

## CHAPTER 11 OFFENSES\*

*\*Cross references: Police, Ch. 14; traffic and motor vehicles, Ch. 16.*

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### ARTICLE I IN GENERAL

#### Sec. 11-001. Statutory definitions.

Whenever any words and phrases as used in this chapter are not defined, but are defined in the state penal code, any such definition therein shall be deemed to apply to such words and phrases used herein.

#### Sec. 11-002. Abolition of distinction between accessory and principal.

Every person concerned in the commission of an offense under this Code, whether he directly commits the act constituting the offense or procures, counsels, aids or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed such offense.

*State law references: Similar provisions, MCL 767.39.*

#### Sec. 11-003. Begging.

It shall be unlawful for any person within the Township to beg in a public place from passersby, either by words, gestures or by the exhibiting of a sign.

*(Comp. Ords. 1986, § 20.550)*

*State law references: Persons found begging in a public place defined as disorderly persons, MCL 750.167(1)(h).*

(CHAPTER 11, ARTICLE I, cont.)

**Sec. 11-004. Window peeping.**

It shall be unlawful for any person to look, peer, or peep into, or be found loitering around, or within view of any window not on his own property, with the intent of looking through such window in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy without the occupant's express or implied consent.

*(Comp. Ords. 1986, § 20.476)*

*State law references: Such person defined as a disorderly person, MCL 750.167(1)(c).*

**Sec. 11-005. Loitering at place of criminal activity.**

It is a violation of this Code for any person to knowingly loiter at or near any structure, vehicle, or any public or private property, where criminal conduct or activity is occurring, or where an illegal occupation or business is being conducted.

*(Ord. of 3-10-03)*

*State law references: Such person deemed a disorderly person, MCL 750.167(1)(j).*

**Sec. 11-006. Soliciting illegal or immoral act.**

It shall be unlawful for any person to solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

*(Comp. Ords. 1986, § 20.478)*

**Sec. 11-007. Violations and sanctions.**

(a) Violation of Sections 11-003 and 11-005 are civil infractions, with sanctions as set forth in Sections 11-408 and 11-409 of this Code.

(b) Violations of Sections 11-004 and 11-006 are punishable in accordance with Sections 1-010(a) of this Code.

*(Ord. of 7-8-02)*

**Secs. 11-008--11-030. Reserved**

**ARTICLE II OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS\***

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*\*Cross references: Administration, Ch. 2.*

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**Sec. 11-031. Definitions.**

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

**Government** means any principal subdivision or agency of the United States of America, the state, the county, the Township, or any agency of local governmental operation within the Township.

**Governmental function** means any activity which a public agency or public servant is legally authorized to perform.

**Property** means any money, personal property, real property, thing in action, evidence of debt or contract, or article of any kind.

*(Comp. Ords. 1986, §§ 20.461, 20.463)*

*Cross references: Definitions and rules of construction generally, § 1-002.*

*(CHAPTER 11, ARTICLE II, cont.)*

**Sec. 11-032.    Obstructing officer or governmental function.**

It shall be a violation of this code for any person to obstruct, impair or hinder the legal performance of a governmental function, including but not limited to a police or public safety officer in the reasonable discharge of his or her duties, by any act, word, threat, physical interference or obstacle which either:

- (1) Is designed to interfere or hinder the officer or governmental function, or;
- (2) Is likely to result in the interference or hindering of any officer or governmental function, and the violator reasonably was aware, or should have been aware, that the said action would likely result in the interference or hindrance.

*(Comp. Ords. 1986, § 20.574; Ord. of 3-8-99)*

*State law references: Obstruction of police officer, MCL 750.479.*

**Sec. 11-033.    Resisting officer.**

It shall be unlawful for any person to resist any police officer or other law enforcement agent while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty, or to use or threaten to use physical force or violence against the peace officer or another; or, to use any other means, thereby creating a substantial risk of causing physical injury to the peace officer or another.

*(Comp. Ords. 1986, § 20.587)*

*State law references: Resisting officer in discharge of duty, MCL 750.479.*

**Sec. 11-034.    Resisting booking procedure.**

It shall be unlawful for any person to willfully refuse and resist the established booking procedure, including fingerprint exemplars, photographing and supplying arrest card information, of the Township police department following a lawful arrest.

*(Comp. Ords. 1986, § 20.575)*

**Sec. 11-035.    Impersonation of officers.**

- (a) It shall be unlawful for any person to falsely assume or pretend to be an employee of the Township, an employee of the county, an employee of the state, or an employee of any public utility for the purpose of gaining entry into any home or business located in the Township.
- (b) It shall be unlawful for any person to falsely assume or pretend to be a Waterford Township police officer, or any other police officer or sheriff or deputy sheriff, and either perform any act or exhibit the regalia of such officer or in any manner take upon himself or herself to act in the capacity of such officer.

*(Comp. Ords. 1986, § 20.571; Ord. of 9-28-99)*

*State law references: False personation of officers, MCL 750.215.*

**Sec. 11-036.    Expectorating on or at officers.**

It shall be unlawful for any person to expectorate or spit, or attempt to expectorate or spit, at or on a peace officer, or officer of the court, while engaged in the lawful performance of the duties of their office.

