 6.10-2 shall be prima facie proof of a violation of Section 6.10-2(D) by a parent, guardian or custodian or other person having responsibility for the person seventeen years of age or younger.

F) No parent, guardian, custodian or other person having legal responsibility for a person seventeen years of age or younger shall fail or refuse to collect from the Flint Township Police Department custody said person seventeen years of age or younger within three hours after being notified that said person is in the custody of the Township Police Department.

G) No person older than seventeen years of age, who is not the parent, guardian, custodian, or legal representative of a person seventeen years of age or younger, by overt act, failure to act, or failure to supervise, shall allow, permit, assist, aid, abet or encourage the person seventeen years of age or younger to violate Subsections (A), (B) or (C) of Section 6.10-2.

H) A person who violates any provision of Section 6.10-2 is responsible for a municipal civil infraction and a civil fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is responsible for each such violation. Violators will also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Act 236 of the Public Acts of 1961, as amended. If the civil fine is paid at the Township's Municipal Violation's Bureau pursuant to a municipal ordinance violation notice the fine shall be \$100.00. No costs shall be imposed or collected at the Violation Bureau for this violation.

SECTION 6.10-3 Prostitution

A) No person shall commit, engage in, offer or agree to commit a lewd act or an act of prostitution, sexual intercourse, moral perversion, or do any act involving the touching or contacting of the genitals of another.

B) No person shall secure, offer, accost, solicit or invite another in from any building or vehicle, by word, gesture, or any other means, for the purpose of committing a lewd act or an act of prostitution or moral perversion.

C) No person shall be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.

D) No person shall loiter in a place where prostitution is practiced or allowed.

E) No person shall make a meretricious display in or near any public place, any frequented by the public, or any place open to the public view.

F) No person shall knowingly transport any person to any place, building, trailer or vehicle for the purpose of committing any lewd act or act of prostitution or moral perversion.

G) No person shall knowingly receive or offer to receive or agree to receive any person into any place, building, trailer or vehicle for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place, building, trailer, or vehicle for any such purpose.

H) No person shall direct or offer to direct any person to any place, building, trailer or vehicle for the purpose of committing any lewd act or act of prostitution or moral

perversion.

I) No person shall keep, maintain or operate, aid or abet in keeping, maintaining or operating a building, trailer or vehicle or place resorted to for the purpose of prostitution.

J) No person shall aid, abet, allow, permit, or participate in the commission of any of the acts prohibited in Subsection(A) through (H) above.

K) This Section does not apply to a police officer while in the performance of his or her duties.

SECTION 6.10-4 Intentionally Left Blank

SECTION 6.10-5 Disorderly Person

It shall be unlawful hereunder for a person to be a disorderly person. A person is disorderly if the person is any of the following:

A) A vagrant;

(1) The following persons shall be deemed vagrants:

(a) Any person having no lawful means of employment and having no lawful means of support realized solely from lawful occupations or sources; or, any person who lives idly and without visible means of support.

(b) Any person wandering abroad and begging; or any person who goes about from door-to-door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.

(c) Any person found loitering or strolling in, or about, or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any public property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

(d) Any person who frequents or loafs, loiters, or idles in or around or is the occupant of or is employed in any gambling establishment or establishment where intoxicating liquor is sold without a license.

(e) Any person who keeps, operates, frequents, lives in, or is employed in any house or other establishment of ill fame, or who (whether married or single) engages in or commits acts of fornication or perversion for hire.

(f) Any person wandering abroad and occupying, lodging, or sleeping in any vacant or unoccupied barn, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning the same or without permission of the owner or person entitled to possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account of himself.

- (g) Any person upon whose person or in whose possession shall be found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of the same.
 - (h) Any person who keeps a place where lost or stolen property is concealed.
 - (i) Any person who wanders about the streets, alleys, or other public ways or places, or who is found abroad at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.
 - (j) Any person who shall engage in any fraudulent scheme, device, or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.
- B) Be found looking into the windows or doors of any house, apartment or other residence, or in any building so constructed with a hole or opening in a wall, 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;
- C) Engaging in an illegal business or occupation;
- D) Using vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.
- E) Be intoxicated in a public place and who is either directly endangering the safety of another person or persons or property, or who is acting in a manner that causes a public disturbance;
- F) Engaging in obscene or indecent conduct in a public place;
- G) Jostling another person or persons in a crowd;
- H) Disturbing lawful meetings or creating a disturbance in a public street or other public place;
- I) Loitering in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances;
- J) loitering, loafing, wandering, standing or remaining idle in a public place so as to do either of the following:
- (1) Obstruct a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon.
 - (2) Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such

public street, highway, sidewalk, place or building so as to prevent the free and uninterrupted ingress or egress thereto or there from; and who refuses or fails forthwith to obey an order by a police officer to cease such conduct and to move and disperse.

SECTION 6.10-6 Malicious Telecommunications

No person shall maliciously use any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or disturb the peace and quiet of any other person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation or electronic mail;
- (2) Falsely and deliberately reporting by telephone, telegraph message or electronic mail that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or of an accident;
- (3) Using any vulgar, indecent, obscene or offensive language, or suggesting any lewd or lascivious act in the course of a telephone conversation or electronic mail.

SECTION 6.10-7 Sexual Conduct In A Vehicle

A) No person shall, in the Charter Township of Flint, perform any act of sexual conduct as defined in Subsection (B) in a vehicle when the vehicle is in motion, parked, stopped or standing:

- (1) In a public place;
- (2) In an area open to the public; or
- (3) On private property when the interior of the vehicle is on view from a public area or an area open to the public. "On view" is defined for purposes of this Section as capable of being seen if the interior of the vehicle is lighted naturally or artificially, or if unlighted, capable of being seen if it becomes lighted naturally or artificially, whether the light originates from the interior or exterior of the vehicle. "On view" does not require that the interior of the vehicle actually be lighted or actually be seen.

B) For purposes of Section 6.10-7(A), "sexual conduct" shall include:

- (1) Vaginal intercourse which has its ordinary meaning and occurs upon any penetration, however slight. Emission of semen is not required;
- (2) Alternate intercourse, which means any sexual act involving the sex organs of one person and the mouth, hands, anus or breasts of another;
- (3) Sexual contact, which means the intentional touching of any sexual organ whether uncovered or covered by clothing covering the immediate areas of the person's intimate parts, if the intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification.

SECTION 6.10-8 Contributing to the Delinquency of A 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 family division of

the circuit court, whether or not such child shall in fact be adjudicated a ward of the court.

SECTION 6.10-9 Unlawful Posting of Messages

A) A person shall not post a message through the use of any medium of communication, including the internet or a computer, computer program, computer system, or computer network, or other electronic medium of communication, without the victim's consent, if all of the following apply:

- (1) The person knows or has reason to know that posting the message could cause 2 or more separate non-continuous acts of unconsented contact with the victim.
- (2) Posting the message is intended to cause conduct that would make the victim feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (3) Conduct arising from posting the message would cause a reasonable person to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- (4) Conduct arising from posting the message causes the victim to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed or molested.

B) This Section does not apply to an internet or computer network service provider who in good faith, and without knowledge of the specific nature of the message posted, provides the medium for disseminating information or communication between persons.

