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## Chapter 6 - CRIMINAL CODE<sup>[1]</sup>

Footnotes:

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**State Law reference**— Michigan penal code, MCL 750.1 et seq.

### ARTICLE 1. - IN GENERAL

Sec. 6.1-1. - Short title.

The township hereby adopts this chapter as "The Criminal Code of the Charter Township of Flint." The criminal code contains certain articles which regulate conduct within the township in order to further the public health, safety and welfare of its residents.

(Ord. No. VI, § 6.1-1, 2-21-2006)

Sec. 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 chapter "person" shall include both the singular and plural and shall include natural persons, corporations, public corporations, partnerships, joint ventures, groups, associations, and organizations.

(Ord. No. VI, § 6.1-2, 2-21-2006)

Sec. 6.1-3. - Sections.

- The articles, sections, paragraphs, sentences and clauses of this chapter 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 chapter.
- Titles and headings to articles of this chapter 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 chapter or its articles.

(Ord. No. VI, § 6.1-3, 2-21-2006)

Sec. 6.1-4. - Penalty.

Whenever in this chapter and the articles contained herein any act is prohibited or is made or declared to be unlawful, or the doing of an act 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 \$500.00 or by imprisonment in the county jail for a term not to exceed 90 days or by both fine and imprisonment.

(Ord. No. VI, § 6.1-4, 2-21-2006)

Sec. 6.1-5. - Repeal of prior inconsistent ordinances.

Any prior version of this chapter or the articles or sections contained therein that is in conflict with the ordinance from which this section is derived is hereby repealed as of the effective date of the 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.

(Ord. No. VI, § 6.1-5, 2-21-2006)

## ARTICLE 2. - ALCOHOL-RELATED OFFENSES<sup>21</sup>

Footnotes:

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**State Law reference**— Michigan liquor control code of 1998, MCL 436.1101 et seq.

Sec. 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.

(Ord. No. VI, § 6.2-1, 2-21-2006)

Sec. 6.2-2. - Minor purchasing, consuming, possessing or transporting alcohol.

- (a) A minor shall not 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. A minor who violates this subsection is responsible for a municipal civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in MCL 436.1909:
- (1) For the first violation, the minor is responsible for a municipal civil infraction and shall be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (e). A minor may be found responsible or admit responsibility only once under this subdivision.
  - (2) If a violation of this subsection occurs after one prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor 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, by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office 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 (e).

- (3) If a violation of this subsection occurs after two or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor 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, by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office 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 (e).
- (b) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (a), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
- (c) If an individual who pleads guilty to a misdemeanor violation of subsection (a)(2) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (a)(2), 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. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (a)(3), 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. If a court finds that an individual violated a term or condition of probation or 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. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is 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 disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only one discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:
  - (1) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.
  - (2) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:
    - a. 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.

- b. 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.
- (d) A misdemeanor violation of subsection (a) successfully deferred, discharged, and dismissed under subsection (c) is considered a prior judgment for the purposes of subsection (a)(3).
- (e) A court may order an individual found responsible for or convicted of violating subsection (a) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.
- (f) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (g) The police department, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the police department. The police department shall notify the parent, guardian, or custodian not later than 48 hours after the police department determines that the individual who allegedly violated subsection (a) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The police department may notify the parent, guardian, or custodian 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.
- (h) 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 this Act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (i) The following individuals are not considered to be in violation of subsection (a):
  - (1) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan Penal Code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.
  - (2) A minor who accompanies an individual who meets both of the following criteria:
    - a. Has consumed alcoholic liquor.
    - b. Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan Penal Code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

- (3) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.
- (j) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (i), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.
- (k) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this Act.
- (l) 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 Act if the purpose of the consumption is solely educational and is a requirement of the course.
- (m) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this Act.
- (n) 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 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 Flint 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 Flint Township Police Department and was not part of the undercover operation.
- (o) The police department shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (a), section 701(1), or section 801(2).
- (p) In a prosecution for the violation of subsection (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (q) As used in this section:
- (1) *Any bodily alcohol content* means either of the following:
    - a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
    - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
  - (2) *Emergency medical services personnel* means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.
  - (3) *Health facility or agency* means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.
  - (4) *Minor* means an individual less than 21 years of age. This definition also applies to section 6.2-3.
  - (5) *Prior judgment* means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially

corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- a. This section, section 6.2-3, MCL 436.1701 or MCL 436.1707.
- b. Section 624a, 624b, or 625 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.
- c. Section 80176, 81134, or 82127 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.
- d. Section 167a or 237 of the Michigan Penal Code, 1939 PA 328, MCL 750.167a and 750.237.

(Ord. No. VI, § 6.2-2, 2-21-2006; Ord. of 1-22-2018(1), 1-22-2018)

**State Law reference**— Similar provisions, MCL 436.1703.

Sec. 6.2-3. - Furnishing alcohol to minor.

- (a) No person shall give or furnish any alcoholic liquor to any person under 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 21 years.
- (b) A person who violates subsection (a) of this section 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 \$500.00 or by imprisonment in the county jail for a term not to exceed 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) of this section 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) of this section 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) of this section does not apply under either of the following circumstances:
  - (1) The violation of subsection (a) of this section 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) of this section 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.

(Ord. No. VI, § 6.2-3, 2-21-2006)

**State Law reference**— Similar provisions, MCL 436.1701.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.2-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 436.1703.

Sec. 6.2-5. - Persons under 18 years of age where liquor is furnished.

