

CODIFIED ORDINANCES OF GRAND BLANC

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CODIFIED ORDINANCES OF GRAND BLANC

PART SIX - GENERAL OFFENSES CODE

CHAPTER 606

Alcoholic Beverages

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CROSS REFERENCES

Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.

Sales on Sundays and municipal election days - see M.C.L.A. Sec. 436.19e

Public intoxication - see GEN. OFF. 666.03

Alcoholic beverages in drive-in restaurants - see B. R. & T. 810.03

Alcoholic beverages in parks - see S. U. & P. S. 1062.05

606.01 SALES TO MINORS; PROHIBITIONS AND MISREPRESENTATIONS.

(a) No person under twenty-one years of age shall falsely represent himself or herself to be

twenty-one years of age or over, and thereby procure or attempt to procure the sale or furnishing of any alcoholic liquor to himself or herself. No person shall make false representations as to the age of another and thereby procure or attempt to procure the sale or furnishing of any alcoholic liquor to any person under twenty-one years of age.

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(b) The person in charge of any beer garden, restaurant, tavern, store or place where alcoholic liquor is sold or furnished for consumption either on or away from the premises may, at any time, demand of any person offering to buy, buying, obtaining or drinking any alcoholic liquor in such establishment, who may appear to him or her to be under twenty-one years of age, proof of age and identity, and on failure of such person to produce the same, shall refuse to serve, sell or furnish such person with any alcoholic liquor and may exclude such person from such place of business. If any such person refuses to leave such place of business, he or she shall be termed a disorderly person.

(Ord. 101. Passed 3-9-77; Ord. 142. Passed 2-10-82.)

(c) (EDITOR'S NOTE: Subsection (c) was repealed by Ordinance 228-1, passed April 7, 1993. See Sections 606.02 and 606.03.)

606.02 TRANSPORTATION AND POSSESSION BY MINORS PROHIBITED; EXCEPTIONS;
IMPOUNDING OF MOTOR VEHICLES BY POLICE DEPARTMENT; APPEALS;
TRANSFER OF TITLE PROHIBITED.

(a) No person under twenty-one years of age shall knowingly transport or possess, in a motor vehicle, any alcoholic liquor, unless such person is employed by a licensee, licensed under M.C.L.A. 436.1 et seq., as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment.

(b) Within thirty days after the conviction of any person for a violation of subsection (a) hereof, which conviction has become final, a complaint may be made by the arresting officer, or by that officer's superior, before the Court from which the warrant was issued, which complaint shall be under oath, shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by a person under twenty-one years of age in committing the offense, and shall pray that the motor vehicle be impounded as provided for in this section. Upon the filing of the complaint, the Court shall issue an order to the owner of the motor vehicle to show cause why the motor vehicle shall not be impounded. The order to show cause shall have a date and a time fixed in the order for a hearing, which date shall not be less than ten days after the issuance of the order, and shall be served by delivering a true copy to the owner of the motor vehicle not less than three full days before the date of such hearing, or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner.

If the owner is a nonresident of the State, service may be made upon the Secretary of State as provided in Section 403 of the Michigan Vehicle Code, Act 300 of the Public Acts of 1949, as amended, being M.C.L.A. 257.403.

(c) If the Court determines, upon the hearing of the order to show cause, from competent and relevant evidence, that, at the time of the commission of the offense, the motor vehicle was being driven by any person under twenty-one years of age with the express or implied consent or knowledge of the owner, or that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the Court shall authorize the impounding of the vehicle for a period (to be determined by the Court) of not less than fifteen days

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nor more than thirty days. The Court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession, without other process, of the motor vehicle, wherever located, and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. Appeal shall lie from the order to the Circuit Court of the County and the provisions governing the taking of appeals from judgment for damages shall be applicable to the appeal. This subsection shall not prevent any bona fide lienholder from exercising rights under a lien.

(d) No person shall knowingly transfer title to a motor vehicle for the purpose of avoiding the provisions of this section.

(Ord. 228-1. Passed 4-7-93.)

606.03 PURCHASE, CONSUMPTION OR POSSESSION BY MINORS. (REPEALED)

(EDITOR'S NOTE: Section 606.03 was repealed by Ordinance 245, passed July 8, 1998. See Section 606.04.)

606.04 UNLAWFUL PURCHASE, CONSUMPTION OR POSSESSION BY MINORS; ARREST BASED UPON REASONABLE CAUSE OR UPON RESULTS OF PRELIMINARY CHEMICAL BREATH ANALYSIS; PARTICIPATION IN UNDERCOVER PROGRAMS.

(a) A person less than twenty-one years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section, Section 606.02 and M.C.L.A. 436.33a(1). Notwithstanding M.C.L.A. 436.50, a person less than twenty-one years of age who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions, and is not subject to the penalties prescribed in M.C.L.A. 436.50:

(1) For the first violation, a fine of not more than one hundred dollars (\$100.00), and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being M.C.L.A. 333.6107, and designated by the Administrator of Substance Abuse Services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c) hereof.

(2) For a second violation, a fine of not more than two hundred dollars (\$200.00),

and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of Act No. 368 of the Public Acts of 1978, and designated by the Administrator of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c) hereof. The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (d) hereof.

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(3) For a third or subsequent violation a fine of not more than five hundred dollars (\$500.00), and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services as defined in Section 6107 of Act No. 368 of the Public Acts of 1978, and designated by the Administrator of Substance Abuse Services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c) hereof. The person is also subject to sanctions against his or her operator's or chauffeur's license imposed in subsection (d) hereof.

(b) A person who furnishes fraudulent identification to a person less than twenty-one years of age, or notwithstanding subsection (a) hereof, a person less than twenty-one years of age who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor. The court shall order the Secretary of State to suspend, pursuant to Section 319(5) of Act No. 300 of the Public Acts of 1949, being M.C.L.A. 257.319, for a period of ninety days, the operator's or chauffeur's license of a person who is convicted of furnishing or using fraudulent identification in violation of this subsection and the operator's or chauffeur's license of that person shall be surrendered to the court. The court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. A suspension ordered under this subsection shall be in addition to any other suspension of the person's operator's or chauffeur's license.

(c) The court may order the person found violating subsection (a) hereof to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in Section 6103 of Act No. 368 of the Public Acts of 1978, being M.C.L.A. 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(d) Immediately upon the entry of a conviction or a probate court disposition for a violation of subsection (a) hereof, the court shall consider all prior convictions or probate court dispositions of subsection (a) hereof, or a local ordinance or law of another state substantially corresponding to subsection (a) hereof, and shall impose the following sanctions:

(1) If the court finds that the person has one such prior conviction or probate court disposition, the court shall order the Secretary of State to suspend the operator's or chauffeur's license

of the person for a period of not less than ninety days or more than 180 days. The court may order the Secretary of State to issue to the person a restricted license after the first thirty days of the period of suspension in the manner described in subsection (e) hereof and provided for in Section 319 of Act No. 300 of the Public Acts of 1949, being M.C.L.A. 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the Secretary of State shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

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(2) If the court finds that the person has two or more such prior convictions or probate court dispositions, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 180 days or more than one year. The court may order the Secretary of State to issue to the person a restricted license after the first sixty days of the period of suspension in the manner described in subsection (e) hereof and provided for in Section 319 of Act No. 300 of the Public Acts of 1949, being M.C.L.A. 257.319. In the case of a person who does not possess an operator's or chauffeur's license, the Secretary of State shall deny the application for an operator's or chauffeur's license for the applicable suspension period.

(e) In those cases in which a restricted license is allowed under this section, the court shall not order the Secretary of State to issue a restricted license unless the person states under oath, and the court finds based upon the record in open court, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, probation department, court-ordered community service program, or educational institution, and does not have any family members or others able to provide transportation. The court order under subsection (d) hereof and the restricted license shall indicate the work location of the person to whom it is issued, the approved route or routes and permitted times of travel, and shall permit the person to whom it is issued only to do one or more of the following:

- (1) Drive to and from the person's residence and work location.
- (2) Drive in the course of the person's employment or occupation.
- (3) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.
- (4) Drive to and from the person's residence and the court probation department, or a court-ordered community service program, or both.
- (5) Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(f) If license sanctions are imposed, immediately upon the entry of a court-ordered sanction pursuant to subsection (d) hereof, the court shall order the person convicted for the violation to surrender to the court his or her operator's or chauffeur's license. The court shall immediately forward a notice of court-ordered license sanctions to the Secretary of State. If the license is not forwarded to the Secretary

of State, an explanation of the reason why the license is absent shall be attached. If the finding is appealed to the circuit court, the court may, ex parte, order the Secretary of State to stay the suspension issued pursuant to this section pending the outcome of the appeal. Immediately following imposition of the sanction, the court shall forward a notice to the Secretary of State indicating the sanction imposed.