C) The court may order a person convicted of violating this Section to reimburse this state or a local unit of government of this state for the expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under Section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.

D) This Section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this Section.

E) This Section does not prohibit constitutionally protected speech or activity.

F) A person may be prosecuted in this Township for violating or attempting to violate this Section only if 1 of the following applies:

- (1) The person posts the message while in this Township.
- (2) Conduct arising from posting the message occurs in this Township.
- (3) The victim is present in this Township at the time the offense or any element of the offense occurs.
- (4) The person posting the message knows that the victim resides in this Township.

(G) As used in this Section:

- (1) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a

person, computer program, computer, computer system, or computer network.

- (2) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.
- (3) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system or computer network.
- (4) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.
- (5) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.
- (6) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (7) "Internet" means that term as defined in Section 230 of title II of the communications act of 1934, chapter 652, 110 Stat. 137, 47 USC 230.
- (8) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate, or otherwise communicate information, whether truthful or untruthful, about the victim.
- (9) "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.
- (10) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:
 - (a) Following or appearing within sight of the victim.
 - (b) Approaching or confronting the victim in a public place or on private property.
 - (c) Appearing at the victim's workplace or residence.
 - (d) Entering onto or remaining on property owned, leased, or occupied by the victim.

- (e) Contacting the victim by telephone.
- (f) Sending mail or electronic communications to the victim through the use of any medium, including the internet or a computer, computer program, computer system, or computer network.
- (g) Placing an object on, or delivering or having delivered an object to, property owned, leased, or occupied by the victim.

SECTION 6.10-10 Public Urination or Defecation

No person shall knowingly urinate or defecate in any public or private place other than at an appropriate facility or urinal or toilet provided for that purpose.

SECTION 6.10-11 Massage Parlors

A) It shall be unlawful for any person owning or operating a massage parlor to allow a person working at that business as an employee, independent contractor or otherwise, to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten (10). The date and hour of each treatment given and the name of the operator performing such treatment shall be entered on such order by the owner or operator of the establishment where such treatments are given and shall be subject to inspection by the police pursuant to this Section. The requirements of this Subsection shall not apply to treatments given in the residence or office of a patient, the office of a licensed physician, osteopath, registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

B) It shall be unlawful for any person working in a massage parlor or for any person offering services commonly thought to constitute a massage, to treat a person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten (10). The date and hour of each treatment given and the name of the person performing such treatment shall be entered on such order by the owner or operator of the establishment where such treatments are given and shall be subject to inspection by the police pursuant to this Section. The requirements of this Subsection shall not apply to treatments given in the residence or office of a patient, the office of a licensed physician, osteopath, registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

ARTICLE XI
RESISTING ARREST AND OBSTRUCTION OF JUSTICE

SECTION 6.11-1 Resist or Obstruct

No person shall knowingly and willfully obstruct, resist or oppose any sheriff, code enforcement officer, medical examiner, process server, constable or police officer or person duly authorized in serving or attempting to serve or execute any process, rule or order made or issued by lawful authority, nor shall resist any such officer in the execution of any Article, ordinance, by-law or rule, order or resolution made, issued or passed by the Board of The Charter Township of Flint nor shall assault, beat or wound any sheriff, code enforcement officer, medical examiner, process server, constable or person duly authorized in serving or attempting to serve or execute any process, rule or order made or issued by lawful authority duly authorized, while serving, or attempting to serve or execute any such process, rule, or order, or for having served or attempted to serve or execute the same, nor shall a person obstruct, resist, oppose any sheriff, code enforcement officer, medical examiner, process server, constable or police officer or person duly authorized in serving or attempting to serve or execute any process, rule or order made or issued by lawful authority, or any other person or persons authorized by law to maintain and preserve the peace, in their lawful acts, attempts and efforts to maintain, preserve and keep the peace.

SECTION 6.11-2 Flee or Elude Police

No driver of a motor vehicle, who is given by hand, voice, emergency light or siren, a visual or audible signal by a police or sheriff department officer, acting in the lawful performance of his duty, directing the driver to bring his motor vehicle to a stop, shall willfully fail to obey such direction, by increasing his speed, extinguishing his lights, or otherwise attempting to flee or elude the officer. An officer giving the signal shall be in uniform. A vehicle which gives the emergency signal by light or siren shall be adequately identified as an official police vehicle.

SECTION 6.11-3 Refuse to Comply with Order of Police – Traffic Control

No person shall refuse to comply with any order of a police officer when such officer, for public interest and safety, is guiding, controlling or regulating traffic on the highways of this Township.

SECTION 6.11-4 Assisting Prisoner while in Police Custody

No person shall offer or endeavor to assist any prisoner in escaping or attempting to escape the custody of a police officer, who has lawful custody of such prisoner.

SECTION 6.11-5 Refusal to Identify Self

A) No person shall fail to identify himself or herself to a police officer who detains that person under circumstances that reasonably indicate to the police officer that the person has committed, is committing or is about to commit a crime.

- (1) A police officer may detain a person pursuant to this Subsection only to ascertain his or her identity and the suspicious circumstances surrounding his or her presence abroad. Any person so detained shall identify himself or

herself, but may not be compelled to answer any other inquiry of any police officer.

SECTION 6.11-6 False Identification to Police

No person shall knowingly and willfully interfere with any police officer or code enforcement officer by supplying false identification to such police or code enforcement officer to avoid detection, apprehension or prosecution of any criminal or civil offense.

SECTION 6.11-7 Refusal to Allow Fingerprinting

No person shall refuse to allow or resist the taking of his or her fingerprints if the fingerprints are being taken pursuant to an arrest for a misdemeanor for which the maximum imprisonment is ninety-three (93) days.

SECTION 6.11-8 Hinder or Obstruct a Criminal investigation

No person shall hinder or obstruct a criminal investigation by providing or reporting information which is false or misleading, knowing the information provided or reported to be false or misleading.

SECTION 6.11-9 Hinder or Obstruct Firefighter

No person shall knowingly and willfully hinder, obstruct or interfere with any member of the fire department in the performance of his or her duties, or to willfully disobey any reasonable order, rule or regulation of the officer commanding any fire department while in the vicinity of any fire or alarm of fire.

SECTION 6.11-10 Hinder or Obstruct Member of Emergency Medical Service

No person shall knowingly and willfully hinder, obstruct or interfere with any member of the emergency medical service in the performance of his or her duties.

SECTION 6.11-11 Harass or Interfere with Police Dog or Horse

No person shall intentionally harass or interfere with a police dog or police horse lawfully performing its duties nor intentionally cause physical harm to a police dog or police horse.

**ARTICLE XII
TRESPASS AND UNLAWFUL ASSEMBLY**

SECTION 6.12-1 Timber and Garden

A) No person shall willfully commit any trespass by cutting down or destroying any timber or wood standing or growing on the land of another, or by carrying away any kind of timber or wood cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf or mould from such land, or any roots, fruit or plant there being, or by cutting down or carrying away any grass, hay or any kind or grain standing, growing or being on such land, or by carrying away from any wharf or landing place, railroad depot or warehouse, any goods or property whatsoever in which he has no interest, without the license of the owner.

