

Chapter 18

OFFENSES*

Article I. In General

- Sec. 18-1. Presence where an illegal act is being conducted.
Secs. 18-2—18-20. Reserved.

Article II. Offenses Affecting Governmental Functions

- Sec. 18-21. False alarms.
Sec. 18-22. False statement or report.
Sec. 18-23. Over five false alarms in one year.
Sec. 18-24. False identification.
Sec. 18-25. Lending identification.
Sec. 18-26. Patient defined; rescue squad defined; obstruction of justice.
Sec. 18-27. Resisting an officer.
Sec. 18-28. Obscene or profane language.
Sec. 18-29. Disobeying reasonable orders.
Sec. 18-30. Interfering with a police officer.
Secs. 18-31—18-48. Reserved.

Article III. Offenses Against the Person

- Sec. 18-49. Malicious use of service provided by telecommunications service provider.
Sec. 18-50. Window peeping.
Sec. 18-51. Harassment.
Sec. 18-52. Fighting or assault.
Secs. 18-53—18-77. Reserved.

Article IV. Offenses Against Property

- Sec. 18-78. Littering.
Sec. 18-79. Prowling.
Sec. 18-80. Driving or parking on private property.
Sec. 18-81. Entering or remaining on the property of another.
Sec. 18-82. Malicious destruction.
Sec. 18-83. Damaging vegetation.
Sec. 18-84. Tampering with city meters.
Sec. 18-85. Larceny.
Sec. 18-86. Fraud.
Sec. 18-87. Trespassing upon or damaging city property.
Sec. 18-88. Interfering with electrical equipment.
Secs. 18-89—18-119. Reserved.

Article V. Offenses Against Public Peace

- Sec. 18-120. Loitering.
Sec. 18-121. Jostling.
Sec. 18-122. Disturbance of the peace.
Sec. 18-123. Disturbing the peace.
Sec. 18-124. Language or gestures causing public disorder.
Sec. 18-125. Public intoxication.
Sec. 18-126. Disturbance of the neighborhood.

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

PORTLAND CODE

- Sec. 18-127. Disturbance of places of worship.
- Sec. 18-128. Excessive sound from radios, televisions, etc.
- Sec. 18-129. Rioting.
- Secs. 18-130—18-156. Reserved.

Article VI. Offenses Against Public Safety

- Sec. 18-157. Discharging dangerous weapons.
- Sec. 18-158. Hunting.
- Sec. 18-159. Shooting galleries and target ranges.
- Sec. 18-160. Concealed weapons.
- Sec. 18-161. Laser pens; toys resembling firearms.
- Secs. 18-162—18-190. Reserved.

Article VII. Offenses Against Public Morals

- Sec. 18-191. Public nudity.
- Sec. 18-192. Public exposition of genitals.
- Sec. 18-193. Public defecation or urination.
- Sec. 18-194. Illegal conduct.
- Sec. 18-195. Prostitution.
- Sec. 18-196. Drug paraphernalia.
- Sec. 18-197. Use of premises for illegal acts.
- Secs. 18-198—18-217. Reserved.

Article VIII. Offenses on School Grounds

- Sec. 18-218. Local school defined.
- Sec. 18-219. Entry and use of school buildings and property restricted.
- Sec. 18-220. Disturbances prohibited.
- Sec. 18-221. Leaving the property when directed.
- Sec. 18-222. Alcoholic liquors and controlled substances.
- Sec. 18-223. Parking and traffic.
- Secs. 18-224—18-254. Reserved.

Article IX. Offenses Pertaining to Underage Persons

- Sec. 18-255. Curfew.
- Sec. 18-256. Permitting minors to smoke or possess tobacco.
- Sec. 18-257. Possession or consumption of alcoholic liquors by underage persons.
- Sec. 18-258. Furnishing controlled substances or cigarettes to underage persons.

ARTICLE I. IN GENERAL

Sec. 18-1. Presence where an illegal act is being conducted.

No person shall knowingly be present in or about a place where an illegal act, occupation or business is being done or conducted.