(g) A peace officer who has reasonable cause to believe a person less than twenty-one years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are

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admissible in a criminal prosecution to determine whether the person less than twenty-one years of age has consumed or possessed alcoholic liquor. A person less than twenty-one years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a State civil infraction and may be ordered to pay a civil fine of not more than one hundred dollars (\$100.00).

(h) A City official entrusted with law enforcement, upon determining that a person less than eighteen years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being M.C.L.A. 722.1 to 722.6, allegedly consumed, possessed, or purchased, or attempted to consume, possess, or purchase, alcoholic liquor in violation of subsection (a) hereof, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than forty-eight hours after the law enforcement agency determines that the person who allegedly violated subsection (a) hereof is less than eighteen years of age and not emancipated pursuant to Act No. 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice, including, but not limited to, notice in person, by telephone, or by first class mail. If a person less than seventeen years of age is incarcerated for violating subsection (a) hereof, his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(i) This section does not prohibit a person less than twenty-one years of age 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.

(j) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this Act.

(k) The consumption of alcoholic liquor by a person less than twenty-one years of age who is enrolled in a course offered by an accredited post-secondary 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 necessary ingredient of the course.

(l) The consumption by a person less than twenty-one years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this Act.

(m) Subsection (a) hereof does not apply to a person less than twenty-one years of age who participates in either or both of the following:

(1) An undercover operation in which the person less than twenty-one years of age 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.

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(2) An undercover operation in which the person less than twenty-one years of age purchases or receives alcoholic liquor under the direction of the State Police, the Commission, or a local police agency as part of an enforcement action, provided that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than twenty-one years of age is under the direction of the State Police, the Commission, or the local police agency and is part of the undercover operation. The State Police, the Commission, or a local police agency shall not recruit or attempt to recruit a person less than twenty-one years of age for participation in an undercover operation at the scene of a violation of subsection (a) hereof, being M.C.L.A. 436.22 or M.C.L.A. 436.33.

(n) As used in this section:

(1) "Probate court disposition" means an order of disposition of the probate court or the family division of the circuit court for a child found to be within the provisions of Chapter XIA of Act No. 288 of the Public Acts of 1939, being M.C.L.A. 712A.1 to 712A.32.

(2) "Work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

(Ord. 245. Passed 7-8-98.)

606.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.

This section previously provided a separate penalty for a violation of Section 606.03, from Ord. 228-1, passed April 7, 1993. The penalty was repealed by Ordinance 245, passed July 8, 1998. See Section 606.04.)

CHAPTER 610

Animals

- 610.01 Purpose.
- 610.02 Definitions.
- 610.03 Cruelty to animals; killing or injuring.
- 610.04 Animal nuisances.
- 610.05 Maximum number of animals permitted.
- 610.06 Prohibited animals.
- 610.07 Keeping of vicious dogs.
- 610.08 Rabies prevention.
- 610.09 Impounding; enforcement.
- 610.10 Surrender of dogs.
- 610.99 Penalty.

CROSS REFERENCES

Animal pounds - CHTR. Ch. 15; M.C.L.A. Secs. 123.301 et seq.,
750.70

Animal diseases generally - see M.C.L.A. Secs. 287.2 et seq.

Animals generally - see M.C.L.A. Secs. 287.2 et seq., 750.49
et seq., 752.21 et seq.

Noise from animals - see GEN. OFF. 666.06(b)(4)

Hunting - see GEN. OFF. 692.01

610.01 PURPOSE.

The purpose of this chapter is to promote harmonious relationships in the interaction between man

and animal by:

- (a) Delineating the animal owner's or harborer's responsibility for the acts and behavior of his or her animals at all times;
- (b) Providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (c) Encouraging responsible pet ownership; and
- (d) Limiting the type, amount and control of animals within the City.

(Ord. 207. Passed 9-13-89.)

610.02 DEFINITIONS.

As used in this chapter:

(a) "Animal" means any mammal, domestic or wild, other than man, which may be affected by rabies. "Animal" can also mean poultry, including, but not limited to, chickens, ducks and geese, either domestic or wild.

(b) "Animal nuisance" means a condition or situation when an animal:

- (1) Runs uncontrolled;
- (2) Molests or disturbs persons or vehicles by chasing, barking or biting;
- (3) Attacks other animals;
- (4) Damages property other than that of the owner or harborer;

(5) Barks, whines, howls, honks, brays, cries, meows or makes other noises excessively;

(6) Creates noxious or offensive odors;

(7) Defecates upon any public place or upon premises not owned or controlled by the owner or harborer, unless the feces are promptly removed by the animal owner or harborer;

(8) Is unconfined at any time unless vaccinated against rabies within the past year, and unless such animal has a tag on its collar showing such current vaccination. This subsection shall apply to any animal six months of age or older.

(9) Creates an insect breeding and/or attraction site due to an accumulation of excreta.

(c) "Animal shelter" means a licensed facility, public or private, used to confine and house animals that are seized, lost, abandoned or given over by owners.

(d) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced, and so that the saliva of the biting animal has contacted the resulting break or abrasion of the skin.

(e) "Boarding kennel" means a licensed facility other than an animal hospital, the City pound or an animal shelter where animals, normally dogs and cats, not owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.

(f) "Cat" means any member of the animal species *Felis Catus* six months or more in age.

(g) "Control" of an animal means that the same is on a leash not more than eight feet in length, is on or within a vehicle being driven or parked, or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

(h) "Dog" means any member of the animal species *Canis Familiaris* six months or more in age.

(i) "Domestic animal" means and includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

(j) "Harborer" means any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.

(k) "Owner" is any person having the right of property in any animal, who keeps an animal, who has an animal in his or her care or custody, or knowingly permits an animal to remain on or about any premises occupied by him or her.

(l) "Person" means any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(m) "Poultry" means and includes chickens, ducks, geese and other fowl.

(n) "Vaccination" means the administration of antirabic vaccine by a licensed veterinarian at such intervals as required by State statutes and the State Department of Agriculture.

(o) "Vicious (dangerous) animal" means any animal, domestic or wild, which may attack a person where he or she may lawfully be at any time, without provocation, or any animal that bites or otherwise injures a human or other animal.

(p) "Voice control" refers to the situation when an animal:

(1) Is physically capable of hearing normal commands;

(2) Is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;

(3) Has been adequately trained in obedience so as to be capable of understanding control commands; and

(4) Either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

(Ord. 207. Passed 9-13-89.)

610.03 CRUELTY TO ANIMALS; KILLING OR INJURING.

It shall be unlawful for any person to:

(a) Beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the City;

(b) Kill or wound, or attempt to kill or wound, or take the eggs or young of, any game or song bird;

(c) Knowingly poison or cause to be poisoned any domestic animal, except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property;

(d) Give away any domestic animal as a prize for or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement when the offer is for the purpose of attracting trade; or

(e) Fail to provide a domestic animal with necessary food, bedding, shelter or protection from the weather. (Ord. 207. Passed 9-13-89.)

(f) Willfully and maliciously kill, maim or injure any animal.

(Ord. 56. Passed 2-11-70.)

610.04 ANIMAL NUISANCES.

It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or

permit such animal to perform, create or engage in any nuisance as defined by Section 610.02. Any animal found acting in any way prohibited by this chapter, in the determination of the City, shall be deemed a nuisance and its owner or harborer shall be subject to enforcement action. (Ord. 207. Passed 9-13-89.)

610.05 MAXIMUM NUMBER OF ANIMALS PERMITTED.

(a) It shall be unlawful for any resident of the City to have more than three animals, of any combination thereof, in any residence or apartment or on any parcel of land within the City.