B) No person shall willfully commit any trespass by entering upon the garden, orchard or other improved land of another, without permission of the owner thereof, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetable there growing or being.

SECTION 6.12-2 Noise Control

A) No person, firm, corporation or business shall cause or create or permit to continue any unreasonable, improper or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents or property owners of the Charter Township of Flint.

B) The following noises and disturbances are hereby declared to be a violation of this Article, provided, however, that the specification of the same is not to be construed to exclude other violations of this Article not specifically enumerated:

- (1) The playing of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument, in such a manner or with such volume as to upset or disturb the quiet, comfort or repose of reasonable persons. There shall be a presumption established that a noise is unreasonable, unnecessary or improper upon submission of proof that such a device when used in the interior of any building emits such a volume of sound as to be heard on any public way or private property not owned by the maker of the noise.
- (2) The playing of any radio, stereo, compact disc player, or other electronic or mechanical sound-producing device upon or within any motor vehicle in such manner as to upset or disturb the quiet, comfort or repose of any reasonable person.
- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to upset or disturb the quiet, comfort or repose of any reasonable person.
- (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which disturbs the quiet, comfort or repose of any reasonable person.
- (5) The operation of any automobile, motorcycle or other vehicle so out of repair, so loaded or so constructed as to cause loud or unnecessary grating, grinding, rattling, exhausting or other unreasonable noise, which noise is

- clearly audible from a nearby property and disturbing to the quiet, comfort, or repose of a reasonable person.
- (6) The sounding of any horn or signal device on any motor vehicle unless necessary to operate said vehicle safely or to avoid an accident or collision or as required by the Michigan Motor Vehicle Code or any ordinance or Article adopted by the Charter Township of Flint pursuant thereto.
 - (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting there from. The modification of any noise abatement device on any such engine or the failure to maintain any noise abatement device on any such engine so that the noise emitted by such engine, vehicle or boat is increased above that emitted by such engine, vehicle or boat as originally manufactured shall constitute a violation of this Article.
 - (8) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Charter Township of Flint, including the streets and highways therein, in such a manner as to emanate noise which unreasonably disturbs the quiet, comfort or repose of another person, other than between the hours of 6 A.M. and sundown on weekdays, including Saturdays, except in cases of urgent necessity in the interest of public health or safety. In cases of urgent necessity in the interest of public health or safety a permit shall be obtained from the building inspector or an ordinance enforcement officer of the Charter Township of Flint, which permit shall limit the periods that the activity may continue.
 - (9) The emission or creation of any excessive noise on any street which unreasonably interferes with the operations of any school, church hospital or court.
 - (10) The creation of any loud or excessive noise made in connection with the loading, unloading or repair of any vehicle, trailer, railroad car, or other carrier, or made in connection with the opening or destruction of bales, boxes, crates or other containers, which loud or excessive noise unreasonably disturbs the quiet, comfort or repose of any reasonable person.
 - (11) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale or display or other commercial purpose which, by such use, disturbs the quiet, comfort or repose of any reasonable person.
 - (12) The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Charter Township of Flint not specifically zoned for such an operation and/or where the noise emanating there from disturbs the quiet, comfort or repose of any reasonable person.
 - (13) The operation of any loudspeaker or other sound amplifying device upon or within any vehicle on the streets of the Charter Township of Flint for the purpose of advertising or for any other purpose where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard

from nearby adjoining residential property and which disturbs the quiet, comfort or repose of any reasonable person.

(14) The operation of any machinery, equipment or mechanical device so as to emit a loud noise which disturbs the quiet, comfort or repose of any reasonable person.

C) No person, firm or corporation shall create, cause or maintain any public nuisance within the Charter Township of Flint by the unreasonable creation of dust, smoke, fly ash or noxious odors which are offensive or disturbing to any reasonable person.

D) A person who violates this Section shall be responsible for a municipal civil infraction and a civil fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is responsible for each such violation. Violators will also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Act 236 of the Public Acts of 1961, as amended. If the civil fine is paid at the Township's Municipal Violation's Bureau pursuant to a municipal ordinance violation notice the fine shall be \$100.00. No costs shall be imposed or collected at the Violation Bureau for this violation.

SECTION 6.12-3 Inciting Riot

A) It is unlawful and constitutes the crime of riot for five (5) or more persons, acting in concert, to wrongfully engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

B) It is unlawful and constitutes an unlawful assembly for a person to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot, or to be present at an assembly that either has or develops such a purpose and to remain thereat with intent to advance such purpose.

SECTION 6.12-4 Unlawful Picketing

A) It is unlawful for any person engaged in lawful picketing or demonstrating to so picket or demonstrate in such manner or fashion to cause vehicular traffic to be impeded or blocked on any public street or private drive or parking lot.

B) It shall be further unlawful for any person engaged in lawful picketing or demonstrating to so picket or demonstrate in such a manner or fashion as to impede or block pedestrian traffic to any building, public or private, or along any sidewalk or walkway.

SECTION 6.12-5 Making or Inciting a Disturbance

No person shall make or incite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

SECTION 6.12-6 Unauthorized Person at School

No unauthorized person shall remain within any school or remain on any lands owned, occupied or used by any school, or immediately adjacent thereto, without first securing permission of the principal or person in charge of said school or owner of the premises; nor shall any person on such premises make or assist in making any noise or diversion

which disturbs or tends to disturb the peace, quiet or good order of any gathering or function upon such premises; nor shall any person while on such premises make profane, obscene, rude or insulting remarks in the hearing of another person.

SECTION 6.12-7 Loitering at Drive-In Restaurant

No person shall lounge, loiter or hang about the premises of a drive-in restaurant, nor shall any person on such premises race the motor of any motor vehicle, recklessly bring to a sudden start or stop any motor vehicle, blow any horn, or make or cause to be made any other loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or of the neighborhood is disturbed; nor shall any person while on such premises make profane, obscene, rude or insulting remarks in the hearing of any other person.

SECTION 6.12-8 Intentionally Left Blank

SECTION 6.12-9 Trespass on Private Property

No person shall 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 the owner or occupant. Further, no person upon the land or premises of another, after being notified to depart there from by the owner or occupant, the agent or servant of either, shall, without lawful authority, neglect or refuse to depart there from.

SECTION 6.12-10 Intentionally Left Blank

**ARTICLE XIII
WEAPONS OFFENSES**

SECTION 6.13-1 Throwing Objects

No person shall throw or launch any stone, brick or other missile at any motor vehicle, train, building, streetlight, traffic control device or outdoor mechanical equipment belonging to another.

SECTION 6.13-2 Discharge of Firearms

A) No person shall carelessly, recklessly, negligently or willfully cause or allow any firearm under his control to be discharged so as to destroy or injure the property of another, real or personal.

B) No person shall intentionally, without malice, point or aim any fire-arm at or toward any other person.

C) No person shall knowingly brandish a firearm in public.

D) Except as provided in Subsections (F) and (G), no person shall intentionally discharge a firearm at a facility that he or she knows or has reason to believe is a dwelling or an occupied structure.

E) Except as provided in Subsections (F) and (G), no person shall intentionally discharge a firearm in or from a facility that he or she knows or has reason to believe is a dwelling or an occupied structure; nor shall any person intentionally discharge a firearm within the safety zone, as that term is defined by the statutes of the State of Michigan, of a dwelling or an occupied structure.