(Code 1972, § 20.201; Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.167(1)(j).

Secs. 18-2—18-20. Reserved.

ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS

Sec. 18-21. False alarms.

No person shall knowingly turn in any false alarm of fire, burglary, intrusion, felony, misdemeanor, hazard or injury to any public authority, police agency, fire department or dispatching center.

(Code 1972, § 20.201(24); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

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

Sec. 18-22. False statement or report.

No person shall knowingly make a false statement or report to a police officer or other law enforcement official acting in the course of his lawful duty or an investigation.

(Code 1972, § 20.201(25); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—False report of crime, MCL 750.411a.

Sec. 18-23. Over five false alarms in one year.

No person shall create a situation or allow a situation to continue that results in over five false alarms to the police department in one year.

(Code 1972, § 20.201(45); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

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

Sec. 18-24. False identification.

No person shall possess or give false identification to any person lawfully requesting same.

(Code 1972, § 20.201(32); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-25. Lending identification.

No person shall lend his identification to another for illegal purposes.

(Code 1972, § 20.201; Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-26. Patient defined; rescue squad defined; obstruction of justice.

(a) Patient means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(b) Rescue squad means any employee of the city who is an attendant, a driver, attendant-driver, or other trained or qualified individual who is responsible for the operation of any ambulance and/or the care of patients.

(c) No person shall negligently or willfully obstruct, resist, hinder or impede any member of the police department or ambulance department or rescue squad in passing through, along or across any highway, street, public alley or public place in the city, while attending to or responding to any emergency call, or while transporting a patient, or in their entrance upon any premises while attending to or responding to any emergency call, and no person shall negligently or

willfully fail, neglect or refuse to give the right-of-way to any member of the police department, ambulance department or rescue squad, when so employed or acting, or to remove any vehicle in their charge, or under their control from that portion of any highway, street, alley or public place in the city, where any such member of the police department, ambulance or rescue squad may wish to go or drive, or drive upon or against or in any manner injure any of the equipment, supplies or other apparatus of the police department, ambulance or rescue squad whether such is in use at the place of the emergency or otherwise. (Code 1972, §§ 40.201, 40.202; Ord. No. 112, §§ 1, 2, eff. 2-25-1976)

Sec. 18-27. Resisting an officer.

No person shall resist any police officer, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duties, or shall in any way interfere with or hinder him in the discharge of his duties. (Code 1972, § 20.201(12); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.479.

Sec. 18-28. Obscene or profane language.

No person shall direct obscene or profane language at any police officer who is in the lawful performance of his duties, which language tends to incite persons present toward an immediate breach or disturbance of the peace.

(Code 1972, § 20.201(38); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-29. Disobeying reasonable orders.

No person shall disobey reasonable orders of a police officer while in the discharge or apparent discharge of his duty.

(Code 1972, § 20.201(39)d.; Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Obstruction of a police officer, MCL 750.479.

Sec. 18-30. Interfering with a police officer.

No person shall in any way intentionally interfere with, hinder or oppose a police officer in the discharge or apparent discharge of his duties.

(Code 1972, § 20.201(40)d.; Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Obstruction of a police officer, MCL 750.479.

Secs. 18-31—18-48. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON

Sec. 18-49. Malicious use of service provided by telecommunications service provider.

A person is guilty of a misdemeanor who maliciously uses any service provided by a telecommunications service provider with the intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device;
- (2) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death or has been the victim of a crime or an accident;
- (3) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device;
- (4) Using vulgar, indecent, obscene or offensive language or suggesting any lewd or

lascivious act in the course of a conversation or message through the use of a telecommunications service or device;

- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered;
- (6) Making an unsolicited commercial telephone call that is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subsection, the term "an unsolicited commercial telephone call" means a call made by a person or recording device on behalf of a person soliciting business or contributions; or
- (7) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his telecommunications service or device.

(Code 1972, § 20.201(35); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.540e.

Sec. 18-50. 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.

(Code 1972, § 20.201(15); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Such person deemed a disorderly person, MCL 750.167(1)(c).