(b) No owner or person who has custody of a dog or cat that has puppies or kittens may retain the puppies or kittens born of the dog or cat in such number as exceeds the permissible number set forth in subsection (a) hereof, for more than twelve weeks after the birth of the animals. If, after the expiration of such twelve weeks, there remain more than three dogs or three cats, or any combination thereof, in any one residence or apartment, the owner or person in custody of the dogs or cats shall be subject to enforcement action. (Ord. 207. Passed 9-13-89.)

610.06 PROHIBITED ANIMALS.

No person shall bring into, keep, maintain, offer for sale or barter, in the City, except if available for purchase in any licensed pet store, any of the following:

(a) Any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile, including snakes;

(b) Any snake not indigenous to this State;

(c) Any bees or beehive. Any beehive used or occupied by bees is hereby declared to be a nuisance, and it shall be unlawful to keep or maintain any such hive in the City.

(d) Any domestic animal, as defined in Section 610.02, other than dogs and cats, and any poultry or domestic fowl, other than household pets such as canaries and parakeets;

(e) Any vicious (dangerous) animal;

(f) Nonhuman primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarins, lemurs, lorises and galagos; or

(g) Any cattle, horses, sheep, goats or other domestic animals not already specified.

This section shall not prohibit a circus or other entertainment organization, or an educational, scientific or medical institution, which has obtained any required permits, from keeping such animals where the same are securely and humanely confined.

(Ord. 207. Passed 9-13-89.)

610.07 KEEPING OF VICIOUS DOGS.

(a) For the purposes of this section, "vicious dog" means:

(1) Any dog with a propensity, tendency or disposition to attack, to cause injury to, 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 the type of circumstances that would be justifiable; 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 tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

(b) 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 inanimate objects such as trees, posts, buildings, etc. In addition, all such dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine such dogs must be locked with a key or combination lock when such animal(s) are within the structure. Such 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 the ground to a depth of not less than two feet. All structures erected to house such dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Escape from confinement. No vicious dog may be kept on a porch or patio or in any part of a house or structure that would allow the dog to exit such building of 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 City shall, within ten days of the effective date of this chapter (Ordinance 207, passed September 13, 1989) display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG." In addition, similar signs are required to be posted on the kennel or pen of such animal(s).

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

(Ord. 207. Passed 9-13-89.)

610.08 RABIES PREVENTION.

(a) Any person who has in his or her possession any animal which has contracted rabies, which has been subjected to the same, which is suspected of having rabies or which has bitten any person, shall, upon demand of any police officer or health officer, produce and surrender up such animal to be held for observation as hereinafter provided.

(b) Any person owning or harboring any animal which has been attacked or bitten by any cat or other animal showing the symptoms of rabies shall immediately notify the Police Department of his or her possession of such animal.

(c) Any animal impounded for observation for rabies shall be held until released by the Chief of Police or otherwise disposed of. Any animal impounded for having bitten any person shall be held for not less than five days. If any complaint has been made and filed before any court having jurisdiction of such cases, whereby an order that such animal be killed or confined is sought, then such animal shall be held for such further time until such case is finally disposed of. All other impounded animals under this chapter shall be held for not less than forty-eight hours and shall be released to their respective owners upon payment of such reasonable fee as the City Manager may establish, with the approval of Council.

(d) The Police Department shall notify the owner of every animal which is impounded, if the owner of such animal can be ascertained, as soon as possible after such animal has been impounded.

(e) After such animal has been kept for forty-eight hours and has not been claimed by its owner, such animal may be destroyed in a humane manner if it is diseased, injured or of little value, or such animal may, at the discretion of the Chief of Police, be sold or given away to any person whom the Chief of Police believes will keep and care for such animal in a proper and humane manner.

(Ord. 207. Passed 9-13-89.)

610.09 IMPOUNDING; ENFORCEMENT.

(a) Any animal in the City which is found doing any of the acts prohibited by, or is at large under circumstances prohibited by, this chapter, or which is suspected of having rabies or of having bitten any person or animal, may be seized and impounded by any police officer of the City.

The person or owner in control of such animal may also be subject to a criminal citation.

(b) Council may, by resolution, authorize County officials to enforce or assist in the enforcement of this chapter.

(Ord. 207. Passed 9-13-89.)

610.10 SURRENDER OF DOGS.

Any dog, though confined within the property of its owner, which is doing any of the acts which are prohibited by this chapter, shall be surrendered by its owner to the possession of any police officer of the City upon demand or by order of the court upon conviction of a violation of any of the provisions of this chapter.

(Ord. 111. Passed 10-12-77.)

610.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 618

Drugs

- | | | | |
|--------|---|--------|---|
| 618.01 | Possession and distribution of controlled substances. | 618.04 | Transportation or possession of usable marihuana; violation as misdemeanor. |
| 618.02 | Paraphernalia. | 618.99 | Penalty. |
| 618.03 | Use or possession of tobacco products by minors. | | |

CROSS REFERENCES

Drugs and medicine generally - see M.C.L.A. Secs. 333.7201 et seq.

Alcoholic beverages - see GEN. OFF. Ch. 606

Drugs in parks - see S.U. & P.S. 1062.05

618.01 POSSESSION AND DISTRIBUTION OF CONTROLLED SUBSTANCES.

(a) No person shall possess, sell, offer for sale, use, distribute, administer, dispense, prescribe or give away any narcotic, narcotic drugs, marijuana or other controlled substance, as defined in M.C.L.A. 333.7201 et seq., as amended. However, nothing contained in this section shall be deemed to prohibit the possession, sale, offering for sale, distributing, administering, dispensing or prescribing of any of the drugs or their derivatives mentioned in this section in the manner and under the circumstances provided in subsection (b) hereof.

(b) A manufacturer, wholesaler, pharmacist, medical doctor, osteopathic physician, dentist, veterinarian, chiropodist or public or private hospital, sanitarium or institution maintained or conducted in whole or in part for the treatment of disability, disease, inebriety or drug addiction may purchase, receive, possess, sell, distribute, prescribe, administer or dispense the narcotic and dangerous drugs, controlled substances and marijuana described in subsection (a) hereof, provided that he, she or it has complied with all provisions as required by the United States Internal Revenue Code, as the same now exists or may be hereafter amended, and M.C.L.A. 333.7201 et seq., as amended. No medical doctor, osteopathic physician or other person specified in this section, in any manner authorized to prescribe narcotic or dangerous drugs, shall prescribe such drugs for his or her own use, nor shall any druggist honor such a prescription. All narcotic or dangerous drugs obtained pursuant to this section shall be kept in the original package or container in which they were received, but this requirement shall not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian or chiropodist, or to any authorized person acting directly under his or her supervision or control.

(c) Any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or other form or concealment for the purpose of obtaining money or any other thing of value by the sale,

furnishing, supplying or giving away of any substance represented to be marijuana or a drug as described in subsection (a) hereof, when the same may or may not be such a drug, shall be deemed a violation of this section.

(Ord. 113. Passed 10-9-77.)

618.02 PARAPHERNALIA.

(a) Definitions. As used in this section, unless the context clearly indicates a different meaning:

- (1) Cocaine spoon means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a cocaine spoon or coke spoon.
- (2) Controlled substance means any drug, substance or immediate precursor enumerated in Schedules 1-5, M.C.L.A. 333.7211, et seq., as amended, commonly known as the Controlled Substances Act of 1971.
- (3) Marijuana or hashish pipe means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.
- (4) Paraphernalia means an empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance.
- (5) Person means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association.

(b) Prohibitions. No person shall sell, offer for sale, display, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance.

(c) Exceptions. The prohibition contained in subsection (b) hereof shall not apply to

manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists 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-injection.

(Ord. 175. Passed 6-11-86.)

618.03 USE OR POSSESSION OF TOBACCO PRODUCTS BY MINORS.

(a) No person under eighteen years of age shall possess or use cigarettes, cigars, chewing tobacco, snuff, or tobacco in any other form in the City.

2013 Replacement

(b) Any person who violates the provisions of this section is guilty of a misdemeanor, punishable by imprisonment for not more than ninety-three days or a fine of not more than five hundred dollars (\$500.00), or both.