*(Comp. Ords. 1986, § 20.576)*

**Sec. 11-037.    Obstructing judicial functions.**

It shall be unlawful for any person to obstruct or interfere with the administration of justice by impeding, or attempting to impede, those parties who seek justice in court or those who have duties or powers of administering justice therein.

*(Comp. Ords. 1986, § 20.577)*

*(CHAPTER 11, ARTICLE II, cont.)*

**Sec. 11-038. False reporting to law enforcement officials.**

A person commits the offense of false reporting to law enforcement officials if he:

- (1) Makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their concern when he knows that it did not occur.
- (2) Makes a report or purposely causes the transmission of a report to law enforcement authorities pretending to furnish information relating to a crime or other incident within their concern when he knows that he has no such information.

*(Comp. Ords. 1986, §§ 20.580--20.582)*

**Sec. 11-039. Fleeing or eluding traffic stop.**

A person commits the offense of fleeing a traffic stop if he is the driver of a motor vehicle which has been lawfully stopped and detained by a peace officer and flees or eludes, or attempts to flee or elude the officer, either on foot or in any other fashion.

*(Comp. Ords. 1986, § 20.588)*

**Sec. 11-040. Obstructing, disobeying firefighters.**

It shall be unlawful for any person within the Township to knowingly and willfully hinder, obstruct or interfere with any firefighter in the performance of his duties, or who shall, while in the vicinity of any fire, willfully disobey and/or disregard any order, rule or regulation of the officer commanding any fire department at such fire.

*Cross references: Fire prevention and protection, Ch. 7.*

**Sec. 11-041. False alarm of fire.**

Any person who shall knowingly and willfully commit any one (1) or more of the following actions shall be guilty of a misdemeanor:

- (1) Raise a false alarm of fire at any gathering or in any public place.
- (2) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire.
- (3) Raise a false alarm of fire orally, by telephone or in person.

*State law references: Similar provisions, MCL 750.240.*

**Sec. 11-042. False police or medical emergency alarms.**

It shall be unlawful for any person to summon, without any good reason therefor, by telephone or otherwise, the police department or any public or private ambulance to go to any address where the service called for is not needed or requested.

*(Comp. Ords. 1986, § 20.572)*

**Sec. 11-043. Obstructing access to polling places.**

It shall be unlawful for any person to solicit, petition, canvass, or in any way interfere with the access of persons to and from polling places in local, state or national elections, either at or within such polling places or within one hundred (100) feet from the entrance of such polling places.

*(Comp. Ords. 1986, § 20.573)*

**Sec. 11-044. Violations and sanctions.**

Violation of Sections 11-043 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

**Secs. 11-045--11-065. Reserved.**

(CHAPTER 11, cont.)

### ARTICLE III OFFENSES AGAINST THE PERSON

#### Sec. 11-066. Assault and battery; domestic assault.

- (a) It shall be a violation of this Code for any person within the Township to attempt or offer, with force and violence, to do a corporal hurt to another, or assault and/or batter any other person.
- (b) It shall be a violation of this Code to assault, or assault and batter a person's spouse, former spouse, an individual with whom a person has or has had a dating relationship, an individual with whom a person has had a child in common, or a person with whom one resides or with whom one has formerly resided.
- (c) Any violation of subsection (a) or (b) above is punishable by up to ninety-three (93) days in jail, or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment.
- (d) Any violation of subsection (b) above is punishable by up to ninety-three (93) days in jail, or by a fine of not more than five hundred (\$500.00) dollars, or by both such fine and imprisonment.
- (e) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two (2) individuals in a business or social context.

*(Comp. Ords. 1986, §§ 20.471, 20.486; Ord. of 4-8-96; Ord. of 5-14-01; Ord. of 7-8-02; Ord. of 4-28-03)*

*State law references: Similar provisions, MCL 750.81.*

#### Sec. 11-067. Harassment.

- (a) In this Section, the following words and phrases shall have the meanings respectively assigned to them:

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

**Harassment** means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress, including but not limited to:

- (1) Stalking, as defined herein.
- (2) The transmission of e-mail or phone messages which contains threats of bodily injury, directly or indirectly, or threats of other kinds intended to place the person in fear of the safety of their person or property.
- (3) Deliberately follows a person in or about a public place.
- (4) Strikes, shoves, kicks, or otherwise intentionally touches a person or subjects person to physical contact.
- (5) A combination of any of the above acts or conduct.

Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

- (b) It is a violation of this Ordinance to, with the intent to alarm, annoy or frighten another person, commit the offense of harassment, as defined herein.

*(Comp. Ords. 1986, §§ 20.473, 20.485--20.488; Ord. of 10-24-11)*

(CHAPTER 11, ARTICLE III, cont.)

**Sec. 11-068. Malicious annoyance by writing.**

It shall be unlawful for any person within the Township to knowingly send or deliver, or to make, for the purpose of being delivered, or sent, to part with the possession of any letter, postal card or writing containing any obscene language with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation with the intent thereby to cause annoyance to any person, within the Township or with a view or intent to extort or gain any money or property of any description belonging to another.