F) Subsections (D) and (E) do not apply to a police officer of this state or another state, or of Flint Township or of another local unit of government of this state or another state, or of the United States, performing his or her duties as a police officer.

G) Subsections (D) and (E) do not apply to an individual who discharges a firearm in self-defense or the defense of another person.

H) Subsection (C) does not apply to any of the following:

- (1) A police officer lawfully performing his or her duties as an officer;
- (2) A person lawfully engaged in hunting;
- (3) A person lawfully engaged in target practice;
- (4) A person lawfully engaged in the sale, purchase, repair or transfer of that firearm.

SECTION 6.13-3 Dangerous Instruments

No person shall be in possession of a knife with a blade more than three inches (3") in length, or any other potentially dangerous instrument or tool, a shuriken, martial arts star, ninja star, throwing star, nunchaku or nunchucks in any street, alley, park,

boulevard or other public property or school, nor in any dance hall, theater, amusement park, liquor establishment, store or other private property generally frequented by the public for the purpose of education, recreation, amusement, entertainment, sport or shipping. The prohibition contained in this Section shall not apply to any person in possession of any such knife, or other potentially dangerous instrument or tool, shuriken, martial arts star, ninja star, throwing star, nunchaku or nunchucks when it is used or carried in good faith as a tool of honest work, trade, business, sport or recreation, or when the person in possession of such knife, shuriken, martial arts star, ninja star, throwing star, nunchaku or nunchucks is actively engaged therein or actively engaged in going to or returning from such honest work, trade, business, sport or recreation.

SECTION 6.13-4 Possession of a Firearm Under The Influence of Intoxicants

A) No person under the influence of intoxicating liquor or any exhilarating or stupefying drug shall carry, have in possession or under control, or use in any manner or discharge any fire-arm. With respect to liquor, under the influence means a blood alcohol content of at least 0.08.

B) A person violating Section 6.13-4(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (93) days.

SECTION 6.13-5 Use of BB Gun By Minor

No person under 18 years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air, outside the curtilage of his domicile unless he is accompanied by a person over 18 years of age.

SECTION 6.13-6 Possession of Firearms in Restricted Areas

A) Subject to Subsection (D), an individual licensed by the State of Michigan under MCL 28. 421 *et. seq.* to carry a concealed pistol, or who is exempt from licensure under MCL 28.432a(f), shall not carry a concealed pistol on the premises of any of the following:

- (1) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. As used in this Section, "school" and "school property" mean those terms as defined in MCL 750.237a.
- (2) A public or private childcare center or day care center, public or private child caring institution, or public or private child placing agency.
- (3) A sports arena or stadium.
- (4) A bar or tavern licensed under the Michigan liquor control code of 1998, MCL 436.1101 *et. seq.*, where the primary source of income of the business is the sale of alcoholic liquor by the glass and consumed on the premises. This Subsection shall not apply to an owner or employee of the business.
- (5) Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official or officials of

the church, synagogue, mosque, temple, or other place of worship permit the carrying of concealed pistol on that property or facility.

- (6) An entertainment facility with a seating capacity of 2,500 or more individuals that the individual knows or should know has a seating capacity of 2,500 or more individuals or that has a sign above each public entrance stating in letters not less than 1-inch high a seating capacity of 2,500 or more individuals.

- (7) A hospital.

- (8) A dormitory or classroom of a community college, college, or university.

B) An individual licensed by the State of Michigan to carry a concealed pistol, or who is exempt from licensure under MCL 28.432a(f), shall not carry a concealed pistol in violation of R 432.1212 or a successor rule of the Michigan administrative code promulgated pursuant to the Michigan gaming control and revenue act, MCL 432.201 to 432.226.

C) As used in Subsection (A), "premises" does not include parking areas of the places identified under Subsection (A).

D) Subsection (A) does not apply to any of the following:

- (1) An individual licensed by the State of Michigan under MCL 28. 421 *et. seq.* to carry a concealed pistol who is a retired police officer or retired law enforcement officer.

- (2) An individual who is licensed by the State of Michigan under MCL 28. 421 *et. seq.* to carry a concealed pistol and who is employed or contracted by an entity described under Subsection (A) to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.

- (3) An individual who is licensed as a private investigator or private detective under the private detective license act, MCL 338.821 to 338.851.

- (4) Any of the following who is licensed by the State of Michigan under MCL 28. 421 *et. seq.* to carry a concealed pistol while on duty and in the course of his or her employment:

- (a) A corrections officer of a county sheriff's department.

- (b) A motor carrier officer or capitol security officer of the department of state police.

- (c) A member of a sheriff's posse.

- (d) An auxiliary officer or reserve officer of a police or sheriff's department.

- (e) A parole or probation officer of the department of corrections.

SECTION 6.13-7 Intentionally Left Blank

SECTION 6.13-8 Using Self-defense Spray Device

A) No person shall use a self-defense spray device to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum at another person.

B) No person shall sell a self-defense spray device to a minor.

C) If a person uses a self-defense spray device during the commission of a crime to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum or threatens to use a self-defense spray device during the commission of a crime to temporarily or permanently disable another person, the judge who imposes sentence

upon a conviction for that crime shall consider the defendant's use or threatened use of the self-defense spray device as a reason for enhancing the sentence.

- D) Subsection (A) does not prohibit either of the following:
 - (1) The reasonable use of a self-defense spray device by a law enforcement officer in the performance of the law enforcement officer's duty.
 - (2) The reasonable use of a self-defense spray device by a person in the protection of a person or property under circumstances which would justify the person's use of physical force.
- E) As used in this Section "self-defense spray device" means a device to which all of the following apply:
 - (1) The device is capable of carrying, and ejects, releases, or emits 1 of the following:
 - (a) Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients.
 - (b) A solution containing not more than 2% oleoresin capsicum.
 - (2) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in Subsection (E) (1) (a) or (b).

**ARTICLE XIV
DOGS, CATS AND OTHER DOMESTIC ANIMALS**

SECTION 6.14-1 Definitions

- A) "Domestic Animal" means any dog, other than a vicious dog, cat or farm animal, including but not limited to: cattle, horses, mules, sheep, swine, goats and chickens.

- B) "Vicious Dog" means
 - (1) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
 - (2) Any dog which has previously attacked or bitten a human being or other domestic animal other than under what would be considered a justifiable circumstance; or
 - (3) Any dog which has behaved in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of a tendency to attack or bite human beings or other domestic animals other than under what would be considered a justifiable circumstance.

- C) The records of the Genesee County Treasurer's office showing the name of the owner and the license number issued to that owner, and proof that a tag with the same number was affixed to the collar of a dog shall be prima facie proof of ownership of that dog.

- D) "Keeping" means allowing a dog to habitually remain and/or be lodged within a house, store, building, enclosure or premises.

SECTION 6.14-2 Keeping of Certain Animals Prohibited

- A) It shall be unlawful to keep, harbor, own or in any way possess:
 - (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, or dangerous or undomesticated animal which is not of a species customarily used as an ordinary household pet, but which would ordinarily be confined in a zoo, or one which would ordinarily be found in the wilderness or wild of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage, including, but not limited to, non-human primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes; or
 - (2) Any animal having poisonous bites.