(Ord. 08-04. Passed 3-12-08.)

618.04 TRANSPORTATION OR POSSESSION OF USABLE MARIHUANA; VIOLATION AS MISDEMEANOR.

A person shall not transport or possess usable marihuana as defined in section 26423 of the Public Health Code, 1978 PA 368, M.C.L.A. 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is one or more of the following:

- (a) Enclosed in a case that is carried in the trunk of the vehicle.
- (b) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

(Ord. 2013-01. Passed 4-17-13.)

618.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2013 Replacement

CHAPTER 660
Offenses Relating to Persons

- | | | | |
|--------|---|--------|---------------------------|
| 660.01 | Assault and assault and battery of individual; domestic violence. | 660.03 | Harboring runaway minors. |
| 660.02 | Menacing. | 660.99 | Penalty. |

CROSS REFERENCES

- Use or possession of tobacco products by minors - see GEN. OFF. 618.03
- Disorderly conduct - see GEN. OFF. 666.01
- Profanity - see GEN. OFF. 666.02
- Public intoxication - see GEN. OFF. 666.03
- Peace disturbances in schools - see GEN. OFF. 666.04
- Open house parties - see GEN. OFF. 666.05
- Spitting - see GEN. OFF. 676.05
- Loitering in drive-in restaurants - see B.R. & T. 810.01

660.01 ASSAULT AND ASSAULT AND BATTERY OF INDIVIDUAL; DOMESTIC VIOLENCE.

(a) A person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three days or a fine of not more than five hundred dollars (\$500.00), or both.

- (1) An individual shall commit an assault by, with intent, attempting to commit a battery, or otherwise committing an unlawful act, which places another in reasonable apprehension of receiving an immediate battery.
- (2) An individual is guilty of assault and battery, by committing a willful act of touching another person in consummation of an assault.

(b) A person who assaults or assaults and batters a family or household member, in an act of domestic violence, is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three

days or a fine of not more than five hundred dollars (\$500.00), or both.

(1) "Domestic violence" means the occurrence of any of the following by a person that is not in act of self-defense:

- A. Causing or attempting to cause physical or mental harm to a family or household member;
- B. Placing a family or household member in fear of physical or mental harm;
- C. Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; and
- D. Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(2) "Family or household member" means any of the following:

- A. A spouse or former spouse;

2009 Replacement

- B. An individual with whom the person resides or has resided;
- C. An individual with whom the person has or has had a dating relationship (dating relationship means frequent intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context);
- D. An individual with whom the person is or has engaged in a sexual relationship;
- E. An individual to whom the person is related or was formerly related by marriage;
- F. An individual with whom the person has a child in common; and
- G. The minor children of any of the preceding persons.

(Ord. 102. Passed 3-9-77; Ord. 237. Passed 10-11-00; Ord. 02-04. Passed 12-11-02.)

660.02 MENACING.

No person shall, by a physical act, intentionally place or attempt to place another person in fear of imminent physical injury or recklessly engage in conduct which creates a substantial risk of physical injury to another person.

(Ord. 102. Passed 3-9-77.)

660.03 HARBORING RUNAWAY MINORS.

(a) No person shall knowingly and willfully aid or abet a minor child under the age of seventeen years to violate an order of any court, or knowingly or willfully conceal a minor child having taken flight of the custody of the court, a parent or legal guardian.

(b) No person shall be any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of seventeen years to become neglected or delinquent.

(c) A person who commits either of the above prescribed conduct shall be guilty of a misdemeanor punishable by imprisonment for not more than ninety-three days or a fine of not more than five hundred dollars (\$500.00), or both.

(Ord. 08-03. Passed 3-12-08.)

660.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2009 Replacement

CHAPTER 662

Offenses Relating to Property

- 662.01 Burglary.
- 662.02 Theft.
- 662.03 Robbery.
- 662.04 Criminal trespass.
- 662.05 Destruction of trees, shrubs, plants or soil.
- 662.06 Property destruction.
- 662.07 Defacing or damaging school property.
- 662.08 Criminal tampering.
- 662.09 Desecration.
- 662.99 Penalty.

CROSS REFERENCES

Real estate generally - see M.C.L.A. Secs. 554.1 et seq.

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913

Theft generally - see M.C.L.A. Secs. 750.356 et seq.

Malicious destruction of property - see M.C.L.A. Secs. 750.377a, 750.377b

Injuring dogs - see GEN. OFF. 610.07

Injury to sewerage system - see S.U. & P.S. 1040.06

Property destruction in parks - see S.U. & P.S. 1062.01

662.01 BURGLARY.

No person shall knowingly enter or remain unlawfully in a building with the intent to commit therein a crime against a person or property.

(Ord. 106. Passed 3-9-77.)

662.02 THEFT.

(a) Definitions. As used in this section:

(1) "Deception" means and occurs when a person knowingly:

A. Creates or confirms another's impression which is false and which the defendant does not believe to be true;

B. Fails to correct a false impression which the defendant previously has created or confirmed;

C. Prevents another from acquiring information pertinent to the disposition of the property involved;

D. Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether that impediment is or is not a matter of official record; or

E. Promises performance which the defendant does not intend to perform or knows will not be performed.

2002 Replacement

GENERAL OFFENSES CODE 12B

"Deception" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed.

"Puffing" means an exaggerated commendation of wares in communications addressed to the public or to a class or a group.

(2) "Deprive permanently" means:

A. To withhold property or cause it to be withheld from a person permanently or for so extended a period or under such circumstances that the major portion of its economic value, or of the use and benefits thereof, is lost to him or her;

B. To dispose of the property so as to make it unlikely that the owner will recover it;

C. To retain the property with intent to restore it to the owner if the owner purchases or leases it back or pays a reward or compensation for its return;

D. To sell, give, pledge or otherwise transfer any interest in the property; or

E. To subject the property to the claim of a person other than the owner.

(3) "Obtains or exerts control" or "obtains or exerts control over property" means and includes, but is not limited to, the taking or carrying away of, or the sale, conveyance or transfer of title to, interest in, or possession of, property, and includes, but is not limited to, conduct heretofore defined or known as common law larceny by trespassory taking, common law larceny by trick, larceny by conversion, embezzlement, extortion or obtaining property by false pretenses.

(4) "Owner" means a person, other than the defendant, who has possession or any other interest in the property involved, even though that interest or possession is unlawful, and without whose consent the defendant has no authority to exert control over the property.

(5) "Property" means any money, personal property, real property, thing in action, evidence of debt or contract, or article of value of any kind.

(6) "Theft" means:

A. To knowingly obtain or exert unauthorized control over property of the owner thereof;

B. To knowingly obtain by deception control over property of the owner thereof; or

C. To intend to permanently deprive the owner of such property.

(b) The crime of theft is committed when a person, under paragraph (a)(6) hereof, takes property of any value from the person of another.

(c) The crime of theft is committed when a person takes property of any value from the person of another or in a building or from a vehicle or from any other location. (Ord. 106. Passes 3-9-77.)

662.03 ROBBERY.

No person, in the course of committing a theft, shall:

- (a) Use force against the person of the owner of the property involved, or of any other person present, with intent to overcome his or her physical resistance or physical power of resistance; or
- (b) Threaten the imminent use of force against the person of anyone who is present with intent to compel acquiescence to the taking of or escaping with the property involved. (Ord. 106. Passed 3-9-77.)

662.04 CRIMINAL TRESPASS.

No person shall knowingly:

- (a) Enter or remain unlawfully in a dwelling;
- (b) Enter or remain unlawfully in or upon any premises; or
- (c) Enter or remain unlawfully in or upon premises which are enclosed in a manner designed to exclude intruders or which are fenced.

(Ord. 103. Passed 3-9-77.)

662.05 DESTRUCTION OF TREES, SHRUBS, PLANTS OR SOIL.

(a) No person shall willfully, wantonly and without cause cut down, destroy or injure any tree, shrub, grass, turf, plant, crops or soil of another, that is standing, growing or located on the land of another. A person convicted under this section shall be required to make full restitution for any damage done.