*State law references: Similar provisions, MCL 750.390.*

**Sec. 11-069. Malicious acts.**

(a) Any person is guilty of a misdemeanor who maliciously uses any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or to disturb the peace and quiet of any other person by any of the following:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation.
- (2) Falsely and deliberately reporting by telephone or telegraph message that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime, or of an accident.
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, thereby interfering with any communications service.
- (4) Using any vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in the course of a telephone conversation.
- (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 which is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subdivision, "an unsolicited commercial telephone call" means a call made by a person or recording device on behalf of a person soliciting business or contributions.
- (7) Deliberately calling a telephone of another person in a repetitive manner which causes interruption in telephone service or prevents the person from utilizing his telephone service.

(b) An offense shall be committed under subsections (a)(1) through (4) of this section if the message either originates or terminates within the Township.

*(Comp. Ords. 1986, §§ 20.490--20.495)*

*State law references: Similar provisions, MCL 750.540e.*

**Sec. 11-070. Nonsupport of family.**

It shall be unlawful for any person of sufficient ability within the Township to refuse or neglect to support his family.

*State law references: Desertion and nonsupport, MCL 750.161; person neglecting family deemed a disorderly person, MCL 750.167(1)(a).*

**Sec. 11-071. Violations and sanctions.**

Violation of Section 11-070 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

**Secs. 11-072--11-090. Reserved.**

(CHAPTER 11, cont.)

## ARTICLE IV OFFENSES AGAINST PROPERTY\*

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*\*Cross references: Licenses and miscellaneous business regulations, Ch. 10.*

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### Division 1. Generally

#### Sec. 11-091. Definition.

As used in this article, the word "obstruct" shall mean to interrupt, make difficult, oppose, or come in the way of such, as a course of action, passage, or the progression of an event.

*(Comp. Ords. 1986, § 20.462)*

*Cross references: Definitions and rules of construction generally, § 1-002.*

#### Sec. 11-092. Expecting on sidewalk or other public areas.

It shall be unlawful for any person to expectorate on any sidewalk or on the floor or seat of any public carrier; or on any wall, seat or equipment of any place of public assemblage.

*(Comp. Ords. 1986, § 20.504)*

#### Sec. 11-093. Violations and sanctions.

Violation of Section 11-092 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code.

*(Ord. of 7-8-02)*

#### Secs. 11-094--11-100. Reserved.

### Division 2. Theft\*

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*\*State law references: Larceny, MCL 750.356*

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#### Sec. 11-101. Larceny of property.

- (a) It is a violation of this Code for any person within the Township to steal, take, carry away, obtain by deceit, trick or conversion any money, goods, chattels, property or services of another person or entity where such property has any personal or market value.
- (b) Violation of this section is punishable by imprisonment for not more than ninety-three (93) days, or a fine of not more than five hundred dollars (\$500.00), or both, in the discretion of the court.

*(Comp. Ords. 1986, § 20.502; Ord. of 3-8-99; Ord. of 1-24-05)*

*State law references: Similar provisions, MCL 750.356.*

#### Sec. 11-102. Larceny from vacant buildings.

It shall be unlawful for any person or persons within the Township to steal or unlawfully remove or in any manner damage any fixture, attachment, or other property belonging to, connected with, or used in the construction of any vacant structure or building, whether built or in the process of construction, or to break into any vacant structure or building with the intention of unlawfully removing, taking therefrom, or in any manner damaging any fixture, attachment or other property belonging to, connected with, or used in the construction of such vacant structure or building, whether built or in the process of construction.

*State law references: Similar provisions, MCL 750.359.*

(CHAPTER 11, ARTICLE IV, DIVISION 2, cont.)

**Sec. 11-103. Larceny from public libraries.**

It shall be unlawful for any person within the Township to procure, or take in any way from the public library in the Township any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof, with intent to convert the same to his own use.

*State law references: Similar provisions, MCL 750.364.*

**Sec. 11-104. Breaking and entering coin box.**

It shall be unlawful for any person within the Township to maliciously and willfully, by and with the aid and use of any key, instrument, device or explosive, blow or attempt to blow, or force or attempt to force an entrance into any coin box, depository box, newspaper coin box, or other receptacle established and maintained for the convenience of the public, or of any person not making payment for any articles of merchandise or service, or for any person to extract or obtain or attempt to extract or obtain therefrom any such money or thing of value so deposited or contained therein.

*State law references: Similar provisions, MCL 750.113.*

**Sec. 11-105. Breaking and entering outside showcases.**

It shall be unlawful for any person in the Township to break and enter, or to attempt to break and enter, or enter without breaking at any time any outside showcase or other outside enclosed counter used for the display of goods, wares or merchandise, with intent to steal, or to commit the crime of larceny therein.

**Sec. 11-106. Weights and measures.**

Any person who shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who shall sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in any manner contrary to law, or any person who shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a violation of this Code.