- B) Any person in possession of a State of Michigan Department of Natural Resources Possession Permit or Game Breeder's License, or United States Department of the Interior, U.S. Fish and Wildlife Service Federal Fish and Wildlife

License or Permit for an animal otherwise prohibited by this Section shall be allowed to keep, harbor own or possess the animal(s) specified in said permit or license; however, the permit or license shall not be amended to include any additional animal(s) prohibited by this Section.

SECTION 6.14-3 Barking Dogs

A) It shall be unlawful for any person to own, keep, harbor, or have charge of any dog which by loud, frequent or persistent barking, howling or yelping causes serious annoyance or disturbance to the neighborhood in which the dog is owned, kept or harbored or to persons passing upon the sidewalks, streets or highways.

B) This Section is not intended to interfere with the owning, keeping, harboring or having charge of a dog where such dog indulges in occasional or infrequent barking, howling or yelping, it being understood and recognized that any dog, no matter how well trained or kept, may occasionally bark, howl or yelp.

SECTION 6.14-4 Domestic Animals Running at Large

A) It shall be unlawful for any person owning, keeping, harboring or having charge of any domestic animal to suffer or permit the domestic animal to run at large.

B) A domestic animal shall be deemed to be running at large when the domestic animal shall wander unrestrained on any street, alley, park or public place or upon any private property other than that of the person owning, keeping, harboring or having charge of such domestic animal. A domestic animal shall be considered restrained if the domestic animal is on a leash no longer than eight (8) feet and that leash is held by a person of sufficient size to control the domestic animal.

C) It shall be lawful for any police officer of the Charter Township of Flint to seize any domestic animal running at large in the Charter Township of Flint in violation of this Section.

SECTION 6.14-5 Domestic Animals that Trespass

It shall be unlawful for any person to own, keep, harbor or have charge of any domestic animal, licensed or unlicensed, that by the destruction of property or trespassing on the property of another person, other than the person owning, keeping, harboring or having charge of such domestic animal, shall become a nuisance in the vicinity where so kept.

SECTION 6.14-6 Creating Unsanitary Conditions

A) It shall be unlawful for any person owning, keeping, harboring or having charge of any domestic animal to collect, confine, keep or harbor such animal in a structure, pen, coop, yard or otherwise so as to create an unsanitary, unwholesome, malodorous or other obnoxious or unclean condition.

B) Any person owning, keeping, harboring or having charge of any domestic animal shall keep the yard, pen, shelter or building provided and maintained for the confinement of such domestic animal or that is used for the housing, harboring or keeping of such domestic animal, clean by removing from the premises all manure and waste matter from which odors may arise or which may act as vermin harborage. Such cleaning shall occur at least once each day.

SECTION 6.14-7 Standards for Keeping Vicious Dogs

The keeping of vicious dogs will be subject to the following standards:

A) Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such a dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to an inanimate object such as a tree, post or building. Any dog on a leash outside the dog's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting a person or other animal.

B) Confinement. A vicious dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to sides. All structures used to confine such dogs must be locked with a key or a combination lock when such animals are within the structure. Such a structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in ground to a depth of no less than two (2) feet. All structures erected to house such dogs must comply with all zoning and building regulations of the Township. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.

C) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such house or structure on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacle preventing the dog from exiting the structure.

D) Signs. All owners, keepers or harborers of vicious dogs within the Charter Township of Flint shall within ten (10) days of the effective date of this Article display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animals.

SECTION 6.14-8 Reporting Requirements

A) Insurance. All owners, keepers or harborers of vicious dogs must, within ten (10) days of the effective date of this Article provide to the Charter Township of Flint proof of ownership of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons which may result from ownership, keeping or harboring of such animals. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Clerk of the Charter Township of Flint.

B) Identification Photographs. All owners, keepers or harborers of vicious dogs must provide the Clerk of the Charter Township of Flint two color photographs of the registered animal clearly showing the color and approximate size of the animal.

C) Reporting of incidents. Any owner, keeper or harborer of a vicious dog must, within one (1) day of the incident, report the following information in writing to the Clerk of the Charter Township of Flint:

- (1) The removal from the Township or death of the vicious dog;
- (2) The birth of offspring of a vicious dog;
- (3) The new address of a vicious dog if the owner moves within the Township limits;
- (4) The dog is on the loose, has been stolen or has attacked a person.

SECTION 6.14-9 Failure to Comply

It shall be unlawful for the owner, keeper, or harbinger of a vicious dog to fail to comply with the requirements and conditions set forth in this Article. Any dog found to be the subject of a violation of this Article shall be subject to immediate seizure and impoundment.

SECTION 6.14-10 Penalties

A) Violation of this Article is hereby designated a municipal civil infraction and a civil fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is found responsible for each such violation. Violators shall also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Act No. 236 of the Public Acts of 1961, as amended.

B) If the civil fine is paid at the Township's Municipal Violations Bureau pursuant to a municipal ordinance violation notice, the fine shall be \$100.00. No costs shall be imposed or collected at the Violations Bureau for this violation.

SECTION 6.14-11 Order to Show Cause, Killing or Confining of a Vicious Dog

A District Court Judge or a Magistrate of the District Court shall issue a summons to show cause why a vicious dog should not be killed or confined upon a sworn complaint that any of the following exist:

- A) A vicious dog, licensed or unlicensed, has destroyed property or habitually caused damage by trespassing on the property of a person who is not the owner;
- B) A vicious dog, licensed or unlicensed, has attacked or bitten a person;
- C) A vicious dog, licensed or unlicensed, has run at large contrary to Township ordinance.

SECTION 6.14-12 Authority of the Court

After a hearing, a District Court Judge or a Magistrate of the District Court may order the vicious dog killed or may order the vicious dog confined to the premises of the owner or the Genesee County Animal Control Shelter. Failure to comply with the order of a District court Judge may result in the owner of the dog against which an order has been entered being punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail for not more than ninety (90) days, or both such fine and imprisonment. Court costs for such actions shall be taxed against the owner of the dog against whom the complaint was issued.

SECTION 6.14-13 Severability

If any Section, sentence, clause or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the remaining Sections, sentences, clauses and phrases.

**ARTICLE XV
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**ARTICLE XVI
SEX OFFENDER REGISTRATION VIOLATIONS**

SECTION 6.16-1 Failure to Comply with Reporting

A) No person required to register under Act 295 of 1994 shall fail to comply with reporting requirements defined by MCL 28.725a.

B) A person violating Section 6.16-1(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

SECTION 6.16-2 Failure to Sign Registration

A) No person required to register under Act 295 of 1994 shall fail to sign his/her registration form as required by MCL 28.725a.

B) A person violating Section 6.16-2(A) of this Article shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety-three (**93**) days.