(b) Within thirty days after the conviction of a person for a violation of subsection (a) hereof, who committed the offense with a vehicle, as defined in Section 79 of Act 300 of the Public Acts of 1949, being M.C.L.A. 257.79, a complaint may be made by the arresting officer or the officer's superior before the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle with which the offense took place, praying that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue an order to the owner of the motor vehicle to show cause why the motor vehicle shall not be impounded. The order to show cause shall have a date and time fixed in the order for hearing, which date shall not be less than ten days after the issuance of the order, and shall be served by delivering a true copy to the owner not less than three full days before the date of hearing, or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the State, service may be made upon the Secretary of State as provided in Section 403 of the Michigan Vehicle Code, Act 300 of the Public Acts of 1949, as amended, being M.C.L.A. 257.403. If the court

determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the offense the motor vehicle was involved in the commission of said offense, the court shall authorize the impounding of the vehicle for a period (to be determined by the court) of not less than fifteen days nor more than thirty days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession, without other process, of the motor vehicle, wherever located, and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. Appeal shall lie from the order to the Circuit Court of the County and the provisions governing the taking of appeals from judgments for damages shall be applicable to the appeal. This section shall not prevent a bona fide lien holder from exercising rights under a lien.

(c) In a complaint under this section, it is sufficient to allege the offense in the language of this section, and it is not necessary to allege that the intent was malicious.

(Ord. 235. Passed 4-17-96.)

662.06 PROPERTY DESTRUCTION.

(a) No person, with intent to damage property and having no right to do so or any reasonable grounds to believe that he or she has such a right, shall damage any property of any value over one dollar (\$1.00).

(Ord. 103. Passed 3-9-77.)

(b) No person shall destroy, injure or deface, or in any manner interfere with or hinder the use of, any public building or any public property whatsoever.

(Ord. 56. Passed 2-11-70.)

662.07 DEFACING OR DAMAGING SCHOOL PROPERTY.

(a) No person shall mark with any substance or in any other manner deface or do damage to any building owned, occupied or otherwise used as a school in the City.

(b) No person shall mark with any substance or in any other manner deface or do damage to any fence, tree, lawn or other fixture situated on lands owned, occupied or otherwise used by a school in the City.

(Ord. 58. Passed 8-12-70.)

662.08 CRIMINAL TAMPERING.

No person, having no right to do so or any reasonable grounds to believe that he or she has such a right, shall tamper with the property of another with intent to cause substantial inconvenience to that person or to another.

(Ord. 106. Passed 3-9-77.)

662.09 DESECRATION.

No person shall intentionally:

(a) Desecrate any public monument or structure or place of worship or burial; or

(b) Desecrate in a public place the National or State flag or any other subject of veneration by the public or a substantial segment thereof.

(Ord. 106. Passed 3-9-77.)

662.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 666

Peace Disturbances

- 666.01 Disorderly conduct.
- 666.02 Profane language.
- 666.03 Public intoxication.
- 666.04 Peace disturbances in schools.
- 666.05 Open house parties.
- 666.06 Noise.
- 666.99 Penalty.

CROSS REFERENCES

Disorderly conduct generally - see M.C.L.A. Secs. 750.167
et seq., GEN. OFF. 660.01

Gambling - see M.C.L.A. Secs. 750.301 et seq.

Prostitution - see M.C.L.A. Secs. 750.448 et seq.

Peace disturbances by animals - see GEN. OFF. 610.04

Operation of businesses to constitute nuisance - see B.R. & T.
802.11

Disorderly conduct in drive-in restaurants - see B.R. & T.
810.01

Peace disturbances by peddlers - see B.R. & T. 850.09

Abatement of nuisances - see S.U. & P.S. 1020.04

No person shall engage in disorderly conduct in the City. A person shall be deemed to be engaged in disorderly conduct if he or she is:

- (a) A person of sufficient ability who refuses or neglects to support his or her family;
- (b) A common prostitute;
- (c) A window peeper;
- (d) A person who engages in an illegal occupation or business;
- (e) A person in the possession of alcoholic beverages on any public school grounds within the City;
- (f) A person who is engaged in indecent or obscene conduct in a public place;
- (g) A vagrant;
- (h) A person found begging in a public place;
- (i) A person found loitering in a house of ill fame or prostitution or a place where prostitution or lewdness is practiced, encouraged or allowed;
- (j) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted;
- (k) A person who loiters in or about a police station, police headquarters building, doctor's office, 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;

- (l) A person who is found jostling or roughly crowding people unnecessarily in a public place;
- (m) A person who engages in fighting or in violent, tumultuous or threatening behavior;
- (n) A person who makes unreasonable noise;
- (o) A person who, without lawful authority, disturbs any lawful assembly or meeting;
- (p) A person who obstructs vehicular or pedestrian traffic;
- (q) A person who congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse;
- (r) A person who creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

(Ord. 167. Passed 9-10-86.)

(s) A person who telephones any other person repeatedly or causes any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his or her family, whether or not conversation ensues, except for telephone calls made for legitimate business purposes, or who uses any threatening, vulgar, indecent, obscene, immoral or insulting language over a telephone.

666.02 PROFANE LANGUAGE.

No person shall use profane or obscene language in a public place in the City.

(Ord. 56. Passed 2-11-70.)

666.03 PUBLIC INTOXICATION.

No person shall be intoxicated in a public place and either directly endanger the safety of another person or of property or act in a manner that causes a public disturbance.

(Ord. 167. Passed 9-10-86.)

666.04 PEACE DISTURBANCES IN SCHOOLS.

(a) As used in this section, "student" means any person of school age and enrolled in the school at which he or she is then present.

(b) No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in making any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such school or class thereof.

(c) No person, while on public or private grounds adjacent to any building or land owned, occupied or otherwise used by a school in the City, in or on which building or land any gathering or function is

in progress, whether in the day or night, shall willfully make or assist in making any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

(d) No person, while in any building owned, occupied or otherwise used by a school in the City, shall utter any profane, indecent or immoral language towards any person or while within the hearing of any other person.

(e) No person, not a student or employee of any school located in the City, or not a parent or guardian of any student enrolled therein, shall remain in any school during normal school hours without securing the written permission of the principal or person in charge of the school.

(f) No person, not a student or employee of any school located in the City, or not a parent or guardian of any student enrolled therein, shall remain on any lands owned, occupied or used by any school in the City, and adjacent to a school, without securing the written permission of the principal or person in charge of the school.

(Ord. 58. Passed 8-12-70.)

666.05 OPEN HOUSE PARTIES.

(a) Definitions. As used in this section:

(1) "Adult" means a person seventeen years of age or older.

(2) "Alcoholic beverage" means any beverage containing more than one-half percent of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with M.C.L.A. 436.2, as amended.

(3) "Control" means any form of regulation or dominion, including a possessory right.

(4) "Drug" means a controlled substance as defined now or hereafter by the Public Acts of the State. Currently, controlled substances are defined by M.C.L.A. 333.7211 et seq., as amended.

(5) "Minor" means a person not legally permitted, by reason of age, to possess alcoholic beverages pursuant to M.C.L.A. 436.33b, as amended.

(6) "Open house party" means a social gathering of persons at a residence, other than the owner or persons with rights of possession, or their immediate family members.

(7) "Residence" means a home, apartment, condominium or other dwelling unit, and includes the curtilage of such dwelling unit.

(b) No adult having control of any residence shall allow an open house party to take place at such residence if any alcoholic beverage or drug is possessed or consumed at such residence by any minor,

where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at such residence, and where the adult failed to take reasonable steps to prevent such possession or consumption of the alcoholic beverage or drug at such residence.

(c) This section shall not apply to legally protected religious observances or legally protected educational activities.

(Ord. 176. Passed 6-11-86.)

666.06 NOISE.

(a) Definitions. As used in this section:

(1) "Commercial area" means a parcel of land zoned for or legally used for commercial purposes. A parcel of land which is zoned B-1, B-2, B-3 or OS-1, or which is legally being devoted to a use which is a principal permitted use in such zoning district, is presumed to be such an area.

(2) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

(3) "Continuous noise" means any noise whose level varies less than five dB(A) during a period of at least five minutes.

(4) "Daytime," unless otherwise specifically noted, means the hours from 7:00 a.m. to 10:00 p.m.