- (a) Except as may be provided by law, no person under 18 years of age shall be permitted to enter or remain in any dancehall, 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 18 to enter or remain in any such dancehall, 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 18 years of age shall be permitted to enter or remain in any restaurant, dancehall or other place where alcoholic liquor is sold, given away or furnished, incidental to the serving of food, after 12:00 midnight, unless such person is accompanied by a parent or legal guardian.

(Ord. No. VI, § 6.2-5, 2-21-2006)

Sec. 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 dancehall, toilet, cloak room or appendage to any such dancehall unless said premises are duly licensed by the state liquor control commission. Further, no person, copartnership or corporation engaged in the business of operating or managing any public dancehall 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.

(Ord. No. VI, § 6.2-6, 2-21-2006)

**State Law reference**— Similar provisions, MCL 436.1915.

Sec. 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, Public Act No. 368 of 1978 (MCL 333.7403 or 333.7404), or a township ordinance substantially similar to those sections.
  - (2) Consume or possess alcoholic liquor in violation of, 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, the term "hotel" means that term as defined in section 1 of Public Act No. 188 of 1913 (MCL 427.1).

(Ord. No. VI, § 6.2-7, 2-21-2006)

Sec. 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, the term "school property" means that term as defined in MCL 750.237a.
- (d) A person violating subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.2-8, 2-21-2006)

ARTICLE 3. - ASSAULT AND BATTERY<sup>31</sup>

Footnotes:

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**State Law reference**— Assaults, MCL 750.81 et seq.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.3-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.81.

Sec. 6.3-2. - Assault and battery deemed unlawful.

- (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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.3-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.81.

Sec. 6.3-3. - Stalking.

- (a) No person shall stalk another person.
- (b) The term "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.

(Ord. No. VI, § 6.3-3, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.411h.

Sec. 6.3-4. - Domestic assault and battery.

- (a) No person shall assault or assault and batter his spouse or former spouse, an individual with whom he has or has had a dating relationship, an individual with whom he has had a child in common, or a resident or former resident of his household.
- (b) As used in this section, the term "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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.3-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.81.

Sec. 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, any of the following:
  - (1) Cause physical contact with another person.
  - (2) Damage, destroy, or deface any real or personal property of another person.

- (3) Threaten, 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.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.3-5, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.147b.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.3-6, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.81d.

ARTICLE 4. - ATTEMPT, CONSPIRACY AND AIDING AND ABETTING

Sec. 6.4-1. - Attempting to commit a crime.

- (a) Any person who shall attempt to commit an offense prohibited by this Code 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 shall be guilty of a misdemeanor.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$250.00 and/or imprisonment in the county jail for not more than 45 days.

(Ord. No. VI, § 6.4-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.92.

Sec. 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 township or to commit any act which is innocent in itself, but which becomes unlawful when done by the concerted action of the conspirators.

(Ord. No. VI, § 6.4-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.157a.

Sec. 6.4-3. - Aiding and abetting.

No person shall violate any provision of any section of this chapter, or aid, assist or abet another to violate any provision of any such section of this chapter.

(Ord. No. VI, § 6.4-3, 2-21-2006)

**State Law reference**— Abolition of distinction between accessory and principal, MCL 767.39.

ARTICLE 5. - DESTRUCTION OF PROPERTY AND ARSON

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.5-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.377a.

Sec. 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 of a fire department 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.

(Ord. No. VI, § 6.5-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.416.

Sec. 6.5-3. - Interfering with electronic communications.

- (a) A person shall not willfully cut, break, disconnect, interrupt, tap, or make any unauthorized connection with any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network or a telephone.
- (b) A person shall not willfully and maliciously read or copy any message from any telegraph, telephone line, wire, cable, computer network, computer program, or computer system, or telephone or other electronic medium of communication that the person accessed without authorization.

- (c) A person shall not willfully and maliciously make unauthorized use of any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network or telephone.
- (d) A person shall not willfully and maliciously prevent, obstruct, or delay by any means the sending, conveyance, or delivery of any authorized communication, by or through any telegraph or telephone line, cable, wire, or any electronic medium of communication, including the internet or a computer, computer program, computer system, or computer network.
- (e) The terms "computer," "computer program," "computer system," "computer network," "device" and "Internet" or are defined in section 6.10-9(g).

(Ord. No. VI, § 6.5-3, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.540.

Sec. 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 another person intending it to be burned.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.5-4, 2-21-2006)

Sec. 6.5-5. - Arson.

- (a) No person shall willfully and maliciously burn any personal property, owned by himself or another.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.5-5, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.74.

Sec. 6.5-6. - Open burning.

- (a) All outdoor burning is prohibited in the township except for those parcels described in subsection (g)(1) of this section and prescribed burning described in subsection (h) of this section. Cooking fires and campfires are allowed subject to the conditions in subsections (b) through (f) of this section.
- (b) No burning is allowed midnight to 6:00 a.m.
- (c) Any burning shall occur at least ten feet from any existing structure and property line and shall be at the rear of any property, away from any roadway and sidewalk. In the event the dimensions of a lot are such that they will not permit compliance with this requirement, then the burning shall occur in the center of the property behind the dwelling house or other principal building, an equal distance from the property line and the building.
- (d) All burning shall occur under the supervision of an adult who shall remain present at the fire and shall at all times be responsible for controlling the fire and insuring that neither life nor property is endangered.