*State law references: Similar provisions, MCL 750.561.*

**Sec. 11-107. Frauds unlawful.**

It shall be unlawful for any person within the Township to engage in any fraudulent scheme, device or trick to obtain money or other valuable thing, or to aid or abet, or in any manner to be concerned therein, or to convert money or property lawfully in one's possession to one's use without authority.

*State law references: Frauds and cheats, MCL 750.271 et seq.*

**Sec. 11-108. False statements for welfare aid unlawful.**

It shall be unlawful for any person within the Township to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device:

- (1) Aid, relief or welfare assistance to which he is not entitled; or
- (2) Aid, relief or welfare assistance greater than that to which he is entitled; or knowingly aids or abets in buying or in any way disposing of the property of a recipient of aid, relief, or welfare assistance.

*State law references: False statements to obtain public relief or assistance, MCL 400.60.*

*(CHAPTER 11, ARTICLE IV, DIVISION 2, cont.)*

**Sec. 11-109. Fraudulent or insufficient funds checks; or closed account checks.**

It is a violation of this code for:

- (1) Any person who, with intent to defraud, shall make or draw or utter or deliver within the Township any check, draft or order for the payment of money, up to five hundred (\$500.00) dollars to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker, or drawer, has not sufficient funds in or credit with such bank or other depository, for the payment of such check, draft or order, in full, upon its presentation;
- (2) Or, any person who, with the intent of defraud, shall make, draw, utter deliver within the Township any check, draft or order for the payment of money up to five hundred (\$500.00) dollars to apply on account or otherwise, upon any bank or other depository and who shall not have sufficient funds for the payment for same when presentation for payment is made to the drawee, except where such lack of funds is due to garnishment, attachment, levy or other lawful cause, and such fact was not known to the person who made, drew, uttered or delivered the instrument at the time of so doing.
- (3) Or, any person who, with the intent to defraud, shall make, draw, utter or deliver within the Township any check for the payment of money on account or otherwise, upon any bank or other depository where the said account shall have been closed.

*(Comp. Ords. 1986, § 20.579; Ord. of 6-13-88, § 1.00; Ord. of 3-8-99)  
State law references: Similar provisions, MCL 750.131 and 750.131a.*

**Sec. 11-110. Revoked or cancelled financial transaction device.**

Any person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services or anything of value, a financial transaction device which has been stolen or which has been revoked or cancelled by the issuer thereof, as distinguished from expired, and notice of such revocation or cancellation has been received by such person through registered or certified mail or by personal service, shall be guilty of a misdemeanor.

*State law references: Similar provisions, MCL 750.157s*

**Sec. 11-111. Receiving or concealing stolen property.**

- (a) It is a violation of this code for any person to buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods, or property to be stolen, embezzled or converted, if the value of the stolen, embezzled or converted money, goods, or property is one thousand dollars (\$1,000.00) or less.
- (b) A person who is a dealer in or collector of merchandise or personal property, or the agent, employee or representative of a dealer or collector who fails to make reasonable inquiry that the person selling or delivering the stolen, embezzled or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled or converted property which has a registration, serial or other identifying number altered or obliterated on an external surface of the property, shall be presumed to have bought or received the property knowing the property to be stolen, embezzled or converted. This presumption may be rebutted by proof.

*(Comp. Ords. 1986, § 20.505; Ord. of 3-8-99)  
State law references: Similar provisions, MCL 750.535.*

*(CHAPTER 11, ARTICLE IV, DIVISION 2, cont.)*

**Sec. 11-112.    Retail fraud.**

It shall be unlawful for any person to do any of the following in a store or in its immediate vicinity:

- (1) While a store is open to the public, alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.
- (2) While a store is open to the public, steal property of the store that is offered for sale.
- (3) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

**Sec. 11-113.    Fraud on restaurant or inn.**

- (a) Any person who shall put up at any hotel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of pay for the same, or who, with intent to defraud such keeper out of the pay therefor shall obtain credit at any hotel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, shall be guilty of defrauding an innkeeper; provided, that no conviction shall be had under the provisions of this section unless complaint shall be made within sixty (60) days of the time of the violation hereof.
- (b) Obtaining such food, lodging, or accommodation by false pretense, or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove baggage shall be prima facie evidence of such intent to defraud.

*(Comp. Ords. 1986, § 20.578)*

**Secs. 11-114--11-125. Reserved.**

(CHAPTER 11, ARTICLE IV, cont.)

**Division 3. Destruction Of Property\***

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*\*State law references: Malicious mischief, MCL 750.377 et seq.*

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**Sec. 11-126. Malicious destruction of property generally; graffiti; responsibility of property owner to remove.**

- (a) It is a violation of this code for any person within the Township to willfully or maliciously destroy or injure the real or personal property of another, or to willfully or maliciously destroy or injure, any appurtenances thereof, or to paint, inscribe, write or scrape messages, words, numbers, symbols or any other picture upon the real or personal property of another without the express consent of the owner of such property, where the damage done shall be one thousand dollars (\$1,000.00) or less.
- (b) It shall be unlawful for any person to use any paint, spray paint, pigment, or similar means to deface, cover, or mark upon the property of another, including the making of any drawing, inscription, design, scribbling, model, picture, pictograph, design, or other markings, commonly referred to as "graffiti."
- (c) It shall be the responsibility of the owner of any property marked or defaced as defined in subsections (1) or (2) of this section to remove, erase, or paint over such markings as soon as possible after discovery of the existence of such markings so as to minimize the addition of further markings and other blight upon the property. Pursuant to this section shall be entitled to restitution in an amount determined by the court for the cost of removing those markings, such restitution to be paid by any person convicted under this section of making such markings.