(5) "dB(A)" means decibels on the A-weighted network of a sound-level meter as specified in American National Standards Institute (ANSI) Standards 5-1.4, 1971.

(6) "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

(7) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(8) "Impulsive noise" means a short burst of sound not exceeding ten seconds in duration.

(9) "Industrial area" means a parcel of land zoned for or used for industrial purposes. A parcel of land which is zoned I-1 or I-2 or is legally being devoted to a use which is a principal permitted use in such zoning district is presumed to be such an area.

(10) "Intermittent noise" means any noise whose level remains constant and which goes on and off during a course of measurement of at least ten seconds, or goes on and off during a period of at least five minutes, but which exceeds ten seconds in duration each time that it is on.

(11) "Nighttime," unless otherwise specifically noted, means the hours from 10:00 p.m. to 7:00 a.m.

(12) "Noise" means any sound occurring on either a perpetual, continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound,

including sound and vibration of subaudible frequencies.

(13) "Noise disturbance" means any noise which:

- A. Endangers or injures the safety or health of humans or animals; or
- B. Annoys or disturbs a reasonable person of normal sensibilities; or
- C. Endangers or injures personal or real property.

(14) "Perpetual noise" means any noise whose level varies less than three dB(A) during a period of at least thirty minutes.

(15) "Person" means any individual, association, partnership or corporation.

(16) "Real property boundary" means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

(17) "Receiving land use" means the use (commercial, industrial or residential) of the land on or at which a noise is received.

(18) "Residential area" means a parcel of land zoned for or legally used for residential purposes. A parcel of land which is zoned R-1, R-2, R-3, R-T, LDMS or HDMS, or which is legally being devoted to a use which is a principal permitted use in such zoning district, is presumed to be such an area.

(19) "Weekday" means any day, Monday through Friday, which is not a legal holiday.

(b) Prohibited Acts. It shall be unlawful for any person to unreasonably make, continue or cause to made or continued any noise disturbance as follows. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from the provisions of this section.

(1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

A. In such a manner as to create a noise disturbance across a real property boundary;

B. In such a manner as to create a noise disturbance at fifty feet from such device, when operated in or on a motor vehicle on a public right of way or public space or in a boat on public waters;

C. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(2) Loudspeakers; public address systems.

A. Using or operating, for any noncommercial purpose, any loudspeaker, public address system or similar device during the nighttime so that the sound therefrom creates a noise disturbance across a residential real property boundary.

20A Peace Disturbances 666.06

B. Using or operating, for any commercial purpose, any loudspeaker, public address system or similar device so that:

1. The sound therefrom creates a noise disturbance across a real property boundary; or
2. During the nighttime or on a public right of way or public space.

(3) Street sales. Offering for sale or selling anything by shouting or outcry within a residential or commercial area of the City, except with a permit or license issued pursuant to any other provision of these Codified Ordinances.

(4) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued durations, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary.

(5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects during the nighttime in such a manner as to cause a noise disturbance across a residential real property boundary.

(6) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(7) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 100 dB(A) as read by the slow response of a sound-level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place near each public entrance, stating "Warning: Sound Levels Within May Cause Permanent Hearing Impairment."

(8) Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right of way.

(9) Motorboats. Operating or permitting the operation of any motorboat on any lake, river, stream or other waterway in such a manner as to exceed a sound level of eighty-five dB(A) measured from a distance of fifty feet or from the nearest shoreline, whichever distance is less.

(10) Domestic power tools. Operating or permitting the operation of any

mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas during the nighttime so as to cause a noise disturbance across a residential real property boundary, except in an emergency.

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(c) Impulsive Noise Levels; Prohibitions.

(1) Except as otherwise provided in this section, it shall be unlawful for any person to operate or cause or permit to be operated any source of impulsive noise within the City which exceeds the maximum permissible sound levels established in this subsection, when measured at or within the real property boundary line of the receiving land use.

(2) Maximum permissible sound levels for receiving land uses are hereby established as follows:

	Daytime	Nighttime
A. Residential area	80dB(A)	70dB(A)
B. Commercial area	90dB(A)	80dB(A)
C. Industrial area	100dB(A)	90dB(A)

(d) Intermittent Noise Levels; Prohibitions.

(1) Except as otherwise provided in this section, it shall be unlawful for any person to operate or cause or permit to be operated any source of intermittent noise within the City which exceeds the maximum permissible sound levels established in this subsection, when measured at or within the real property boundary line of the receiving land use.

(2) Maximum permissible sound levels for receiving land uses are hereby established as follows:

	Daytime	Nighttime
A. Residential area	70dB(A)	60dB(A)
B. Commercial area	75dB(A)	65dB(A)
C. Industrial area	80dB(A)	15dB(A)

(e) Continuous Noise Levels; Prohibitions.

(1) Except as otherwise provided in this section, it shall be unlawful for any person to operate or cause or permit to be operated any source of continuous noise within the City which exceeds the maximum permissible sound levels established in this subsection, when measured at or within the real property line of the receiving land use.

(2) Maximum permissible sound levels for receiving land uses are hereby established as follows:

	Daytime	Nighttime
A. Residential area	60dB(A)	50dB(A)
B. Commercial area	65dB(A)	60dB(A)
C. Industrial area	70dB(A)	65dB(A)

(f) Perpetual Noise Levels; Prohibitions.

(1) Except as otherwise provided in this section, it shall be unlawful for any person to operate or cause or permit to be operated any source of perpetual noise within the City which exceeds the maximum permissible sound levels established in this subsection, when measured at or within the real property boundary line of the receiving land use.

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(2) Maximum permissible sound levels for receiving land uses are hereby established as follows:

	Daytime	Nighttime
A. Residential area	50dB(A)	45dB(A)
B. Commercial area	55dB(A)	50dB(A)
C. Industrial area	60dB(A)	55dB(A)

(g) Exemptions. The provisions of subsections (c) through (f) hereof shall not apply to the following:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) The emission of sound in the performance of emergency work.

(3) Warning devices necessary for public safety, such as police, fire and ambulance sirens and horns.

(4) Motor vehicles and equipment for which noise levels are regulated by Act 73 of the Public Acts of 1978, as amended, and/or the Traffic Code of the City.

(5) Aircraft and trains.

(6) The erection (including excavating), demolition, alteration or repair of any building as follows:

A. Between the hours of 8:00 a.m. and 8:00 p.m. on weekdays; or

B. At any other time if a permit for the same has been secured from the

Building Department and if the Department finds the following facts to exist:

1. Issuance of the permit is in the interest of public health or safety; or

2. The public health and safety will not be impaired; or

3. The permit is necessary to avoid substantial loss or inconvenience to an interested party.

(7) The operation of domestic tools, such as lawn mowers, snowblowers, edgers, etc., when such tools are operated in a manner and frequency that is normal and customary in the community.

(h) Complaints. A citizen will not be required to sign a complaint pertaining to a violation of this section if such complaint can be validly signed by the enforcing officer.

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ILLUSTRATIVE GUIDELINES
(SUBSECTIONS (c) THROUGH (f))

	Impulsive		Intermittent		Continuous		Perpetual	
Receiving	Noise		Noise		Noise		Noise	
Land Use	(0 to 10 seconds)		(10 seconds to 5 minutes)		(5 minutes to 30 minutes)		(over 30 minutes)	
	Day	Night	Day	Night	Day	Night	Day	Night
Residential	80	70	70	60	50	50	45	
Commercial	90	80	75	65	65	60	55	50
Industrial	100	90	85	75	70	65	60	55

Act 73 of the Public Acts of 1978, referred to in paragraph (g)(4) hereof, establishes the following levels for motor vehicles:

VEHICLE SIZE

<u>Speed Limit</u>	<u>8,500 lbs. or more</u>	<u>Motorcycles or Mopeds</u>	<u>All Other</u>
35 mph or less	86dB(A)	82dB(A)	76dB(A)
More than 35 mph	90dB(A)	86dB(A)	82dB(A)

NOISE AROUND OUR HOMES

<u>Noise Source</u>	<u>Sound Level for Operator (in dB(A))</u>
Refrigerator	40
Floor fan	35 to 70
Clothes dryer	55
Washing machine	47 to 78
Dishwasher	54 to 85
Hair dryer	59 to 80
Vacuum cleaner	62 to 85
Sewing machine	64 to 74
Electric shaver	75
Food disposal (grinder)	67 to 93
Electric lawn edger	
Home shop tools	
Gasoline power mower	
Gasoline riding mower	
Chain saw	
Stereo	

INTENSITY LEVELS AND HUMAN SPEECH-HEARING

<u>dB</u>	
140	Threshold of pain
130	Feeling of tickle
120	Average threshold of discomfort for pure tones
110	Loud shout at one foot distance
100	Discomfort for speech begins around this level
90	
80	Loud speech
70	
60	Average speech conversation level

50	Faint speech at three foot distance Whisper (average) Very quiet speech (faint) Threshold of hearing (young adult)
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(Ord. 228. Passed 11-10-93.)