- (e) No burning shall be permitted nor be allowed to continue in any case where winds exceed ten miles per hour or in any case where wind conditions create or are apt to create a nuisance or endanger anyone or the property of anyone.
- (f) No campfire shall exceed four feet in diameter or three feet in height.
- (g) In addition to the foregoing requirements, for parcels two acres or greater in area having a residential dwelling house thereon, the following allowances and restrictions also apply:
  - (1) The burning of brush, branches, logs and firewood is permitted except when a state or local burning ban is in effect.
  - (2) No burn pile shall exceed five feet in height and ten feet in width.
  - (3) During the burn, a source of water within reasonable proximity of the burn pile shall be available and be adequate to extinguish the fire should the need arise.
  - (4) In order to burn, the property owner or agent must secure a burn permit from the township fire department. The burn permit shall be effective for one day.
  - (5) No building materials, household refuse, or leaves may be burned.
- (h) Prescribed burning is permitted on parcels with an approved stormwater management plan which requires prescribed burning as part of its maintenance plan, subject to the conditions of subsection (b) of this section, that part of subsection (c) of this section prohibiting burning within ten feet of a structure, and subsections (d) and (e) of this section, and subsections (h)(1) and (2) of this section. As used in this subsection, the term "prescribed burn" or "prescribed burning" means the burning, in compliance with a written prescription, of a continuous cover of fuels that consist of slash resulting from forest practices, surface litter, vegetation, and duff that are left in place, fairly uniform, and ignited to meet planned stormwater and land management objectives in the desired area the term "prescription" means a written plan approved by the township fire department establishing the criteria necessary for starting, controlling, and extinguishing a burn. Prescribed burning in accordance with this subsection shall not be considered a nuisance as that term is used in this chapter.
  - (1) The property owner or his designee shall submit a written prescription and obtain written authorization for the prescribed burn from the township fire chief, or his designee. The prescription and authorization shall include conditions to ensure that:
    - a. There are adequate fire breaks and sufficient personnel and firefighting equipment for the control of the fire;
    - b. The fire remains within the boundary of the area authorized;
    - c. A plan of public notification of the prescribed burn approved by the township has been furnished.
  - (2) A prescribed burn manager shall be on site with a copy of the prescription and the written authorization from the time of ignition of the prescribed burn to its completion and shall supervise the prescribed burn in compliance with the conditions of the written authorization. The burn manager shall furnish the township with proof of liability insurance for bodily injury and property damage in amounts approved by the township. The insurance shall include the township and the authority as named insured.
- (i) The fire chief, or the designee thereof, shall be notified by the burn manager within a reasonable time prior to the burn of the proposed event and of the township's approval. The fire chief or other designated officer shall have complete discretion to observe the burn and to furnish personnel and equipment at the scene whenever the fire chief, or designee, determines such resources are needed.
- (j) In the event of the exercise of discretion by the fire chief or other designated officer and such resources are furnished, or if a fire department response run occurs as a result of a violation of any of the requirements of this section, then, whether or not a citation or notice of violation is issued to anyone, the property owner, or the person or persons violating these requirements, as the case may

be, shall be billed at an amount established by the township for the cost incurred by the township, for the personnel and equipment furnished in responding to the scene.

- (k) 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 article 6 of chapter 2 of this Code and Public Act No. 236 of 1961 (MCL 600.101 et seq.). 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 violation bureau for this violation.

(Ord. No. VI, § 6.5-6, 2-21-2006)

#### ARTICLE 6. - CONTROLLED SUBSTANCES AND RELATED OFFENSES<sup>[4]</sup>

Footnotes:

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**State Law reference**— Controlled substances generally, MCL 333.7101 et seq.

Sec. 6.6-1. - Possession of marijuana.

No person shall possess nor transport marijuana nor 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 or the United States of America.

(Ord. No. VI, § 6.6-1, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.6-2, 2-21-2006)

Sec. 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 article, 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, podiatrists, 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. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

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

- (11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.
- (12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances.
- (13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(Ord. No. VI, § 6.6-3, 2-21-2006)

**State Law reference**— Drug paraphernalia, MCL 333.7451 et seq.

Sec. 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 this subsection 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 (b)(1) of this section 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 seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.
- (c) A person violating this section shall be guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each offense.

(Ord. No. VI, § 6.6-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 722.641 et seq.

Sec. 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.

(Ord. No. VI, § 6.6-5, 2-21-2006)

Sec. 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, podiatrists, 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, podiatrists, 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.

(Ord. No. VI, § 6.6-6, 2-21-2006)

Sec. 6.6-7. - Reserved.

Sec. 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.

(Ord. No. VI, § 6.6-8, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.6-9, 2-21-2006)

Sec. 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 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.6-10, 2-21-2006)

**State Law reference**— Similar provisions, MCL 752.272(a).

Sec. 6.6-11. - Selling or distributing nitrous oxide.

- (a) No person shall 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.6-11, 2-21-2006)

**State Law reference**— Similar provisions, MCL 752.272a.

Sec. 6.6-12. - Transportation or possession of medical marijuana.

- (a) No person shall transport or possess usable marijuana as defined in Section 26423 of the Michigan Public Health Code, 1978 PA 368, MCL 333.26523, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the useable marijuana is one or more of the following:
  - (1) Enclosed in a case that is carried in the trunk of the vehicle.
  - (2) Enclosed in a case that is not readily accessible from the interior of the vehicle in the vehicle in which the person is travelling does not have a trunk.
- (b) Any violation of this section shall be punishable by up to 93 days in the county jail, a fine of not more than \$500.00, or both.

(Ord. of 5-6-2013, §§ 1, 2)

#### ARTICLE 7. - FALSE REPORTS AND ALARMS

Sec. 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 subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.
- (d) The court may order a person convicted under subsection (a) or (b) of this section to pay to the township the costs of responding to the false report or threat including, but not limited to, use of

police or fire emergency response vehicles and teams, pursuant to section 1f of chapter IX of the Code of Criminal Procedure, Public Act No. 175 of 1927 (MCL 769.1f)

(Ord. No. VI, § 6.7-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.411a.

