

Chapter 24

OFFENSES*

* **State Law References:** Michigan penal code, MCL 750.1 et seq.

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ARTICLE I.

IN GENERAL

Sec. 24-1. No illegal occupation or business.

No person shall engage in any illegal occupation or business.
(Ord. No. 4, art. I, § 1(a), 7-14-1947)

Secs. 24-2--24-20. Reserved.

ARTICLE II.

OFFENSES AFFECTING GOVERNMENTAL FUNCTION

Secs. 24-21--24-43. Reserved.

ARTICLE III.

OFFENSES AGAINST THE PERSON

Sec. 24-44. Window peeping.

No person shall be found looking into the windows or doors of any house, apartment or other residence in the city in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.

(Ord. No. 4, art. I, § 1(f), 7-14-1947)

State Law References: Such person deemed a disorderly person, MCL 750.167(1)(c).

Sec. 24-45. Assault; battery prohibited.

No person shall commit any assault or any assault and battery.

(Ord. No. 4, art. I, § 1(q), 7-14-1947)

State Law References: Assaults, MCL 750.81 et seq.

Secs. 24-46--24-63. Reserved.

ARTICLE IV.

OFFENSES AGAINST PROPERTY

Sec. 24-64. Malicious mischief prohibited.

No person shall maliciously destroy, deface, damage or injure any public property or any private property owned by another.

(Ord. No. 4, art. I, § 1(m), 7-14-1947)

State Law References: Malicious mischief generally, MCL 750.377a et seq.

Sec. 24-65. Misrepresentation to obtain relief is prohibited.

No person shall misrepresent his financial or physical condition for the purpose of obtaining relief from any person or agency.

(Ord. No. 4, art. I, § 1(n), 7-14-1947)

Sec. 24-66. Littering prohibited.

No person shall spit upon or otherwise foul, mar or litter any public sidewalk, or any hallway, stairway or steps in or near any public building or place of worship.

(Ord. No. 4, art. I, § 1(s), 7-14-1947)

Secs. 24-67--24-90. Reserved.

ARTICLE V.

OFFENSES AGAINST PUBLIC PEACE

Sec. 24-91. Loitering.

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

Loitering on private property includes the concepts of spending time idly, loafing or walking aimlessly, and shall also include knowingly or willingly entering upon the property of another, without the consent of the owner, lessee or other person rightfully in charge or possession thereof, if either of the following conditions exist:

- (1) The premises is fenced or enclosed in a manner to exclude intruders; or
 - (2) Notice against trespass is given by posting the premises in a conspicuous manner.
- (b) *Prohibited.* Loitering in a public place prohibited.
- (1) No person shall loiter in a public place in such manner as to:
 - a. Create, or cause to be created, any disturbance or annoyance to the comfort and repose of

any person.

- b. Create, or cause to be created, a danger of breach of the peace.
 - c. Obstruct the free passage of pedestrians or vehicles.
 - d. Obstruct, molest or interfere with any person lawfully in any public place.
- (2) This includes the making of any unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing such remarks are made.

(c) *Request to leave.* Whenever the presence of any person in any public place is causing any of the conditions enumerated in subsection (b) of this section, the owner, lessee or person rightfully in charge or possession thereof or any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so shall be guilty of a violation of this chapter.

(Ord. No. 4, art. I, § 1(i), 7-14-1947)

Sec. 24-92. Begging and soliciting alms by accosting or forcing oneself upon the company of another.

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

Accosting means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or property in his immediate possession.

Ask, beg or solicit means, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) *Exceptions.* Except when performed in the manner and locations set forth in subsections (c) and (d) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

(c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to, or exit from, any public toilet facility;

- (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance to, or exit from, the automated teller machine facility;
- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance to, or exit from, the telephone booth or facility;
- (5) In any public transportation vehicle, bus or subway station, or within 15 feet of any bus stop or taxistand;
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passenger of such vehicle;
- (7) From any person who is waiting in line for entry to any building, public or private, including any residence, business or athletic facility; or
- (8) Within 15 feet of the entrance to, or exit from, a building, public or private, including any residence, business or athletic facility.