666.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

A person served with an appearance ticket for a violation of Section 666.06 may waive his or her rights to an arraignment on such charge and voluntarily enter a plea of guilty thereto and pay a fine of fifty dollars (\$50.00) at the office of the district court clerk, but only if said person has never before been convicted of any violation of such section.

(Ord. 228. Passed 11-10-93.)

CHAPTER 672

Railroads

672.01 Street obstructions.

672.99 Penalty.

CROSS REFERENCES

Notice of hearing of planning municipal commission re master
plan - see M.C.L.A. Sec. 125.38

Railroad crossings - see M.C.L.A. Secs. 253.1 et seq., 253.51
et seq., 469.1 et seq.

Railroads generally - see M.C.L.A. Secs. 462.2 et seq., 463.1 et
seq., 750.511 et seq.

Railroad property - see M.C.L.A. Secs. 469.1 et seq.

672.01 STREET OBSTRUCTIONS.

(a) No railroad company shall permit any of its trains to obstruct any vehicular traffic on public streets or highways for longer than five minutes at any one time.

(b) No railroad company shall permit successive train movements to obstruct any vehicular traffic on any public street or highway until all vehicular traffic previously delayed by such train movement has been cleared or a period of five minutes has elapsed between train movements.

(c) Each offense under this section shall be a separate violation. However, blockings caused by

accident or mechanical failure shall not be offenses under this section, provided that the engineer or person in charge of the train advises the City office, at the time of such blocking, of the reason for the blocking, and, in addition thereto, submits to the City, within ten days thereafter, through his or her superior, a written report of the reasons for the blocking. Failure to comply with both of these reporting requirements shall cause the blocking to constitute an offense under this section.

(Ord. 105. Passed 3-9-77.)

672.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 676
Safety, Sanitation and Health

676.01	Long grass and weeds.	676.05	Spitting.
676.02	Disabled motor vehicles.	676.06	Discharging weapons and playing
676.03	Abandoned refrigerators and airtight containers.		games on streets.
		676.07	Bungee jumping.
676.04	Littering; undesirable accumulations.	676.99	Penalty.

CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs.

325.1 et seq., 327.1 et seq., 750.466 et seq.

Health and sanitation in home rule cities - see M.C.L.A. Secs. 117.3, 117.4i

Municipal health departments - see M.C.L.A. Sec. 327.205

Public safety generally - see M.C.L.A. Secs. 750.493 et seq.

Public health - see CHTR. Ch. 17

Board of Health - see CHTR. Ch. 17; ADM. Ch. 270

Garbage and rubbish in parks - see S.U. & P.S. 1062.02

Nuisance abatement procedure - see S.U. & P.S. 1020.04

676.01 LONG GRASS AND WEEDS.

(a) Prohibitions. It is unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant having control of an occupied or vacant (two acres or less) lot or land, or any part thereof in the City in areas zoned as single-family, residential districts (R-1, R-2, R-3), multiple family (HDMF and LDMF), two-family (R-T), commercial (OS, B-1, B-2, B-3) to permit the following:

- (1) Permit or maintain on any such lot or land any growth or brush, grass, noxious weeds or other vegetation to a height greater than eight inches or any accumulation of dead weeds, grass or brush.

(2) Permit poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land.

(b) Vacant Land. Where any person is the owner of vacant land which is over two acres in size, or any property devoted to any use other than agriculture, the owner must cut back at least fifty feet from the property line that abuts a street and cut back fifty feet from any side and rear property lines that abut an occupied lot.

(c) Penalties. If the provisions of this section are not fully complied with, the City shall serve either personally, or by certified or regular mail, written notice upon the owner, lessee or occupant, or any person having the care or control of any such lot or land to comply with the provisions of this chapter. If the person upon whom the notice is served fails to cut and remove such weeds, grass or other vegetation within five days after the personal notice or the posting

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of certified mail, or if no owner can be found of such lot, the Department of Public Works Superintendent shall cause such weeds, grass and other vegetation to be removed and the actual cost of such cutting and removal plus an additional fifty percent of said cost shall be certified by the Department of Public Works Superintendent and shall become and be a lien upon the property on which such weeds, grass and other vegetation were located, and shall be assessed and collected in the same manner provided in the City Charter for collection of taxes.

(d) Exemptions. The following are exempt from the provisions of this section: flower gardens, vegetable gardens, wetlands, agricultural operations and rough areas of active golf courses in the City. (Ord. 04-01. Passed 5-25-05.)

676.02 DISABLED MOTOR VEHICLES.

(a) The purpose of this section is to regulate and control the storage and maintenance of junk automobiles and other motor vehicles not movable under their own power on private premises within the City, in order to promote the public health, safety, comfort, convenience and general welfare. For the purpose of this section, the fact that a person who allows the storage or maintenance of such a vehicle on his or her premises or land does not own a proprietary interest in such vehicle, shall be immaterial.

(b) As used in this section:

(1) "Disabled motor vehicle" means any motor vehicle which is incapable of being self-propelled upon public streets or which cannot be legally operated upon the public streets and highways of the City. Such term includes, but is not limited to, any motor vehicle which does not meet the requirements of the State for legal operation, including any motor vehicle which does not have required current license plates.

(Ord. 35. Passed 5-11-67.)

(2) "Motor vehicle" means a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and to transport persons or property or to pull machinery, including, without limitation, automobiles, truck trailers, motorcycles, tractors, buggies and wagons.

(Adopting Ordinance)

(c) No person shall park or store a disabled motor vehicle or part thereof on any premises in the City unless such vehicle or part thereof is kept in a wholly enclosed structure. However, one disabled motor vehicle may be kept outside in the side or rear yard of a residential dwelling for the purpose of service and repair of such vehicle for a period not to exceed forty-five days. Further, a disabled motor vehicle may be kept outside in an orderly manner, by those establishments whose business is to service, repair or transport such vehicles, for a period not to exceed ten days.

(d) It shall be the duty of the Police Department to enforce this section.

(Ord. 35. Passed 5-11-67.)

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676.03 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

No person shall leave, outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind which has an airtight snaplock or other device thereon without first removing the snaplock or door from such ice box, refrigerator or container.

(Ord. 22. Passed 12-9-53.)

676.04 LITTERING; UNDESIRABLE ACCUMULATIONS.

(a) Declaration of Nuisance. The acts and conditions described in this section are hereby declared to be nuisances and may be abated in the manner prescribed by law.

(b) Definitions. As used in this section:

- (1) "Abandoned property" means deteriorated, wrecked or derelict property in an unusable condition, having no value other than a nominal scrap or junk value, if any, and which has been left unprotected from the elements, including, but not limited to, deteriorated, wrecked, inoperative or partially dismantled motor vehicles (except motor vehicles subject to removal under M.C.L.A. 257.252, as amended), trailers, semitrailers (without cabs), boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar items in such condition.
- (2) "Enforcement officer" means any employee of the City so designated by Council.
- (3) "Litter" means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances.
- (4) "Private premises" means a dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule and mailbox belonging or pertinent to such dwelling, house, building or other structure, and any portion of a street right of way immediately adjoining such premises, which right of way separates such premises from a roadway.
- (5) "Public or private property or water" includes, but is not limited to the following:
 - A. The right-of-way of a road or highway, a body of water or water course or the shore of a beach of the body of water or water course, including the ice above the water;

- B. A park, playground, building, refuge, or conservation or recreation area;
 - C. Residential or farm properties or timberlands.
- (6) "Vehicle" means every motor vehicle registered under the Michigan Vehicle Code, Act. No. 300 of the Public Acts of 1949, being M.C.L.A. 257.01 to 257.923.
- (7) "Vessel" means a vessel registered under the Marine Safety Act, Act. No. 303 of the Public Acts of 1949, being M.C.L.A. 281.1001 to 281.1199.