Sec. 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.

(Ord. No. VI, § 6.7-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.240.

Sec. 6.7-3. - Installation and operation of alarms.

(a) *License required.*

- (1) A person 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 advertise the business to be that of security alarm system contractor or security alarm system agent, without having obtained from the state a license to so do, as provided for in Public Act No. 330 of 1968 (MCL 338.1051 et seq.), 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.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*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.

*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.

*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.

*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.

(c) *Installation of systems.*

- (1) An security alarm system may not be installed or operated in the township unless the system is:
  - a. Installed by a security alarm system contractor licensed under Public Act No. 330 of 1968 (MCL 338.1051 et seq.); or
  - b. Installed by the owner or occupant of a residence in his 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 n 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) An security alarm system experiencing more than four 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 subsection (a) of this section.

(e) *Penalty.*

- (1) If, after receiving notice of a revocation pursuant to subsection (d)(2) of this section, 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 article 6 of chapter 2 of this Code and Public Act No. 236 of 1961 (MCL 600.101 et seq.).
- (2) 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 violation bureau for this violation.

(Ord. No. VI, § 6.7-3, 2-21-2006)

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

*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.

*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.

*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.

(Ord. No. VI, § 6.7-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.411d.

#### ARTICLE 8. - LARCENY AND RELATED OFFENSES

##### Sec. 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) No person who as the agent, servant, or employee of another person, governmental entity within this state, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within this state, or other legal entity shall fraudulently dispose of or convert to his own use, or take or secrete with the intent to convert to his own use without the consent of his principal, any money or other personal property of his principal that has come to that person's possession or that is under his charge or control by virtue of his being an agent, servant, employee, trustee, bailee, or custodian.
- (c) No person to whom a motor vehicle, trailer, or other tangible property is delivered on a rental or lease basis under a written agreement providing for its return to a particular place at a particular time shall with intent to defraud the lessor refuse or willfully neglect to return the vehicle, trailer, or other tangible property after expiration of the time stated in a written notice mailed by registered or certified mail addressed to that person's last known address.
- (d) A person violating subsection (a), (b) or (c) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.356.

##### Sec. 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;
  - (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 with the intent to commit or attempt to commit larceny.
  - (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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.356d.

Sec. 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.

(Ord. No. VI, § 6.8-3, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.113.

Sec. 6.8-4. - Break and enter without permission.

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.

(Ord. No. VI, § 6.8-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.115.

Sec. 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 subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-5, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.535.

Sec. 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 or 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) No person shall through fraud, deceit, misrepresentation, coercion or unjust enrichment, obtain, use, or attempt to obtain or use money or property of a vulnerable adult, directly or indirectly benefiting himself, knowing or having reason to know that the person was a vulnerable adult.
- (c) A person violating subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-6, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.174.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-7, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.178.

Sec. 6.8-8. - Make, draw, utter or deliver check with nonsufficient 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-8, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.131.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-9, 2-21-2006)

Sec. 6.8-10. - Defrauding hotels or restaurant.

- (a) 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.
- (b) 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.
- (c) No conviction shall be had under the provisions of this section unless complaint is made within 60 days of the violation hereof.

(Ord. No. VI, § 6.8-10, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.292.

Sec. 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.

(Ord. No. VI, § 6.8-11, 2-21-2006)

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

*Financial transaction device* means that term as defined in MCL 750.157m.

*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.

*Personal identity information* means any of the following information of another:

- (1) A social security number.
- (2) A driver license number or state personal identification card number.
- (3) Employment information.
- (4) Information regarding any financial account held by another person including, but not limited to, any of the following:
  - a. A savings or checking account number.
  - b. A financial transaction device account number.

- c. A stock or other security certificate or account number.
- d. A personal information number (PIN) for an account described in subsections (1) through (4) of this definition.

(Ord. No. VI, § 6.8-12, 2-21-2006)

**State Law reference**— Personal identifying information, MCL 750.539k.

Sec. 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.

(Ord. No. VI, § 6.8-13, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.116.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-14, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.356a.

Sec. 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 subsection 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-15, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.157w.

Sec. 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 subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.8-16, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.145d.

#### ARTICLE 9. - LITTERING

##### Sec. 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 article 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 article, 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.

(Ord. No. VI, § 6.9-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 324.8902.

##### Sec. 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 or vessel traveling on public or private property or water.
- (b) Except as provided in subsection (e) of this section, 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, the term "vehicle" means a motor vehicle as that term is defined in Public Act No. 300 of 1949 (MCL 257.1 through 257.923); and the term "vessel" means a vessel as that term is defined in Part 89 of Public Act No. 451 of 1994 (MCL 324.8901 et seq.).

- (e) In a proceeding for violation of this section 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.

(Ord. No. VI, § 6.9-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 324.8903.

#### ARTICLE 10. - MORALS

##### Sec. 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, the term "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.