Sec. 18-51. Harassment.

It shall be unlawful for any person, with the intent to harass, annoy or alarm another person, to:

- (1) Follow a person in or about a public place; or

- (2) Engage in a course of conduct or repeatedly commit acts that alarm or seriously annoy another person and that serve no legitimate purpose.

(Code 1972, § 20.201(4); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-52. Fighting or assault.

No person shall engage in fighting or commit an assault or battery upon any person.

(Code 1972, § 20.201(5); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Assaults, MCL 750.81 et seq.

Secs. 18-53—18-77. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 18-78. Littering.

No person shall throw or permit to be deposited or scattered upon any sidewalk, street, alley or upon any private property, any waste, litter, garbage or other material of any kind.

(Code 1972, § 20.201(13); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 18-79. Prowling.

No person shall prowl about the public or private yard, garage, driveway, hall, stairway, fire escape, grounds, or residence of any person, in the nighttime or daytime without authority or permission of the owner, tenant, or authorized person in control of the premises.

(Code 1972, § 20.201(17); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-80. Driving or parking on private property.

No person shall drive or park a motor vehicle on the private property of another without the express consent of the owner of the property, his agent or proper person in charge of the property. (Code 1972, § 20.201(21); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-81. Entering or remaining on the property of another.

No person shall enter or remain upon the property of another without lawful authority, after having been forbidden to do so or asked to leave by the owner, occupant, or agent of the owner. (Code 1972, § 20.201(18); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.552.

Sec. 18-82. Malicious destruction.

No person shall willfully, maliciously, wantonly, negligently or otherwise, disturb, deface, damage, injure, destroy, or remove real property or improvements thereto or any movable or personal property belonging to another entity or person.

(Code 1972, § 20.201(10); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Sec. 18-83. Damaging vegetation.

No person shall damage in any way or take away any tree, bush, shrub, flower, or any other planting in a public place, or a place open to the public, or on private property.

(Code 1972, § 20.201(19); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.382.

Sec. 18-84. Tampering with city meters.

No person shall disturb, tamper with, disconnect, or damage any city water meter, electrical meter or sewer meter.

(Code 1972, § 20.201(36); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-85. Larceny.

No person shall commit larceny by stealing any of the following property of another person:

- (1) Money, goods, or chattels;
- (2) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate;
- (3) A book of accounts for or concerning money or goods due, to become due, or to be delivered;
- (4) A deed or writing containing a conveyance of land or other valuable contract in force;
- (5) A receipt, release, or defeasance; or
- (6) A writ, process, or public record.

State law reference—Similar provisions, MCL 750.356.

Sec. 18-86. Fraud.

No person shall engage in any fraudulent scheme, device or trick to obtain money or any other valuable thing, or aid or abet such activity. (Code 1972, § 20.201(34); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Gross frauds and cheats, MCL 750.280.

Sec. 18-87. Trespassing upon or damaging city property.

No person shall trespass upon or in any manner interfere with, remove, disturb, damage or destroy any property belonging to the city.

(Code 1972, § 20.304; Ord. No. 7, § 4, eff. 3-15-1972)

State law references—Trespassing generally, MCL 750.546 et seq.; malicious mischief generally, MCL 750.377a et seq.

Sec. 18-88. Interfering with electrical equipment.

It shall be unlawful for any unauthorized person to damage or interfere with any streetlamp, pole, transformer, wire, or other electrical equipment belonging to the city.

(Code 1972, § 20.305; Ord. No. 19, § 5, eff. 3-15-1972)

Secs. 18-89—18-119. Reserved.**ARTICLE V. OFFENSES AGAINST PUBLIC PEACE****Sec. 18-120. 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 means and 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) *Certain types of loitering 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 subsection (b) shall include 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 section.

(Code 1972, § 20.201(9); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-121. Jostling.

No person shall jostle or roughly crowd people unnecessarily in any street, alley, public place or place open to the public.

(Code 1972, § 20.201(7); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.167(1)(l).

Sec. 18-122. Disturbance of the peace.