(d) *Manner.* It shall be unlawful for any person to solicit money or other things of value by:

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

(Ord. No. 4, art. I, § 1(g), 7-14-1947)

State Law References: Begging deemed disorderly conduct, MCL 750.167(1)(h).

Sec. 24-93. Unnecessary roughness prohibited.

No person shall jostle or roughly crowd or push any person unnecessarily in any street, alley or other public place.

(Ord. No. 4, art. I, § 1(h), 7-14-1947)

State Law References: Similar provisions, MCL 750.167(1)(l).

Sec. 24-94. Language or gestures causing public disorder.

A person shall be deemed guilty of a misdemeanor if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, such person willfully uses abusive or obscene language or makes an obscene gesture to any other person when such words, by their very utterance, inflict injury or tend to incite an immediate breach of the peace and invade the right of others to pursue their lawful activities.

(Ord. No. 4, art. I, § 1(k), 7-14-1947)

Sec. 24-95. Creating a disturbance is prohibited.

No person shall create any disturbance in any public place or at any lawful assembly.
(Ord. No. 4, art. I, § 1(p), 7-14-1947)

State Law References: Disturbing public places, MCL 750.170.

Sec. 24-96. Breach of peace prohibited.

No person shall make any breach of the peace, either by making any unnecessary loud and disturbing noise or by causing any other public disturbance.

(Ord. No. 4, art. I, § 1(r), 7-14-1947)

Sec. 24-97. Disorderly intoxication.

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

(Ord. No. 4, art. I, § 1(b), 7-14-1947)

State Law References: Similar provisions, MCL 750.167(1)(e).

Sec. 24-98. Exciting a disturbance in public prohibited.

No person shall excite any disturbance or contention in any tavern, store, hotel, manufacturing establishment or any other business place, or in any public street or alley, park, public building, or at any election or other public meeting where citizens are lawfully and peacefully assembled.

(Ord. No. 4, art. I, § 1(u), 7-14-1947)

Secs. 24-99--24-124. Reserved.

ARTICLE VI.

OFFENSES AGAINST PUBLIC SAFETY

Sec. 24-125. Discharge of firearms prohibited; exceptions.

No person shall discharge any firearm or air gun except by written permission of a police officer of said city.

(Ord. No. 4, art. I, § 1(d), 7-14-1947)

State Law References: Discharge of weapons, MCL 750.234 et seq.

Sec. 24-126. Fireworks.

No person shall explode any fireworks or firecrackers except by written permission of the city council.

(Ord. No. 4, art. I, § 1(e), 7-14-1947)

State Law References: Fireworks, MCL 750.243a et seq.

Secs. 24-127--24-150. Reserved.

ARTICLE VII.

OFFENSES AGAINST PUBLIC MORALS

Sec. 24-151. Indecent or obscene conduct.

No person shall engage in any indecent or obscene conduct in any street, alley or other public place.
(Ord. No. 4, art. I, § 1(c), 7-14-1947)

State Law References: Similar provisions, MCL 750.167(1)(f).

Sec. 24-152. Accost or entice for mischief.

No person shall accost any person for illegal purposes or endeavor to entice any person into an automobile or other vehicle for illegal purposes.

(Ord. No. 4, art. I, § 1(o), 7-14-1947)

State Law References: Soliciting or accosting, MCL 750.448.

Sec. 24-153. Prostitution.

(a) No person shall engage in prostitution in the city.

(b) No person shall consort in a house of prostitution or place where prostitution or lewdness is practiced, encouraged or allowed.

(c) No person shall harbor or keep in or about his premises any prostitute or permit any prostitution therein.

(Ord. No. 4, art. II, 7-14-1947)

State Law References: Prostitution generally, MCL 750.448 et seq.

Sec. 24-154. Indecent exposure.