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(c) Individual violations.

- (1) No person shall throw or deposit litter in or upon a sidewalk, parkway, gutter, street, alley or other public place in the City, except in public receptacles and authorized receptacles for collection, or at an official collection or disposal site.
- (2) No person shall throw or deposit litter on any occupied or unoccupied private property in the City, whether owned by such person or not, except that the owner or person who is in control of such occupied private property may maintain receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any place.
- (3) A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, 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.
- (4) A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road, or street shall remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

(d) Property Owner Violations.

- (1) Any person who accumulates or permits the accumulation of litter on property on which it is prohibited by this section, shall be deemed to create a public nuisance by such action, and the enforcement officer or his or her duly authorized assistant is hereby authorized to enter into and upon such property to abate such nuisance.
- (2) The cost of the removal of the litter shall be paid by the owner of the premises from which it is removed. If the owner fails to pay such cost, the City Treasurer is hereby authorized to hold a due process hearing. After such hearing, if the decision of the hearing officer is that the charges are just and owing to the City, the same may be added to the next ad valorem tax roll delivered to the City Treasurer for collection and collected in the same manner as ad valorem taxes are collected.
- (3) Whenever the enforcement officer finds an item or items of abandoned property or litter on private premises in the City in violation of this section, he or she shall cause a notice

to be placed upon such item or in the immediate vicinity of several such items in substantially the following form:

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NOTICE TO THE OWNER AND ALL PERSONS
INTERESTED IN THE ATTACHED PROPERTY:

This property, to wit: (setting forth a brief description of the property), located at (setting forth a brief description of the location), is improperly stored in violation of Section 676.04 of the Codified Ordinances of the City of Grand Blanc and must be removed within ____ days from the date of this notice; otherwise, it shall be removed by the City of Grand Blanc and the cost of removal shall be charged to the owner of these premises.

Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall give notice to the owner/occupant of the premises by first class mail addressed to such person's address as contained on the tax records of the City.

If, at the expiration of the time stated in such notice, the items described therein have not been removed, the enforcement officer may cause such items to be removed, and the cost of removal shall be charged, paid and collected in the manner provided in this section.

The person affected by such notice may, prior to the date set for removal of the property, request a hearing by filing such request with the City Manager. Thereupon the City Manager shall appoint a hearing officer to conduct a public hearing in order for the person requesting the hearing to have an opportunity to show cause why he or she should not remove the property in question or why the City should not dispose of such property.

(e) Enforcement and Penalty.

- (1) The enforcement officer, at his or her discretion, may serve upon an individual found violating any of the provisions of this section, a notice of violation directing such person to correct the violation within twenty-four hours, excluding Saturdays, Sundays and holidays. Such notice shall advise such person that his or her failure to correct such violation within such time shall result in enforcement action pursuant to this section.
- (2) The prosecution for a violation of divisions (c) and (d) of this section may be commenced by the issuance of an appearance ticket. The enforcement officer or his or her duly authorized assistant may issue appearance tickets for violations of such subsections.

- (3) A person served with an appearance ticket may waive his or her right to an arraignment on such charge and voluntarily enter a plea of guilty and pay a fine of one hundred dollars (\$100.00) at the office of the District Court Clerk if such person has never before been convicted of a violation of this section.

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- (4) A person electing arraignment on a first offense and found guilty of violating division (c) or (d) of this section, or a person found guilty of violating division (c) or (d) of this section on a second or subsequent occasion, shall be punished as provided in Section 676.99. (Ord. 145. Passed 8-11-82; Ord. 236. Passed 10-11-00.)

676.05 SPITTING.

No person shall spit upon any public sidewalk, upon the floors or interior of any public conveyance or upon the floors or walls of any theater, hall, assembly room, church, school, public building or place of public resort.

(Ord. 56. Passed 2-11-70.)

676.06 DISCHARGING WEAPONS AND PLAYING GAMES ON STREETS.

No person shall throw any stone or other missile dangerous to the public, use any bow and arrow or sling shot, discharge any firearm, play ball or any other game, or throw, catch or strike any ball, in any street in the City.

(Ord. 14. Passed 7-30-40.)

676.07 BUNGEE JUMPING.

(a) Definitions. As used in this section:

- (1) "Participant" means any person who takes part in the act of bungee jumping.
- (2) "Person" means any individual, corporation, partnership, association, joint venture, estate, trust or group of individuals, however organized.
- (3) "Promoter" means any person, including a landowner and/or lessee, who, by any means, promotes, urges, encourages, incites or advances the participation of other persons to engage in bungee jumping.

(b) Prohibited. No person shall engage, as a participant or promoter, in the activity of bungee jumping within the City.

(Ord. 226. Passed 9-9-92.)

676.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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CHAPTER 680
Sex Related Offenses

680.01 Indecent exposure. 680.99 Penalty.

CROSS REFERENCES

Disorderly conduct - see GEN. OFF. 660.01

Open house parties - see GEN. OFF. 666.05

Sex offenses in drive-in restaurants - see B.R. & T. 810.01

680.01 INDECENT EXPOSURE.

No person shall make any lewd or indecent exposure of his or her person in the City.

(Ord. 7. Passed 5-28-30.)

680.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 692
Weapons and Explosives

- 692.01 Hunting; discharging weapons. 692.99 Penalty.
692.02 Possession of dangerous weapons.

CROSS REFERENCES

Storage and transportation of explosives - see M.C.L.A. Sec. 29.3a

Arson - see M.C.L.A. Secs. 750.71 et seq.

Construction or possession of explosive devices - see M.C.L.A. Sec. 750.211a

Noise from weapons and explosives - see GEN. OFF. 666.06(b)(8)

Discharging firearms - see GEN. OFF. 676.06

692.01 HUNTING; DISCHARGING WEAPONS.

No person shall hunt game or discharge any firearm, air rifle, bow and arrow or other dangerous weapon within the City without first obtaining a special permit therefor from Council.

(Ord. 15. Passed 7-30-40.)

692.02 POSSESSION OF DANGEROUS WEAPONS.

(a) It shall be unlawful for any person to be in possession of a knife with a blade more than three inches in length, any blackjack, slingshot, billy (club), metallic knuckles, karate sticks, nunchucks, throwing stars, bludgeon or any other dangerous or deadly weapon or instrument, in any of the streets, alleys, parks, boulevards, or other public property or schools in the City, or in any dance hall, theater, amusement park, liquor establishment, store or other private property generally frequented by the public for purposes of education, recreation, amusement, entertainment, sport, shopping or commerce.

(b) The prohibition contained in this section shall not apply to any person in possession of any such weapon or instrument, when carried or used in good faith as a tool of honest work, trade, business, sport or recreation, when a person in possession of such weapon or instrument is actively engaged in going

to or returning from such honest work, trade, business, sport or recreation, or is transporting such weapon or instrument directly to his or her residence or place of business immediately after purchase, or when licensed by the State of Michigan to carry such a concealed weapon, subject to any and all restrictions upon such license.

(c) Any person who violates the provisions of this section is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than ninety-three days, or both.

(Ord. 08-02. Passed 3-12-08.)

692.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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694.03 RESISTING ARREST; OBSTRUCTION OF JUSTICE.

(a) Prohibitions. A person shall not willfully and knowingly resist, obstruct, oppose, assault, batter, or endanger any peace officer, code enforcement officer, City attorney, judge, or person duly authorized to serve process, rule or order issued by lawful authority, in his or her attempt at execution or enforcement of any ordinance, by-law or rule, or while otherwise acting in the performance of his or her duties.

(b) Penalty. A person who violates this section shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) and/or imprisoned for not more than ninety-three days, or both, for each offense. A separate offense shall be deemed committed as to each such act against a particular officer or official.

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(c) Non-exclusive remedy. Prosecution under this section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(Ord. 08-11. Passed 10-8-08.)

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