No person shall:

- (1) Disturb, tend to disturb, excite to disturb or aid in disturbing the peace of the city or any part thereof, or the quiet of any family or person by loud or unusual noise or by shouting, cursing, quarrelling, challenging to fight, fighting or by violent, tumultuous, offensive, obstreperous or other disorderly conduct in any place within the city, specially including such conduct in any private property which disturbs the quiet of the city;
- (2) Disturb, tend to disturb, excite or disturb or aid in disturbing the peace of the city or any part thereof, or the quiet of any family or person by loud or unusual noise

or by shouting, cursing, quarrelling, challenging to fight, fighting or by violent, tumultuous, offensive, obstreperous or other disorderly conduct in any public place or place of lawful assembly; or

- (3) Knowingly permit on property owned or possessed by said person or under said person's control any other person to disturb, tend to disturb, excite to disturb or aid in disturbing the peace of the city or any part thereof, or the quiet of any family or person by loud or unusual noise or by shouting, cursing, quarrelling, challenging to fight, fighting or by violent, tumultuous, offensive, obstreperous or other disorderly conduct upon any premises.

(Code 1972, § 20.201(4); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Disturbing public places, MCL 750.170.

Sec. 18-123. Disturbing the peace.

It shall be unlawful for any person to make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment, school building or premises or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

(Code 1972, § 20.302)

State law reference—Similar provisions, MCL 750.170.

Sec. 18-124. 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.

(Code 1972, § 20.201(11); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-125. Public intoxication.

No person shall be intoxicated in a public place or be intoxicated in any place open to the public, if endangering himself, property or the public.

(Code 1972, § 20.201(14); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

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

Sec. 18-126. Disturbance of the neighborhood.

No person shall permit any noisy, boisterous, riotous, or intoxicated persons to assemble in any house or building owned or occupied or controlled by him to the annoyance or disturbance of the neighborhood and/or the public peace.

(Code 1972, § 20.201(23); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-127. Disturbance of places of worship.

No person shall disturb any congregation met for religious worship by making any inappropriate noise or profane discourse or engaging in any indecent behavior or any loud behavior in or near the place of worship so as to disturb the solemnity of the meeting.

(Code 1972, § 20.201(22); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 752.525.

Sec. 18-128. Excessive sound from radios, televisions, etc.

No person shall play music or other programs on any device, including, but not limited to, televisions, radios, musical instruments, record players, tape players, in a way or volume likely to give offense to other persons in the community given the time and circumstance of such playing.

(Code 1972, § 20.201(37); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-129. Rioting.

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

(Code 1972, § 20.301)

State law reference—Similar provisions, MCL 752.543.

Secs. 18-130—18-156. Reserved.**ARTICLE VI. OFFENSES AGAINST
PUBLIC SAFETY****Sec. 18-157. Discharging dangerous weapons.**

No person other than a police officer, conservation officer or other peace officer in the discharge of his duty, shall fire or discharge a revolver, pistol, shotgun, rifle, air rifle, bow and arrow, slingshot or other dangerous weapons within the city except for the purpose of destroying a rabid or ferocious animal or when necessary to protect human life.

(Code 1972, § 20.351; Ord. No. 1, § 1, eff. 3-15-1972; Ord. No. 59, § 1, eff. 3-15-1972)

State law reference—Authority to prohibit discharge of firearms, MCL 123.1104.

Sec. 18-158. Hunting.

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, weapon or firearm within the city for the purpose of hunting any wild game or fowl.

(Code 1972, § 20.352; Ord. No. 59, § 2, eff. 3-15-1972)

State law reference—Hunting area control, MCL 324.41902.

Sec. 18-159. Shooting galleries and target ranges.

Nothing in this article shall prohibit the city council from granting permission for the maintenance and operation of shooting galleries or target ranges under such rules, regulations and conditions as the city council may provide.

(Code 1972, § 20.353; Ord. No. 59, § 3, eff. 3-15-1972)

Sec. 18-160. Concealed weapons.