(Ord. No. VI, § 6.10-1, 2-21-2006)

**State Law reference**— Indecent exposure, MCL 750.335a.

##### Sec. 6.10-2. - Curfew violations.

- (a) No person of the age of 12 years 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 13 or 14 years 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 15, 16 or 17 years 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:
  - (1) A parent;

- (2) A guardian;
  - (3) Another adult over the age of 21 years who has been authorized by a parent or a guardian to accompany that 15-, 16- or 17-year-old person; or
  - (4) Unless that 15-, 16- or 17-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 17 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 17 years of age or younger to violate subsection (a), (b) or (c) of this section.
  - (e) The fact that a person 17 years of age or younger is apprehended while on a public street, highway, alley, park or other public place during the hours prohibited by subsection (a), (b) or (c) of this section shall be prima facie proof of a violation of subsection (d) of this section by a parent, guardian or custodian or other person having responsibility for the person 17 years of age or younger.
  - (f) No parent, guardian, custodian or other person having legal responsibility for a person 17 years of age or younger shall fail or refuse to collect from the township police department custody said person 17 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 17 years of age, who is not the parent, guardian, custodian, or legal representative of a person 17 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 17 years of age or younger to violate subsection (a), (b) or (c) of this section.
  - (h) A person who violates any provision of this section 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 article 6 of chapter 2 of this Code and Public Act No. 236 of 1961 (MCL 600.101 et seq.). 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 violation bureau for this violation.

(Ord. No. VI, § 6.10-2, 2-21-2006)

**State Law reference**— Curfew for minors, MCL 722.751 et seq.

Sec. 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 to 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 subsections (a) through (h) of this section.
- (k) This section does not apply to a police officer while in the performance of his duties.

(Ord. No. VI, § 6.10-3, 2-21-2006)

**State Law reference**— Prostitution generally, MCL 750.448 et seq.

Sec. 6.10-4. - Interference with motor vehicles on public streets.

- (a) It shall be unlawful for any person, without authority, to receive or to attempt to receive money or any other object or thing from an occupant of a motor vehicle that is operating on a public street; provided, however, that this subsection shall not apply to services rendered in connection with services supplied by emergency responders or repairs requested by an occupant of the motor vehicle.
- (b) It shall be unlawful for any person not a passenger in a motor vehicle, without authority, to give or attempt to give money or any other object or thing to an occupant of a motor vehicle that is operating on a public street; provided, however, that this subsection shall not apply to services rendered in connection with services supplied by emergency responders or repairs requested by an occupant of the motor vehicle.
- (c) Subsections (a) and (b) do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:
  - (1) The charitable or civic organization obtains a permit from the township to solicit. No more than one permit will be issued for the same time period on any street.
  - (2) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.
  - (3) The person is 18 years of age or older.
  - (4) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.
  - (5) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.
- (d) The township is not liable for any claim for damages arising out of the use of the roadway for the permitted solicitation.
- (e) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 USC 501, or a veterans' organization that has tax-exempt status under the Internal Revenue Code.
- (f) 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 violation. Violators will also be subject to sanctions, remedies and procedures as set forth in article 6 of chapter 2 of this Code and Public Act 236 of 1961 (MCL 600.101 et seq. as amended). 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 violation bureau for this violation.

(Ord. No. 150105, § 1, 1-5-2015; Ord. of 10-2-2017(1))

Sec. 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:

- (1) A vagrant. 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. Reserved;
  - 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;
- (2) 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;

- (3) Engaging in an illegal business or occupation;
- (4) Using vulgar, profane, or indecent language on any public street or other public place or in any public dancehall, club dance, skating rink, or place of business open to public patronage;
- (5) 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;
- (6) Engaging in obscene or indecent conduct in a public place;
- (7) Jostling another person or persons in a crowd;
- (8) Disturbing lawful meetings or creating a disturbance in a public street or other public place;
- (9) 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;
- (10) Loitering, loafing, wandering, standing or remaining idle in a public place so as to do either of the following:
  - a. 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; or
  - b. 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.

(Ord. No. VI, § 6.10-5, 2-21-2006; Ord. No. 150105, § 2, 1-5-2015)

**State Law reference**— Disorderly persons, MCL 750.167.

Sec. 6.10-6. - Malicious telecommunications.

- (a) 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; or
  - (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.
- (b) No person shall willfully and maliciously make unauthorized use of any electronic medium of communication, including the Internet or a computer, computer program, computer system, or computer network, or telephone

(Ord. No. VI, § 6.10-6, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.540e.

Sec. 6.10-7. - Sexual conduct in a vehicle.

- (a) No person shall, in the township, 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. The term "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. The term "on view" does not require that the interior of the vehicle actually be lighted or actually be seen.
- (b) For purposes of subsection (a) of this section, the term "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.

(Ord. No. VI, § 6.10-7, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.10-8, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.145.

Sec. 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 two or more separate noncontinuous 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, Public Act No. 175 of 1927 (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 one 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) The term "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) The term "computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of two or more interconnected computers.
  - (3) The term "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) The term "computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.
  - (5) The term "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) The term "emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (7) The term "Internet" has the same meaning as defined in section 230 of title II of the Communications Act of 1934, 47 USC 230, and includes voice over internet protocol services.
  - (8) The term "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) The term "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) The term "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.

(Ord. No. VI, § 6.10-9, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.411s.

Sec. 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.

(Ord. No. VI, § 6.10-10, 2-21-2006)

Sec. 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. 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. 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.

(Ord. No. VI, § 6.10-11, 2-21-2006)

## ARTICLE 11. - RESISTING ARREST AND OBSTRUCTION OF JUSTICE

### Sec. 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, bylaw or rule, order or resolution made, issued or passed by the board of the township, 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.

(Ord. No. VI, § 6.11-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.479.

### Sec. 6.11-2. - Failure to stop for 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.

(Ord. No. VI, § 6.11-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 257.602a.

### Sec. 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.

(Ord. No. VI, § 6.11-3, 2-21-2006)

**State Law reference**— Similar provisions, MCL 257.602.

### Sec. 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.

(Ord. No. VI, § 6.11-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.184.