*(Comp. Ords. 1986, § 20.503; Ord. of 8-14-95; Ord. of 3-8-99)  
State law references: Similar provisions, MCL 750.377a.*

**Sec. 11-127. Malicious destruction of public property.**

It shall be unlawful for any person within the Township to maliciously destroy, damage, injure, mar or deface any building, monument, sign or structure or fence, tree, shrub, plant, park or public property of any kind which is owned, controlled, or managed by the state, county, city, any school district within the Township, or by any other unit or agency of government whose operating budget is raised in whole or in part by public taxation, or to commit any act of vandalism on or in any such property.

**Sec. 11-128. Responsibility of smokers.**

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar, pipe or tobacco in any form for which lighters or matches are used, or in the use of inflammable liquids, to set fire to any bedding, furniture, curtain, drape, house or household furnishings in any licensed establishment.

**Sec. 11-129. Tampering--Generally.**

A person commits the offense of tampering if, having no right to do so and no reasonable ground to believe that he has such right, shall tamper or meddle with public property or private property belonging to another person even though no damage results.

*(Comp. Ords. 1986, § 20.520)*

*(CHAPTER 11, ARTICLE IV, DIVISION 3, cont.)*

**Sec. 11-130. Same--Motor vehicle.**

Any person shall be guilty of a violation of this Code who shall:

- (1) Intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of such motor vehicle;
- (2) Intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top, covering or upholstery of any motor vehicle, the property of another, or intentionally cut, mash, mark, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof; or
- (3) Intentionally release the brake upon any standing motor vehicle, with intent to injure said machine and cause the same to be removed without the consent of the owner; provided, that this section shall not apply in case of moving or starting of motor vehicles by the police under authority of local ordinance or by members of fire departments in case of emergency in the vicinity of a fire.

*State law references: Similar provisions, MCL 750.416.*

**Secs. 11-131--11-140. Reserved.**

**Division 4. Trespass\***

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*\*State law references: Trespassing, MCL 750.546 et seq.*

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**Sec. 11-141. Upon lands or premises of another.**

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do, or after such lands or premises have been previously posted with a conspicuous notice forbidding any trespass thereon by the owner or occupant, or agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or agent or servant of either, who, without lawful authority neglects or refuses to depart therefrom, shall be guilty of a misdemeanor.

*(Comp. Ords. 1986, § 20.510)*

*State law references: Similar provisions, MCL 750.552.*

**Sec. 11-142. Breaking and entering generally.**

It shall be unlawful for any person to break and enter, or without breaking, shall enter, at any time, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, factory or other building, boat, ship, railroad car or structure used or kept for public or private use with the intent to commit a felony or any larceny therein.

*(Comp. Ords. 1986, § 20.506)*

*State law references: Similar provisions, MCL 750.110 and 750.110a.*

**Sec. 11-143. Breaking and entering, entering without authority.**

- (a) Any person who shall break and enter, or shall enter without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boathouse, hunting or fishing lodge, garage or the outbuildings belonging thereto, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof, shall be guilty of a misdemeanor.
- (b) This section shall not apply:
  - (1) To entering without breaking of any place which at the time of such entry was open to the public, unless such entry has been expressly denied.

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***(CHAPTER 11, ARTICLE IV, DIVISION 4, SECTION 11-143(b) cont.)***

- (2) Where the breaking and entering or entering without breaking was committed by a peace officer or other person authorized by law to break and enter or otherwise enter without breaking provided the breaking and entering or entering without breaking was committed in the lawful performance of their duties as a peace officer or other person authorized by law to break and enter or otherwise enter without breaking.
- (3) Where the breaking and entering or entering without breaking was committed by someone under the direction of a person exempted from the applicability of this section as noted in subsection (2) above.
- (c) Complaint for violation of this section may be made by the owner, lessee or occupant of the structure, place, or area as set out in subsection (a) above, or the agent thereof, or the police department. The police department shall enforce this section.

*State law references: Similar provisions, MCL 750.115.*

**Sec. 11-144. Unauthorized entrance upon private parking area.**

- (a) Any person who enters upon or loiters upon any private parking area, either in a vehicle or on foot, without the express or implied permission of the owner, lessee, occupant or agent, shall be guilty of a misdemeanor.
- (b) Before this section shall be effective in any parking area, suitable signs must be first posted which would apprise the ordinarily observant person of the restricted use of the parking area. For the purpose of this section, implied permission shall be deemed granted to any person for the use designated by such signs. Implied permission shall not be deemed granted to any person, found upon any private parking area after business hours of the owner, lessee, occupant or agent of the parking area.
- (c) The posting of signs upon a parking area pursuant to this section shall constitute authority by the owner, lessee, occupant or agent of the property for the police department to enforce this section.
- (d) Complaint for violation of this section may be made by the owner, lessee or occupant of the parking area, or the agent thereof, or the police department, and the police department shall enforce this section.