No person in the city shall wear under his clothes, or conceal about his person, or display in a threatening manner, any dangerous weapon, including, but not limited to, any pistol, revolver, slingshot, cross-knuckle or knuckles of lead, brass or other metal or any bowie knife, or any knife resembling a bowie knife or any razor, or any knife with a blade over three inches long, or double edged knives, or any knife with a switch blade or device whereby the blade or blades can be opened by the flick of a button, pressure on the handle, or other mechanical contrivance, or BB guns.

(Code 1972, § 20.201; Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Sec. 18-161. Laser pens; toys resembling firearms.

No person shall use in a careless or reckless way a laser pen, or any toy or other device created to appear to be an actual firearm.

(Code 1972, § 20.201(44); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

Secs. 18-162—18-190. Reserved.**ARTICLE VII. OFFENSES AGAINST
PUBLIC MORALS****Sec. 18-191. Public nudity.**

(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:

Public nudity means knowingly or intentionally displaying in a public place, or for payment or

promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering.

(b) *Prohibitions.*

- (1) Public nudity within the city boundaries is hereby prohibited.
- (2) No person shall aid or abet the knowing or intentional display in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. A mother's breastfeeding of her baby does not under any circumstances constitute nudity, irrespective of whether or not the nipple is covered during or incidental to the feeding.

(c) *Applicability.* This section applies only to live exhibitions and/or film or videotape displays intended for on-premises viewing.

(d) *Knowledge presumed.* The following persons are presumed to know of the display of public nudity with regard to any premises or business:

- (1) Record landowner or land contract owner or lessee under a written lease;
- (2) Licensee of any premises licensed by the state liquor control commission;
- (3) Licensee under any sales tax license issued by the state department of treasury; and
- (4) The manager or operator of any premises or business, who is on or at the premises at the time of the advertising or display of public nudity.

(Code 1972, § 20.201(29); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Authority for this section, MCL 117.5h.

Sec. 18-192. Public exposition of genitals.

No person shall expose male or female genitals in a public place or a place open to the public other than in a restroom for normal purposes there.

(Code 1972, § 20.201(3); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Indecent exposure, MCL 750.335a.

Sec. 18-193. Public defecation or urination.

No person shall defecate or urinate in any area open to or in view of the public.

(Code 1972, § 20.201(27); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Indecent exposure, MCL 750.335a.

Sec. 18-194. Illegal conduct.

No person shall engage in any illegal or improper diversion or in any indecent, insulting, or obscene conduct in any street, alley, sidewalk or public place or place open to the public or elsewhere in the city.

(Code 1972, § 20.201(6); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 750.167(1)(d), (f).

Sec. 18-195. Prostitution.

No person shall solicit or engage in prostitution.

(Code 1972, § 20.201(31); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Prostitution generally, MCL 750.448 et seq.

Sec. 18-196. Drug paraphernalia.

No person shall possess marijuana or any related paraphernalia, or any other drug paraphernalia of any sort.

(Code 1972, § 20.201(43); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law references—Controlled substances generally, MCL 333.7101 et seq.; drug paraphernalia, MCL 333.7451 et seq.

Sec. 18-197. Use of premises for illegal acts.

No person shall allow any place owned, rented, leased, or occupied by himself to be used for the illegal sale, use or possession of any drugs, intoxicants, controlled substances, gambling, or prostitution.

(Code 1972, § 20.201(28); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law references—Keeping house of ill fame, MCL 750.452; keeping or maintaining gaming room, MCL 750.303.

Secs. 18-198—18-217. Reserved.**ARTICLE VIII. OFFENSES ON SCHOOL GROUNDS****Sec. 18-218. Local school defined.**

The term "local school" shall mean any public school located partially or totally within the boundaries of the city, and operated by the board of education of the city school district.

(Code 1972, § 20.226; Ord. No. 125, § 6, eff. 7-9-1978)

Sec. 18-219. Entry and use of school buildings and property restricted.