Sec. 6.11-5. - Refusal to identify self.

- (a) No person shall fail to identify himself 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.
- (b) A police officer may detain a person pursuant to this subsection only to ascertain his identity and the suspicious circumstances surrounding his presence abroad. Any person so detained shall identify himself, but may not be compelled to answer any other inquiry of any police officer.

(Ord. No. VI, § 6.11-5, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.11-6, 2-21-2006)

Sec. 6.11-7. - Refusal to allow fingerprinting.

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

(Ord. No. VI, § 6.11-7, 2-21-2006)

**State Law reference**— Similar provisions, MCL 28.243a.

Sec. 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.

(Ord. No. VI, § 6.11-8, 2-21-2006)

Sec. 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 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.

(Ord. No. VI, § 6.11-9, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.241.

Sec. 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 duties.

(Ord. No. VI, § 6.11-10, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.11-11, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.50c.

#### ARTICLE 12. - TRESPASS AND UNLAWFUL ASSEMBLY

Sec. 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.

(Ord. No. VI, § 6.12-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.546, 750.547.

Sec. 6.12-2. - Noise control.

- (a) No person 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 township.
- (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) Reserved.
- (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 state motor vehicle code, the uniform traffic code for cities, townships and villages, or any ordinance or article adopted by the township 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 therefrom. 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 township, 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 6:00 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 township, 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 township 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 township 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 shall create, cause or maintain any public nuisance within the township 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 article 6 of chapter 2 of this Code and Public Act No. 236 of 1961 (MCL 600.101 et seq.). 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 violation bureau for this violation.

(Ord. No. VI, § 6.12-2, 2-21-2006)

Sec. 6.12-3. - Inciting riot.

- (a) It is unlawful and constitutes the crime of riot for five 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 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.

(Ord. No. VI, § 6.12-3, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.12-4, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.12-5, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.170.

Sec. 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.

(Ord. No. VI, § 6.12-6, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.12-7, 2-21-2006)

Sec. 6.12-8. - Reserved.

Sec. 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.

(Ord. No. VI, § 6.12-9, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.552.

ARTICLE 13. - WEAPONS OFFENSES

Sec. 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.

(Ord. No. VI, § 6.13-1, 2-21-2006)

Sec. 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 firearm 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) of this section, no person shall intentionally discharge a firearm at a facility that he knows or has reason to believe is a dwelling or an occupied structure.
- (e) Except as provided in subsections (f) and (g) of this section, no person shall intentionally discharge a firearm in or from a facility that he 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 a dwelling or an occupied structure.
- (f) Subsections (d) and (e) of this section do not apply to a police officer of this state or another state, or of the township or of another local unit of government of this state or another state, or of the United States, performing his duties as a police officer.
- (g) Subsections (d) and (e) of this section do not apply to an individual who discharges a firearm in self-defense or the defense of another person.
- (h) Subsection (c) of this section does not apply to any of the following:
  - (1) A police officer lawfully performing his 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.

(Ord. No. VI, § 6.13-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.552.

Sec. 6.13-3. - Dangerous instruments.

No person shall be in possession of a knife with a blade more than three inches 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 dancehall, 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.

(Ord. No. VI, § 6.13-3, 2-21-2006)

**State Law reference**— Carrying with unlawful intent, MCL 750.226.

Sec. 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 firearm. With respect to liquor, under the influence means a blood alcohol content of at least 0.08.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.13-4, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.237.

Sec. 6.13-5. - Use of gun by minor.

No person under 18 years of age shall use or possess any handgun designed and manufactured exclusively for propelling BBs 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.

(Ord. No. VI, § 6.13-5, 2-21-2006)

**State Law reference**— Similar provisions, MCL 752.891.

Sec. 6.13-6. - Possession of firearms in restricted areas.

- (a) Subject to subsection (d) of this section, an individual licensed by the state under MCL 28.421 et seq. to carry a concealed pistol, or who is exempt from licensure under MCL 28.432a(1), 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 is dropping the student off at the school or picking up the child from the school. As used in this section, the terms "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 state liquor control code of 1998, MCL 436.1101 to 436.2303 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 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 one-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 to carry a concealed pistol, or who is exempt from licensure under MCL 28.432a(1), shall not carry a concealed pistol in violation of MAC R 432.1212 or a successor rule of the state administrative code promulgated pursuant to the state gaming control and revenue act, MCL 432.201 to 432.226.
- (c) As used in subsection (a) of this section, the term "premises" does not include parking areas of the places identified under subsection (a) of this section.
- (d) Subsection (a) of this section does not apply to any of the following:
- (1) An individual licensed by the state 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 under MCL 28.421 et seq., to carry a concealed pistol and who is employed or contracted by an entity described under subsection (a) of this section to provide security services and is required by his 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 under MCL 28.421 et seq. to carry a concealed pistol while on duty and in the course of his 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.

(Ord. No. VI, § 6.13-6, 2-21-2006)

Sec. 6.13-7. - Reserved.

Sec. 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) of this section 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, the term "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 one of the following:
    - a. Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients.
    - b. A solution containing not more than two percent 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) of this section.

(Ord. No. VI, § 6.13-8, 2-21-2006)

**State Law reference**— Similar provisions, MCL 750.224d.

ARTICLE 14. - DOGS, CATS AND OTHER DOMESTIC ANIMALS

Sec. 6.14-1. - Definitions.