It shall be unlawful for any person to knowingly make any indecent exposure of his person or of the person of another.

(Ord. No. 4, art. I, § 1(j), 7-14-1947)

State Law References: Similar provisions, MCL 750.335a.

Secs. 24-155--24-176. Reserved.

ARTICLE VIII.

OFFENSES AFFECTING UNDERAGE PERSONS

DIVISION 1.

GENERALLY

Secs. 24-177--24-205. Reserved.

DIVISION 2.

CURFEW*

* **State Law References:** Curfew for minors, MCL 722.751 et seq.

Sec. 24-206. Establishment of curfew.

No minor under the age of 17 years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, or other unsupervised place, after the hour of 10:30 p.m., unless exempted under this division.

(Ord. No. 17-A, art. I, § 1, 2-2-1948)

Sec. 24-207. Parental responsibility.

No parent, guardian or other adult person having the care or custody of any minor under the age of 17 years shall permit or allow such minor to loiter, idle, wander, stroll or play in or upon any public street, highway, road, alley, park, public building, place of amusement or entertainment or any other unsupervised place, after the hour of 10:30 p.m., unless exempted under this division.

(Ord. No. 17-A, art. II, § 1, 2-2-1948)

Sec. 24-208. Exemptions.

The following activities shall be exempt from the curfew requirements of this division where the minor is:

- (1) Accompanied by his parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor.
- (2) On an errand, without any detour or stop, at the direction of his parent, guardian or caretaker.
- (3) In a vehicle involved in interstate travel.
- (4) Engaged in a certain employment activity, or going to or from employment, without any detour or stop.
- (5) Involved in an emergency.
- (6) On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police.
- (7) In attendance at an official school, religious or other recreational activity sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such an activity, without any detour or stop, and supervised by adults.
- (8) Exercising First Amendment rights, including free exercise of religion, freedom of speech and

the right of assembly.

Sec. 24-209. Penalty--For minors.

Any minor violating any provisions of this chapter shall be deemed to be a delinquent child and may be complained against in the probate court for the county by any police officer of said city.
(Ord. No. 17-A, art. III, § 1, 2-2-1948)

Sec. 24-210. Same--For adults.

Any parent, guardian or other adult person having the care or custody of any minor under the age of 17 years, who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor.
(Ord. No. 17-A, art. III, § 2, 2-2-1948)

Secs. 24-211--24-228. Reserved.

DIVISION 3.

PARENTAL RESPONSIBILITY

Sec. 24-229. Definitions.

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

Criminal acts means those acts which violate the statutes of the state or the regulations of the city and shall include traffic violations and violations of the 10:30 p.m. curfew established in division 2 of this article.

Habitual offender means one who commits two or more criminal acts, or including four or more moving traffic violations, within a 12-month period.

Minor means any juvenile under the age of 17, residing with the parent as defined in this section.

Parent means a mother, father, legal guardian and any other person having the care or custody of a minor or such other adult with whom a minor may be found residing.

Parental neglect, it shall be unlawful for the parent of any minor to fail to exercise reasonable parental control which results in the minor committing any criminal act or to allow or encourage any minor to commit any criminal act or become delinquent in accordance with the probate code as it pertains to juveniles.
(Ord. No. 72-4, § 1, 1-31-1972)

Sec. 24-230. Notification and responsibility.

(a) Whenever a minor shall be arrested or detained for the commission of any criminal act within the city the parent of such minor shall be immediately notified by the police department advising the parent of such arrest or detention, the reason therefor and his responsibility under this division.

(b) A record of such notification shall be kept by the city police department.

(c) The parent of a habitual offender may be deemed guilty of parental neglect and shall be guilty of a misdemeanor, upon conviction thereof be subject to a fine of not more than \$500.00, sentenced to a term of not more than 90 days in jail or placed upon probation of any one or any combination of same with the discretion of the court.

(Ord. No. 72-4, § 2, 1-31-1972)