**Secs. 11-145--11-165. Reserved.**

**ARTICLE V            OFFENSES AGAINST PUBLIC PEACE**

**Sec. 11-166. Definition.**

As used in this division, the words "public place" shall mean a place to which the public or a substantial group of persons has access, and shall include but is not limited to highways, parks, transportation facilities, schools, places of amusement, parking areas and playgrounds, and hallways and stairs, lobbies and other portions of apartment houses not constituting rooms or apartments designed for actual residence.

*(Comp. Ords. 1986, § 20.458)*

*Cross references: Definitions and rules of construction generally, § 1-002.*

**Sec. 11-167. Disruption of the peace.**

- (a) In this Section the following words and phrases shall have the meanings respectively assigned to them:

***Public Peace and Quiet*** means:

- (1) Conditions usually attendant to, and associated with, the public order, decorum, noise levels and activity of a developed residential setting or neighborhood at the time and place in issue.
- (2) Conditions usually attended to, and associated with, the business or commercial activity with the occupied portions of business or commercial premises, including the exterior and parking areas or the premise, which conditions are conducive to such activity.

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**(CHAPTER 11, ARTICLE V, SECTION 11-167(a) cont.)**

- (3) Conditions usually attendant to, and associated with the pursuit of lawful occupations where such occupations are commonly engaged in at the time and place in issue.

**Disrupts** means to interrupt the normal course of harmony or activity under circumstances and to the degree that such disruption is substantial and unnecessary.

- (b) It is a violation of this Section for any person to willfully, or while under the influence of alcohol or drugs, engage in conduct, as described here, which disrupts the public peace and quiet, as defined herein, by means of shouting loudly, engaging in altercations, the playing of audio or audio-video players, radios, musical instruments, and to refuse to leave a premises when ordered to by the owner or owner's agent, which disruption serves no legitimate purpose.

*(Comp. Ords. 1986, § 20.551; Ord. of 3-13-00; Ord. of 10-24-11)*

*State law references: Disturbing public places, MCL 750.170.*

**Sec. 11-168. Permitting gathering of disorderly persons.**

It shall be unlawful for any person within the Township to permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons.

*(Comp. Ords. 1986, § 20.552)*

**Sec. 11-169. Jostling.**

It shall be unlawful for any person within the Township to be found jostling or roughly crowding people unnecessarily in a public place.

*(Comp. Ords. 1986, § 20.472)*

*State law references: Such person defined as a disorderly person, MCL 750.167(1)(l).*

**Sec. 11-170. Public disturbance or altercations; fighting.**

- (a) It is a violation of this code for any person to engage in a disturbance or altercation with another in a public place without a good cause.
- (b) It is a violation of this code for any person to engage in a fight or physical combat with another on or at any public or private property for the purpose of inflicting injury or to physically overcome another.
- (c) Violation of paragraph (a) of this section is a civil infraction, with sanctions as set forth in Section 11-408 and Section 11-409 of this Code.
- (d) Violation of paragraph (b) of this section is punishable in accordance with Section 1-010(a) of this Code.

*(Ord. of 3-10-03)*

**Sec. 11-171. Inciting disorder by speech.**

It shall be unlawful for any person to utter and use language or make gestures, or any combination thereof, toward any person which may be intended to or likely to encourage, adduce and incite altercations, breaches of the peace or riotous behavior or conduct by any other person.

*(Comp. Ords. 1986, § 20.553)*

**Sec. 11-172. Disorderly intoxication.**

It shall be unlawful for any person to be drunk or intoxicated or to be under the influence of a drug or controlled substance as defined by state law, or any combination thereof in a public place and either endanger directly the safety of another person or of property, or act in a manner that causes a public disturbance.

*(Comp. Ords. 1986, § 20.541)*

*State law references: Intoxicated person defined as a disorderly person, MCL 750.167(1)(e).*

(CHAPTER 11, ARTICLE V, cont.)

**Sec. 11-173. Consumption of alcoholic beverages on highway; open containers in motor vehicles.**

- (a) In this section "multi-dwelling parking lots" means any residential complex comprising of more than four (4) dwelling units.
- (b) It shall be unlawful for any person to consume any alcoholic beverage upon a public highway or public place, including but not limited to, commercial parking lots and multi-dwelling parking lots open to the public without the express permission of the owner, proprietor or custodian of such place. Establishments licensed by the Michigan Liquor Control Commission are exempt from this section.
- (c) It shall be unlawful for any person to knowingly operate, or be in the control, possession or ownership, and occupy, a motor vehicle as licensed by the state upon a public road or highway within which vehicle there exist alcoholic beverage containers that have been opened and contain alcoholic beverages.

*(Comp. Ords. 1986, §§ 20.543, 20.544; Ord. of 10-24-11)*

**Sec. 11-174. Gatherings and meetings.**

It shall be unlawful for any person or persons within the Township to willfully interrupt or disturb on any day of the week any assembly of people met for the worship of God within the place of such meeting or out of it, or to make or excite any disturbance or contention in any tavern, dance hall, beer garden, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, ground or park or at any election or other public meeting in the Township where any persons are peaceably and lawfully assembled.