**ARTICLE XVII
PARENTAL RESPONSIBILITY**

SECTION 6.17-1 Definitions

A) As used in this Article:

- (1) Delinquent acts means those acts which violate the laws of the United States, or the statutes of the State of Michigan or the ordinances of the Charter Township of Flint or those acts which would cause or tend to cause the minor to come under the jurisdiction of the juvenile division of probate court as defined by MCL 712A.2, but does not include traffic violations.
- (2) Illegal drugs means controlled substances obtained without a legal prescription.
- (3) Juvenile delinquent means those minors whose behavior interferes with the rights of others or menaces the welfare of the community.
- (4) Necessary care means the obligation a parent fulfills by taking custody of a minor from law enforcement officials.
- (5) Minor means any person under the age of seventeen (17) years.
- (6) Parent means mother, father, legal guardian and any other person having the care or custody of a minor or any person acting in the parent's stead who has custody or control of the child.

SECTION 6.17-2 Parental duties

A) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent that minor from committing any delinquent act.

B) Included (without limitation) in this continuous duty of reasonable control are the following parental duties:

- (1) To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor;
- (2) To know the Charter Township of Flint curfew ordinance and to require the minor to observe the curfew ordinance;
- (3) To require that minor to attend regular school sessions and to forbid that minor to be absent from class without parental or school permission;
- (4) To arrange proper supervision for that minor when the parent must be absent;
- (5) To forbid that minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private

agencies in handling or controlling the minor, when necessary; if it becomes known to the parent that the minor possesses stolen property, legal or illegal firearms, illegal drugs, or is associating with known juvenile delinquents.

SECTION 6.17-3 Aiding and Abetting Delinquent Acts.

No person shall by any act, omission, or by any word, procure, counsel, aid, abet, encourage, contribute toward, cause or tend to cause any minor to become delinquent so as to come under or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in MCL 712A.2, whether or not such child shall in fact be adjudicated a ward of the probate court.

SECTION 6.17-4 Notification of Parents; Record of Notification.

A) Whenever a minor is arrested or detained for the commission of any delinquent act within the Charter Township of Flint, the parent of that minor shall be immediately notified by the police department advising the parent of such arrest or detention, the reason therefor and the parent's responsibility under this Article.

B) A record of such notifications shall be kept by the police department.

SECTION 6.17-5 Parental Abandonment

No parent shall, being of sufficient ability, fail, neglect, or refuse to provide necessary care for his or her minor child.

SECTION 6.17-6 Parental violation and Penalty

A) If a minor commits a delinquent act, the parent shall be guilty of a violation of this Article if it is proven that any act, word, or nonperformance of parental duty by the parent encouraged, contributed toward, caused, or tended to cause the commission of the delinquent act by the minor.

ORDINANCE VII
MOTOR CARRIERS

SECTION 7.1-1 Adoption of Michigan Motor Carrier Safety Act

Pursuant to the authority granted by Public Act 246 of 1945, as amended, specifically MCL 42.23, The Charter Township of Flint adopts by reference the Michigan Motor Carrier Safety Act of 1963, being Public Act 181 of 1963, as amended, MCL 480.11 *et. seq.* as amended and as it may be amended from time to time in the future. The adoption is subject to Section 7.1-2.

SECTION 7.1-2 Numbering

A violation of Section 7.1-1 of this Ordinance shall be numbered 7.1-2.1 *et. seq.*, the last number corresponding to the Section citation of the Michigan Motor Carrier Safety Act. 7.1-2 shall indicate that the violation is being prosecuted pursuant to Township Ordinance and not State law.

SECTION 7.1-3 Penalty

Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety (90) days if a violation of the corresponding Section of the Motor Carrier Safety Code is a misdemeanor. If the punishment of the violation of the corresponding section is 93 days, the punishment under this ordinance shall be 93 days. If a violation of the corresponding Section of the Michigan Vehicle Code is a civil infraction, then a violation of this Ordinance shall be a civil infraction. If a violation is a civil infraction a civil fine in an amount not to exceed \$500.00 plus cost shall be paid by a defendant who is found responsible for each such violation.

SECTION 7.1-4 Severability

Every Section of this Ordinance shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Ordinance nor the validity of the Ordinance as a whole.

ORDINANCE VIII

ARTICLE I MOTOR VEHICLES

SECTION 8.1-1 Adoption of Michigan Vehicle Code

Pursuant to the authority granted by Public Act 246 of 1945, as amended, specifically MCL 42.23, The Charter Township of Flint adopts by reference the Michigan Vehicle Code, being Public Act 300 of 1949, as amended, MCL 257.1 *et seq.*, as amended and as it may be amended from time to time in the future. The adoption is subject to Section 8.1-2 and Section 8.1-3.

SECTION 8.1-2 Numbering

A violation of this Ordinance shall be numbered 8.1-2.1 *et seq.*, the last number corresponding to the Section citation of the Michigan Vehicle Code. 8.1-2 shall indicate that the violation is being prosecuted pursuant to Township ordinance and not State law.

SECTION 8.1-3 Penalty

Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment in the County jail for not more than ninety (90) days if a violation of the corresponding Section of the Michigan Vehicle Code is a misdemeanor. If the punishment of the violation of the corresponding section is 93 days, the punishment under this ordinance shall be 93 days. If a violation of the corresponding Section of the Michigan Vehicle Code is a civil infraction, then a violation of this Ordinance shall be a civil infraction. If a violation is a civil infraction a civil fine in an amount not to exceed \$500.00 plus cost shall be paid by a defendant who is found responsible for each such violation.

SECTION 8.1-4 Severability

Every Section of this Ordinance shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Ordinance nor the validity of the Ordinance as a whole.

ARTICLE II
DYE AND CORUNNA/MILLER AND BALLENGER PARKING

SECTION 8.2-1 Request

This Article is the recodification of Ordinance 4300. It was ordained at the request of the person in charge of the general operation and control of the parking area at the southeast corner of Dye and Corunna Roads and the southwest corner of Miller and Ballenger Highway.

SECTION 8.2-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles at the southeast corner of Dye and Corunna Roads and the southwest corner of Miller Road and Ballenger Highway.

SECTION 8.2-3 No Parking

No parking shall be permitted in the fire lanes in the parking area at the southeast corner of Dye and Corunna Roads and the parking area at the southwest corner of Miller Road and Ballenger Highway. The prohibited parking areas shall be posted according to law.

SECTION 8.2-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.2-5 Penalty

A person violating this Article shall be responsible for a civil infraction.

SECTION 8.2-6 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, enforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

**ARTICLE III
GENESEE VALLEY SHOPPING CENTER PARKING**

SECTION 8.3-1 Request

This Article is the recodification of Ordinance 4302. It was ordained at the request of the owner of the Genesee Valley Shopping Center at the northeast corner of Miller and Linden Roads where there is provided a parking area.

SECTION 8.3-3 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles by the patrons of the Genesee Valley Shopping Center at the northeast corner of Miller and Linden Roads.

SECTION 8.3-3 No Parking

No person shall park a motor vehicle in any place designated a fire lane in the parking area. No person shall stop, stand or park any motor vehicle in the parking area in violation of any traffic sign, light or other traffic control device erected in the parking area. A violation of this Article shall be numbered in accordance with Ordinance VIII Section 8.1-2.