- (a) *Domestic animal* means any dog, other than a vicious dog, cat or, for the purposes of this article only, farm animals (including but not limited to cattle, horses, mules, sheep, swine, goats and chickens).
- (b) *Keeping* means allowing a dog to habitually remain and/or be lodged within a house, store, building, enclosure or premises.
- (c) *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;
  - (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.
- (d) The records of the 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.

(Ord. No. VI, § 6.14-1, 2-21-2006)

Sec. 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, nonhuman 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 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 specified in said permit or license; however, the permit or license shall not be amended to include any additional animal prohibited by this section.

(Ord. No. VI, § 6.14-2, 2-21-2006)

Sec. 6.14-3. - Animal noise.

- (a) It shall be unlawful for any person to own, keep, harbor, or have charge of any animal which by loud, frequent or persistent barking, howling, yelping or other noise causes serious annoyance or

disturbance to the neighborhood in which the animal 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 an animal where such animal indulges in occasional or infrequent barking, howling, yelping or other noise, it being understood and recognized that any dog, no matter how well trained or kept, may occasionally bark, howl, yelp or emit a noise.

(Ord. No. VI, § 6.14-3, 2-21-2006)

Sec. 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 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 township to seize any domestic animal running at large in the township in violation of this section.

(Ord. No. VI, § 6.14-4, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.14-5, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.14-6, 2-21-2006)

Sec. 6.14-7. - Standards for keeping vicious dogs.

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

- (1) *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 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.

- (2) *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 provided in subsection (1) of this section. 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 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.
- (3) *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.
- (4) *Signs.* All owners, keepers or harborers of vicious dogs within the township shall, within ten days of the effective date of the ordinance from which this article is derived, 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.

(Ord. No. VI, § 6.14-7, 2-21-2006)

Sec. 6.14-8. - Reserved.

**Editor's note**— Ord. of 10-2-2017(2) repealed § 6.14-8, which pertained to reporting requirements and derived from Ord. No. VI, § 6.14-8, adopted Feb. 21, 2006.

Sec. 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.

(Ord. No. VI, § 6.14-9, 2-21-2006)

Sec. 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 article 6 of chapter 2 of this Code and Public Act No. 236 1961 (MCL 600.101 et seq.).
- (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.

(Ord. No. VI, § 6.14-10, 2-21-2006)

Sec. 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:

- (1) 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;
- (2) A vicious dog, licensed or unlicensed, has attacked or bitten a person; or
- (3) A vicious dog, licensed or unlicensed, has run at large contrary to township ordinance.

(Ord. No. VI, § 6.14-11, 2-21-2006)

Sec. 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 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 \$500.00 or imprisonment in the county jail for not more than 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.

(Ord. No. VI, § 6.14-12, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.14-13, 2-21-2006)

ARTICLE 15. - FORFEITURES

Sec. 6.15-1. - Controlled substances forfeitures.

(a) The following property is subject to forfeiture:

- (1) A prescription form, controlled substance, an imitation controlled substance, a controlled substance analogue, or other drug that has been manufactured, distributed, dispensed, used, possessed, or acquired in violation of this section.
- (2) A raw material, product, or equipment of any kind that is used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting a controlled substance, a controlled substance analogue, or other drug in violation of this article; or a raw material, product, or equipment of any kind that is intended for use in manufacturing, compounding, processing, delivering, importing, or exporting an imitation controlled substance in violation of MCL 333.7341.
- (3) Property that is used, or intended for use, as a container for property described in subsection (a)(1) or (2) of this section.
- (4) Except as provided in subsection (a)(4) of this section, a conveyance, including an aircraft, vehicle, or vessel used or intended for use, to transport, or in any manner to facilitate the

transportation, for the purpose of sale or receipt of property described in subsection (a)(1) or (2) of this section:

- a. A conveyance used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this article.
  - b. A conveyance is not subject to forfeiture by reason of any act or omission established by the owner of that conveyance to have been committed or omitted without the owner's knowledge or consent.
  - c. A conveyance is not subject to forfeiture for a violation of MCL 333.7403(2)(c) or (d), MCL 333.7404, or MCL 333.7341(4).
  - d. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party who neither had knowledge of nor consented to the act or omission.
- (5) Books, records, and research products and materials, including formulas, microfilm, tapes, and data used, or intended for use, in violation of this article.
- (6) Anything of value that is furnished or intended to be furnished in exchange for a controlled substance, an imitation controlled substance, or other drug in violation of this article that is traceable to an exchange for a controlled substance, an imitation controlled substance, or other drug in violation of this section or that is used or intended to be used to facilitate any violation of this section including, but not limited to, money, negotiable instruments, or securities. To the extent of the interest of an owner, a thing of value is not subject to forfeiture under this subsection by reason of any act or omission that is established by the owner of the item to have been committed or omitted without the owner's knowledge or consent. Any money that is found in close proximity to any property that is subject to forfeiture under subsections (a)(1) through (5) of this section is presumed to be subject to forfeiture under this subsection. This presumption may be rebutted by clear and convincing evidence.
- (7) Any other drug paraphernalia not described in subsection (a)(2) or (3) of this section.
- (b) As used in this section, the term "imitation controlled substance" means that term as defined in MCL 333.7341.
- (c) Property that is subject to forfeiture under this section or pursuant to MCL 333.7521 may be seized upon process issued by the circuit court having jurisdiction over the property. Seizure without process may be made under any of the following circumstances:
- (1) Incident to a lawful arrest, pursuant to a search warrant, or pursuant to an inspection under an administrative inspection warrant.
  - (2) The property is the subject of a prior judgment in favor of this township in an injunction or forfeiture proceeding under this section or pursuant to MCL 333.7521.
  - (3) There is probable cause to believe that the property is directly or indirectly dangerous to health or safety.
  - (4) There is probable cause to believe that the property was used or is intended to be used in violation of this section or MCL 333.17766a.
- (d) The following property is subject to forfeiture under this section or pursuant to MCL 333.7521 may be seized upon process issued by the circuit court having jurisdiction over the property. Seizure without process may be made under any of the following circumstances; incident to a lawful arrest, pursuant to a search warrant, or pursuant to an inspection under an administrative inspection warrant, the property is the subject of a prior judgment in favor of this state in an injunction or forfeiture proceeding, there is probable cause to believe that the property is directly or indirectly dangerous to health or safety, probable cause to believe the property was used or is intended to be used in violation of article 7 of the public health code.