*(Comp. Ords. 1986, § 20.554)*

*State law references: Disturbance of religious worship, MCL 750.169, 752.525; disturbing public places, MCL 750.170.*

**Sec. 11-175. Loitering.**

- (a) In this section the following words and phrases shall have the meanings respectively ascribed to them:

**Loitering** means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression "hanging around."

**Public place** means any place to which the general public has access and a right of resort for business, entertainment or for lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- (b) It shall be unlawful for any person within the Township to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:
  - (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians after having been told to move on by a police officer.
  - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto after having been told to move on by a police officer.
  - (3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

*(Comp. Ords. 1986, §§ 20.465, 20.501, 20.545, 20.546)*

*State law references: Certain loiterers deemed disorderly persons, MCL 750.167.*

(CHAPTER 11, ARTICLE V, cont.)

**Sec. 11-176. Unlawful assembly.**

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

*State law references: Similar provisions, MCL 752.543.*

**Sec. 11-177. Failure to disperse.**

It is a violation of this code for any person who, after having been requested or ordered to do so by a police officer, fire official or other Township enforcement officer authorized to do so, refuses or fails to remove him or herself from the immediate scene of a breach of the peace or where illegal activity is occurring or has recently occurred, or where the continued presence of the violator, alone or in conjunction with others, constitutes a violation of this code or the laws of this state.

*(Comp. Ords. 1986, § 20.590; Ord. of 3-8-99)*

**Sec. 11-178. Fireworks.**

(a) Definitions and adoption by reference. As used in this section, the following words and phrases have the meanings indicated.

- (1) **Act** means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 to 28.471, as amended, which is hereby adopted by reference as a part of this ordinance section 11-378.
- (2) **Articles pyrotechnic**, as defined in the Act, means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction.
- (3) **Consumer fireworks**, as defined in the Act, means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United State consumer product safety commission and that are in compliance with the construction, chemical composition, labeling, and other requirements in the Act. Novelties and low-impact fireworks as defined in the Act are not consumer fireworks.
- (4) **Display Fireworks**, as defined in the Act, means large fireworks devices that are explosive materials intended for use in fireworks, displays and designed to produce visible or audible effects by combustion, deflagration, or detonation.
- (5) **Fireworks**, as defined in the Act, means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, and consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects but does not include novelties.
- (6) **Low-impact fireworks**, as defined in the Act, means ground and handheld sparkling devices.
- (7) **National holiday** means New Years Day (January 1), Birthday of Martin Luther King Jr. (third Monday in January), Washington's Birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).
- (8) **Novelties**, as defined in the Act, means all of the following:
  - (i) Toy plastic or paper caps for toy pistols in sheets, strips, roll, or individual caps containing not more than .25 of a grain of explosive
  - (ii) content per cap, in packages labeled to indicate the maximum explosive content per cap.

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**(CHAPTER 11, ARTICLE V, cont.)**

- (iii) Toy pistols, toy canons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
    - (iv) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
    - (v) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.
  - (9) **Special effects**, as defined in the Act, means a combination of chemical elements or chemical compounds capable of burning, independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.
- (b) *Prohibited ignition, discharge, and use.* Except for the following, fireworks shall not be ignited, discharged or used in the township:
  - (1) In compliance with a permit granted by the township board as provided in the Act.
  - (2) Consumer fireworks from 8:00 a.m. until 12:00 midnight on the days preceding, of, and after a national holiday, and for the first hour of New Year's Day until 1:00 a.m.
  - (3) Low-impact fireworks by a person that is not under the influence of alcoholic liquor and/or a controlled substance.
- (c) *Consumer fireworks prohibitions.*
  - (1) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or private property of another person without the express written permission from the person or entity legally in possession and control of that property.
  - (2) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or a controlled substance.
  - (3) Consumer fireworks shall not be possessed, ignited, discharged, or used by a minor (a person who is less than 18 years of age, with the parental neglect and responsibility provisions in Article IX of Chapter 11 of the Waterford Charter Township Code applicable to this ordinance.
- (d) *Consumer fireworks sales.* As provided in and subject to punishment under the Act:
  - (1) Consumer fireworks shall not be sold to a minor.
  - (2) Persons shall not sell consumer fireworks at a retail location without prominently displaying the consumer fireworks certificate obtained under the Act for that location.
- (e) *Fireworks seizure costs.* Payment of all costs incurred by the township police department under the Act in securing, seizing, storing, and disposing of fireworks that are in violation of the Act or this Ordinance, shall be the responsibility of all persons found guilty, responsible or liable for the violation. In recognition that the police department's actual costs for any seizure will include having the personnel, equipment, and facilities necessary to store fireworks in compliance with the Act, costs to be paid shall be determined in accordance with rates and methods established by Resolution of the Township Board of Trustees.
- (f) *Violations/penalties.* *Violations/penalties.* The sanction for violations of subsections (b) and (c) is a municipal civil infraction, punishable by a civil fine of not more than \$500.00, with violations of subsection (c) also punishable by costs, damages and expenses as provided in Section 1-010(b) and Article X in Chapter 11 of the Waterford Charter Township Code. Violations of the Act listed in subsection (d) for reference are punishable under and as provided in the Act as state civil infractions, misdemeanors, or felonies, and not as violations of this Ordinance. *(Ord. 7-23-12) (Ord. Rev. 6-24-13)*

**Secs. 11-179- -11-200. Reserved.**

(CHAPTER 11, cont.)