SECTION 8.3-4 Adoption Of Michigan Manual Of Uniform Traffic Control Devices

Traffic signs or other traffic control devices shall be installed as necessary in the parking area to control the movement and parking of motor vehicles in the parking area. All signs and traffic control devices shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

SECTION 8.3-5 Authority To Appoint Special Police Officers

A) The Charter Township of Flint does expressly designate the Chief of Police as its agent, in his or her discretion, to authorize and appoint persons other than police officers to issue and serve citations for civil infraction violations of this Section, also known as the Genesee Valley Shopping Center Parking Section, regulating traffic at the Genesee Valley Center.

B) The Chief of Police shall maintain a list of all such persons appointed by him or her under this Section, and the Chief shall have the express power to at will remove or make appointments on a continuing basis as the Chief deems necessary or desirable. The Chief of Police shall also file with the Township Clerk the name of each person added to or removed from the list of persons authorized to issue and serve citations for civil infraction violations of this Article.

C) Persons appointed pursuant to this Section are hereby made and empowered as special officers for the enforcement of this Article or any other ordinance of the Charter Township of Flint pertaining to, regulating or restricting motor vehicle traffic upon the property of the Genesee Valley Center, and they shall have the power and authority to issue citations for violations in compliance with the procedures set forth herein.

When any enforcement action or measure is taken pursuant to this Section a person appointed by the Chief of Police pursuant to this Section shall be subject to the supervision and control of the Police Department of the Charter Township of Flint.

D) A person appointed to issue and serve a violation citation pursuant to this Section is not and shall not be deemed to be an employee of the Charter Township of Flint but shall perform the limited function allowed by this Section as a gratuitous volunteer without any compensation from the Township. No such person shall have the legal authority to act on behalf of the Charter Township of Flint in any other capacity as a result of the expressly limited appointment and delegated authority conferred by this Section.

SECTION 8.3-6 Penalty

A violation of this Article and the signs and traffic control devices erected pursuant hereto is hereby designated a civil infraction.

SECTION 8.3-7 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

**ARTICLE IV
BEECHER/GRAHAM PARKING**

SECTION 8.4-1 Request

This Article is the recodification of ordinance 4301. It was ordained at the request of the person in charge of the general operation and control of the parking area at the intersection of Beecher and Graham roads.

SECTION 8.4-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles at the parking area at the intersection of Beecher and Graham Roads.

SECTION 8.4-3 No Parking

No parking shall be permitted in the fire lanes in the parking area at the intersection of Beecher and Graham Roads. The prohibited parking area shall be posted according to law.

SECTION 8.4-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.4-5 Penalty

A person violating this Article shall be responsible for a civil infraction.

SECTION 8.4-6 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

ARTICLE V
3274 S. LINDEN PARKING

SECTION 8.5-1 Request

This Article is the recodification of ordinance 4303. It was ordained at the request of the person in charge of the general operation and control of the parking area located at 3274 S. Linden Road.

SECTION 8.5-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles by the patrons of 3274 S. Linden Road.

SECTION 8.5-3 No Parking

No parking shall be permitted in the fire lanes in the parking area located at 3274 S. Linden Road. The prohibited parking area shall be posted according to law.

SECTION 8.5-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.5-5 Penalty

A person violating this Article shall be responsible for a civil infraction.

SECTION 8.5-6 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

**ARTICLE VI
OAKBROOK SQUARE PARKING**

SECTION 8.6-1 Request

This Article is the recodification of Ordinance 4304. It was ordained at the request of the owner of the Oakbrook Square Shopping Mall, on the west side of South Linden Road, between Miller Road and Lennon road, where there is provided a parking area.

SECTION 8.6-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles by the patrons of the Oakbrook Square Shopping mall.

SECTION 8.6-3 No Parking

A) No person shall park a motor vehicle in any place designated a fire lane in the parking area.

B) No person shall park a motor vehicle in any place specifically designated for handicappers, unless there is exhibited on the vehicle a permit authorizing parking in the designated area.

C) No person shall operate, stop, stand or park any motor vehicle in the parking area in violation of any traffic sign, light or other traffic control device erected in the parking area.

SECTION 8.6-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.6-5 Penalty

A person violating this Article shall be responsible for a civil infraction.

SECTION 8.6-6 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

**ARTICLE VII
BEECHTREE PLAZA PARKING**

SECTION 8.7-1 Request

This Article is the recodification of Ordinance 4305. It was ordained at the request of the owner of the Beech Tree Plaza, on the south side of Beecher Road at Calkins Road, where there is provided a parking space, pursuant to Public Act 235 of 1969.

SECTION 8.7-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles by the patrons of the Beech Tree Plaza.

SECTION 8.7-3 No Parking

A) No person shall park a motor vehicle in any place designated a fire lane in the parking area.

B) No person shall park a motor vehicle in any place specifically designated for handicappers, unless there is exhibited on the vehicle a permit authorizing parking in the designated area.

C) No person shall operate, stop, stand or park any motor vehicle in the parking area in violation of any traffic sign, light or other traffic control device erected in the parking area.

SECTION 8.7-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.7-5 Penalty

A person violating this Article shall be responsible for a civil infraction.

SECTION 8.7-6 Severability

Every Section of this Article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the Article nor the validity of the Article as a whole.

**ARTICLE VIII
PUBLIC PARKING REGULATIONS**

SECTION 8.8-1 Definitions

- A) "Parking" as defined by MCL 257.38
- B) "Vehicle" as defined by MCL 257.79
- C) "Truck" as defined by MCL 257.75
- D) "Trailer" as defined by MCL 257.73
- E) "Truck Tractor" as defined by MCL 257.77
- F) "Semi-Trailer" as defined by MCL 257.59
- G) "Trailer Coach" as defined by MCL 257.74
- H) "Bus" as defined by MCL 257.4b
- I) "Special Mobile Equipment" as defined by 257.62

SECTION 8.8-2 Regulations

- A) No vehicle used in the transportation of inflammable or explosive materials or substances shall be parked on any street, or other public place, except supervised public parking lots, between the hours of sunset to sunrise, provided, however, that this restriction shall not apply to the incidental stopping or parking of such vehicle in the carrying out of loading or unloading operations or in the performance of errands incidental to the business use of such vehicles if such vehicle is lighted with at least two white headlights and two red rear lights so constructed and so placed as to be observed under ordinary atmospheric conditions at a distance of not less than 500 feet.
- B) No vehicle, truck, trailer, truck tractor, semi-trailer, trailer coach, bus, special mobile equipment or other such type of vehicle, whether running or not, shall be parked within the limits of any street or other public place, except public parking lots, between two o'clock (2:00 am) and seven o'clock (7:00 am) in the morning.
- C) No truck or any other vehicle shall be parked within the limits of any street or other public place for the purpose of repairing, remodeling or otherwise working upon said vehicle.
- E) No truck or other vehicle shall be parked or allowed to stand on the portion of street or highway between the curb or gutter and the sidewalk nor on any sidewalk or parkway except temporarily and during the process of loading or unloading.
- F) No truck or other vehicle shall be parked or allowed to stand within the limits of any street and in a perpendicular position to the curb except temporarily for loading or unloading.

SECTION 8.8-3 Penalties

A person violating this Article shall be responsible for a civil infraction.