- (1) A prescription form, controlled substance, an imitation controlled substance, a controlled substance analogue, or other drug that has been manufactured, distributed, dispensed, used, possessed, or acquired in violation of this article.
- (2) A raw material, product, or equipment of any kind that is used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting a controlled substance, a controlled substance analogue, or other drug in violation of this article; or a raw material, product, or equipment of any kind that is intended for use in manufacturing, compounding, processing, delivering, importing, or exporting an imitation controlled substance in violation of MCL 333.7341.
- (3) Property that is used, or intended for use, as a container for property described in subsection (a) or (b) of this section.
- (4) Except as provided in subsections (d)(1) to (4) of this section, a conveyance, including an aircraft, vehicle, or vessel used or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in subsection (a) or (b) of this section:
  - a. A conveyance used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this article.
  - b. A conveyance is not subject to forfeiture by reason of any act or omission established by the owner of that conveyance to have been committed or omitted without the owner's knowledge or consent.
  - c. A conveyance is not subject to forfeiture for a violation of MCL 333.7403(2)(c) or (d), MCL 333.7404, or MCL 333.7341(4).
  - d. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party who neither had knowledge of nor consented to the act or omission.
- (5) Books, records, and research products and materials, including formulas, microfilm, tapes, and data used, or intended for use, in violation of this article.
- (6) Anything of value that is furnished or intended to be furnished in exchange for a controlled substance, an imitation controlled substance, or other drug in violation of this article that is traceable to an exchange for a controlled substance, an imitation controlled substance, or other drug in violation of this article or that is used or intended to be used to facilitate any violation of this article including, but not limited to, money, negotiable instruments, or securities. To the extent of the interest of an owner, a thing of value is not subject to forfeiture under this subdivision by reason of any act or omission that is established by the owner of the item to have been committed or omitted without the owner's knowledge or consent. Any money that is found in close proximity to any property that is subject to forfeiture under subsections (d)(1) through (5) of this section is presumed to be subject to forfeiture under this subdivision. This presumption may be rebutted by clear and convincing evidence.
- (7) Any other drug paraphernalia not described in subsection (d)(1) through (3) of this section.
- (8) As used in this section, the term "imitation controlled substance" means that term as defined in MCL 333.7341.

(Ord. No. VI, § 6.15-1, 2-21-2006)

Sec. 6.15-2. - Gambling forfeiture.

- (a) Pursuant to the authority granted by Public Act No. 246 of 1945, as amended, specifically MCL 42.23, the township adopts by reference the Michigan Gaming Control and Revenue Act, MCL 432.201 through 432.226, as amended and as amended from time to time in the future.
- (b) A violation of this subsection shall be numbered 6.156-2-1 et seq., the last digit corresponding to the section citation of the Michigan Gaming Control and Revenue Act, 6.156.-2 shall indicate that the violation is being prosecuted pursuant to township ordinance and not state law.

(Ord. No. VI, § 6.15-2, 2-21-2006)

#### ARTICLE 16. - SEX OFFENDER REGISTRATION VIOLATIONS

##### Sec. 6.16-1. - Failure to comply with reporting.

- (a) No person required to register under Public Act No. 295 of 1994 shall fail to comply with reporting requirements defined by MCL 28.725a.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.16-1, 2-21-2006)

**State Law reference**— Similar provisions, MCL 28.725a.

##### Sec. 6.16-2. - Failure to sign registration.

- (a) No person required to register under Public Act No. 295 of 1994 shall fail to sign his registration form as required by MCL 28.725a.
- (b) A person violating subsection (a) of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 93 days.

(Ord. No. VI, § 6.16-2, 2-21-2006)

**State Law reference**— Similar provisions, MCL 28.725a.

#### ARTICLE 17. - PARENTAL RESPONSIBILITY

##### Sec. 6.17-1. - Definitions.

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

*Delinquent acts* means those acts which violate the laws of the United States, or the statutes of the state or the ordinances of the township 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.

*Illegal drugs* means controlled substances obtained without a legal prescription.

*Juvenile delinquent* means those minors whose behavior interferes with the rights of others or menaces the welfare of the community.

*Minor* means any person under the age of 17 years.

*Necessary care* means the obligation a parent fulfills by taking custody of a minor from law enforcement officials.

*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.

(Ord. No. VI, § 6.17-1, 2-21-2006)

Sec. 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 township 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.

(Ord. No. VI, § 6.17-2, 2-21-2006)

Sec. 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.

(Ord. No. VI, § 6.17-3, 2-21-2006)

Sec. 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 township, 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.

(Ord. No. VI, § 6.17-4, 2-21-2006)

Sec. 6.17-5. - Parental abandonment.

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

(Ord. No. VI, § 6.17-5, 2-21-2006)

Sec. 6.17-6. - Parental violation and penalty.

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.

(Ord. No. VI, § 6.17-6, 2-21-2006)