No person who is not a regularly enrolled student, or parent or guardian thereof, or a school official, teacher or other public or school employee shall enter or trespass upon or loiter in or upon any public, private or parochial school building or school property in the city for any reason whatsoever unless such person has received written permission from the principal or other person

designated by the principal to be in or upon, or remain in or upon, such public, private or parochial school building or school property; provided, however, that such written permission need not be secured by persons engaging in or attending a school or recreation board authorized activity or by persons using a school playground or playground equipment after school hours or when school is not in session unless such entry or use shall have been otherwise prohibited by a rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.

State law reference—Trespassing generally, MCL 750.546 et seq.

Sec. 18-220. Disturbances prohibited.

No person shall create a disturbance or otherwise disrupt the educational process and/or good order at any local school or remain upon the property or within the buildings of a local school unless he shall have legitimate reason therefor or lawful business therein.

(Code 1972, § 20.222; Ord. No. 125, § 2, eff. 7-9-1978)

State law reference—Disturbing public places, MCL 750.170.

Sec. 18-221. Leaving the property when directed.

Any person found to be creating a disturbance in any local school or on the surrounding school property shall leave immediately when so directed by the principal or by any other person designated by the principal.

(Code 1972, § 20.223; Ord. No. 125, § 3, eff. 7-9-1978)

State law reference—Trespassing generally, MCL 750.546 et seq.

Sec. 18-222. Alcoholic liquors and controlled substances.

The possession, use, transfer or sale of alcoholic liquors, controlled substances, or any substance that creates abnormal behavior, or being under the influence of the same, by any person

shall be prohibited within local school property unless possession or use is by a doctor's direction and prescription.

(Code 1972, § 20.224; Ord. No. 125, § 4, eff. 7-9-1978)

State law references—Alcoholic liquors, MCL 436.1101 et seq.; controlled substances, MCL 333.7101 et seq.

Sec. 18-223. Parking and traffic.

Parking and traffic on local school property shall be regulated by the Uniform Traffic Code and Michigan Vehicle Code, as adopted by the city, as amended, and any other ordinances of city regulating parking or traffic as they may be enacted or amended from time to time.

(Code 1972, § 20.225; Ord. No. 125, § 5, eff. 7-9-1978)

State law reference—Regulation of motor vehicles on school grounds, MCL 257.961.

Secs. 18-224—18-254. Reserved.

ARTICLE IX. OFFENSES PERTAINING TO UNDERAGE PERSONS

Sec. 18-255. Curfew.

(a) No child under the age of 17 years shall be out in public after the hour of 12:00 midnight. No parent of a child under the age of 17 years shall knowingly permit that child to be out in public after the hour of 12:00 midnight.

(b) The following activities shall be exempt from the curfew requirements of this section 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; or

(8) Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

(Code 1972, § 20.201(41), (42); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law references—Curfew for minors, MCL 722.751; power of city to regulate by ordinance a curfew for minors, MCL 722.754.

Sec. 18-256. Permitting minors to smoke or possess tobacco.

No parent or other person shall knowingly permit a child under the age of 18 to smoke cigarettes of any sort, or cigars of any sort, or possess or use any kind of tobacco.

(Code 1972, § 20.201(46); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Youth tobacco act, MCL 722.641 et seq.

Sec. 18-257. Possession or consumption of alcoholic liquors by underage persons.

No person under the age of 21 years shall possess in any way, or consume any kind of alcoholic liquor.

(Code 1972, § 20.201(47); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Similar provisions, MCL 436.1701, 436.1703.

Sec. 18-258. Furnishing controlled substances or cigarettes to under-age persons.

To furnish to any minor any controlled substances as defined by state law, or to furnish to any under age person cigarettes, or to contribute to the delinquency of a minor in any way.

(Code 1972, § 20.201(26); Ord. No. 119, § 1, eff. 2-7-1978; Ord. No. 142, eff. 4-1-1982; Ord. No. 165, eff. 1-12-1987; Ord. No. 181, eff. 12-2-1991; Ord. No. 181-A, eff. 11-29-2000)

State law reference—Contributing to the delinquency of a minor, MCL 750.145.