**ARTICLE IX
EMERGENCY RESPONSE COST RECOVERY**

SECTION 8.9-1 Purpose

The Charter Township of Flint has determined that a significant number of traffic arrests and traffic accidents in the Township involve drivers who are operating a motor vehicle while impaired by or under the influence of alcoholic beverages and/or controlled substances. In addition, the Township has determined that there is a greater likelihood of personal injury and property damage in traffic accidents involving drivers who were operating a motor vehicle while impaired by or under the influence of alcoholic beverages and/or controlled substances. As a result, an additional operational and financial burden is placed upon the Township's police, firefighting and rescue services by persons who are operating a motor vehicle while impaired by or under the influence of alcoholic beverages and/or controlled substances.

SECTION 8.9-2 Definitions

A) "Emergency Response" means either:

- 1) The providing, sending and/or utilizing of police, firefighting, emergency medical and/or rescue services by the Township, or by a private individual or corporation operating at the request or the direction of the Township, to an incident resulting in an accident involving one (1) or more motor vehicles operated by one (1) or more drivers who were impaired by or under the influence of an alcoholic and/or a controlled substance; or
- 2) The providing, sending and/or utilizing of police, firefighting, emergency medical and/or rescue services by the Township, or by a private individual or corporation operating at the request or direction of the Township, or an incident resulting in a traffic stop and arrest of a driver who was operating a motor vehicle while impaired by or under the influence of an alcoholic beverage and/or a controlled substance by a police officer.

B) "Expense of emergency response" includes the direct and reasonable costs incurred by the Township or by a private person or corporation operating at the request or direction of the Township in the courts of emergency response to an incident, including the cost of providing police, firefighting, emergency medical and/or rescue services at the scene of the incident. These cost also include all the salaries and wages of Township personnel responding to the incident, all salaries and wages of Township personnel engaged in investigation, supervision and report preparation, all cost connected with the administration and preparation of all chemical test of the drivers blood, breath and/or urine, and all cost related to any prosecution of the person causing the incident.

SECTION 8.9-3 Liability for Expense of an Emergency Response

A) Any person is liable for the expense of an emergency response if, while impaired by or under the influence of an alcoholic beverage or a controlled substance, or the combination of the two, such person's operation of a motor vehicle proximately causes any incident resulting in an emergency response.

B) For the purposes of this Article, a person is impaired by or under the influence of an alcoholic beverage or controlled substance, or a combination influence of an alcoholic beverage and controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while impaired by or under the influence of an alcoholic beverage if a chemical analysis of his or her blood, urine and/or breath indicates that the amount of alcohol in his or her blood was in excess of seven one hundredths of one percent (0.07%)

SECTION 8.9-4 Charge of Emergency Response

A) The expense of an emergency response shall be a charge against the person liable for the expense under this Article. The charge constitutes a debt of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under a contract expressed or implied.

B) The Township Board shall, by resolution, adopt a schedule of the cost included within the expense of an emergency response. This schedule shall be available to the public from either the Township Clerk or from the Chief of Police.

C) The Chief of Police, or the designee of the Chief of Police, may, within ten (10) calendar days of receiving an itemization of the expenses, or any part thereof, incurred for an emergency response, submit a bill for these expenses by first class mail, return receipt requested, or personal service to the person liable for the expense of the emergency response.

D) In the event a person is found guilty by judge or by jury or enters a plea of guilty or enters a plea of no contest to a violation of any statute of the State or ordinance of the Township which prohibits the operation of a motor vehicle under the influence of an alcoholic beverage or a controlled substance, or a combination thereof or to any lesser included offense, then at the time of imposition of a sentence by the court, the expense of the emergency response may be assessed by the court. The assessment of the expense of the emergency response shall be in addition to any other costs assessed by the court under the provisions of any other statute or ordinance. The amount to be assessed by the court for expense of emergency response shall be set forth in an affidavit filed with the court by the Township prior to sentencing. The amount of any particular cost included within the expense of emergency response shall not exceed the cost as adopted in the resolution referred to in Section 8.9-4(b). The assessment shall be paid to the Treasurer of the Charter Township of Flint.

E) A failure to pay an assessment for the expense of emergency response within thirty calendar days of service shall be considered a default. In cases of default the Township shall have a lien upon the real and personal property owned by the person responsible for the expense of emergency response. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this Section does not have priority over any previously filed or recorded lien or encumbrance. The lien for the expense of emergency response shall be collected and treated in the same manner as provided for property tax Liens under the General Property Tax Act, being Act 206 of 1893, as amended, or sections 211.1 *et. seq.* of the

Michigan Complied Laws. The Township may also commence civil suit to recover the expense of emergency response and any other costs allowed by law.

SECTION 8.9-5 Severability

Every Section of this article shall be considered severable and in the event that any word, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the reminder of the Article nor the validity of the Article as a whole.

**ARTICLE X
PARKING UPON PRIVATE PROPERTY**

SECTION 8.10-1 Prohibition

No person shall drive or park, or cause to be driven or parked, any motor vehicle, motorcycle or other licensed vehicle, including trailers, travel or otherwise, and mobile homes, or any unlicensed vehicle, including all off the road recreational vehicles and wheeled farm implements, upon the planted or sodded section of a street or roadway not set aside for traffic lanes, nor upon the sod or grass in any public park unless lawfully employed therein; nor upon any private property or parking lot or within any driveway unless he shall have the consent of the owner, tenant or other person in occupancy or possession of same, whether the same be posted or not.

SECTION 8.10-2 Penalty

A person who violates this Article shall be responsible for a municipal civil infraction and a civil fine in an amount not to exceed \$500.00 plus costs shall be paid by a defendant who is responsible for each such violation. Violators will also be subject to sanctions, remedies and procedures as set forth in Ordinance 7006 and Act 236 of the Public Acts of 1961, as amended. If the civil fine is paid at the Township's Municipal violation's bureau pursuant to a municipal ordinance violation notice the fine shall be \$100.00. No costs shall be imposed or collected at the violation bureau for this violation.

SECTION 8.10-3 Severability

Every section of this article shall be considered severable and in the event that any work, phrase, sentence or paragraph is declared invalid, unenforceable or unconstitutional, the declaration shall not affect the remainder of the article nor the validity of the article as a whole.

**ARTICLE XI
GENESEE CROSSING SHOPPING CENTER**

SECTION 8.11-1 Request

This article is ordained at the request of the person in charge of the general operation and control of the parking area of the Genesee Crossing Shopping Center on Miller Road, pursuant to Public Act 235 of 1969.

SECTION 8.11-2 Definition

“Parking area” means the area used by the public as a means of access to and egress from and for the free parking of motor vehicles by the patrons of the Genesee Crossing Shopping Center.

SECTION 8.11-3 No Parking

- A) No person shall park a motor vehicle in any place designated a fire lane in the parking area.
- B) No person shall park a motor vehicle in any place specifically designated for handicappers, unless there is exhibited on the vehicle a permit authorizing parking in the designated area.
- C) No person shall operate, stop, stand or park any motor vehicle in the parking area in violation of any traffic sign, light or other traffic control device erected in the parking area.

SECTION 8.11-4 Control Devices

All signs and other traffic control devices required in a parking area shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and shall be paid for and erected by the owner of the parking area affected.

SECTION 8.11-5 Penalty

A person violating this Article shall be responsible for a civil infraction.