## ARTICLE VI OFFENSES AGAINST PUBLIC MORALS

### Division 1. Generally

#### Sec. 11-201. Indecent exposure.

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

*(Comp. Ords. 1986, §§ 20.477, 20.547)*

*State law references: Similar provisions, MCL 750.335a.*

#### Sec. 11-202. Indecent or obscene conduct.

It shall be unlawful for any person within the Township to engage in any indecent or obscene conduct in any public place.

*(Comp. Ords. 1986, §§ 20.477, 20.549)*

*State law references: Such person deemed a disorderly person, MCL 750.167(1)(f).*

#### Sec. 11-203. Violations and sanctions.

Violation of Section 11-174 or 11-175 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

#### Secs. 11-204--11-210. Reserved.

### Division 2. Prostitution\*

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*\*State law references: Prostitution, MCL 750.448 et seq.*

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#### Sec. 11-211. Generally.

- (a) It shall be unlawful for any person within the Township to commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion.
- (b) It shall be unlawful for any person within the Township to secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.
- (c) It shall be unlawful for any person within the Township to be in or near any place frequented by the public or any public place for the purpose of inducing, enticing or procuring another to commit a lewd act or an act of prostitution or moral perversion.
- (d) It shall be unlawful for any person within the Township to knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.
- (e) It shall be unlawful for any person within the Township to knowingly receive or offer to or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion or to knowingly permit any person to remain in any place or building for any such purpose.
- (f) It shall be unlawful for any person within the Township to direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

(CHAPTER 11, ARTICLE VI, DIVISION 2, cont.)

**Sec. 11-212. Houses of ill fame--Patronizing.**

- (a) It shall be unlawful for any person within the Township to patronize, frequent, be found in or be an inmate of any house of ill fame or assignation or place for the practice of prostitution or lewdness.
- (b) It shall be unlawful for any person to accept the solicitation of or solicit a prostitute for the practice of fornication, prostitution or lewdness.

*State law references: Admitting to place for purpose of prostitution, MCL 750.449; engaging or offering to engage services of female, MCL 750.449a.*

**Sec. 11-213. Same--Leasing premises.**

It shall be unlawful for any person within the Township to lease to another any house, room or other premises, in whole or in part, for any of the uses or purposes set forth in Section 11-212 or to knowingly permit house, room or other premises to be used or occupied for such purposes.

*State law references: Similar provisions, MCL 750.454.*

**Sec. 11-214. Soliciting and accosting.**

It shall be unlawful for any person within the Township to accost, solicit or entice another in any public place or in or from any building or vehicle by word, gesture or any other means to commit prostitution or to submit to an act of gross indecency, or to any other act of depravity or delinquency or shall suggest any of the aforementioned acts.

*(Comp. Ords. 1986, § 20.479)*

*State law references: Similar provisions, MCL 750.448.*

**Secs. 11-215--11-225. Reserved.**

**Division 3. Gambling\***

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*\*State law references: Gambling, MCL 750.301 et seq.*

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**Sec. 11-226. Keeping or occupying building for gambling.**

- (a) It shall be unlawful for any person, or his agent or employee, within the Township, to directly or indirectly keep or occupy, or assist in keeping or occupying any common gambling house, or any building or room therein, or place within the Township where gaming is permitted or suffered, or to suffer or permit on any premises owned, occupied or controlled by him, any apparatus used for gaming or gambling, or to use such apparatus for gaming or gambling in any place within the Township.
- (b) This section does not prohibit the manufacture of gaming or gambling apparatus or the possession of gaming or gambling apparatus by the manufacturer of the apparatus solely for sale outside of the state, or for sale to a gambling establishment operating within this state in compliance with the laws of this state, if applicable, and in compliance with the laws of the United States, provided the manufacturer meets or exceeds federal government requirements in regard to manufacture, storage, and transportation.

*(Comp. Ords. 1986, § 20.556)*

*State law references: Similar provisions, MCL 750.302.*

**Sec. 11-227. Gambling and frequenting prohibited.**

It shall be unlawful for any person to deal in, play or engage in gaming such as faro, roulette, dice, cards, or other device or game of chance, hazard or skill, either as bookmaker, dealer, keeper, player or otherwise for the purpose of gambling for money or other valuable thing or to knowingly attend or be found frequenting any place where gambling is permitted or allowed or is taking place.

*(CHAPTER 11, ARTICLE VI, DIVISION 3, cont.)*

**Sec. 11-228.    Cappers, steerers, loiterers.**

It shall be unlawful for any person to engage in the work or occupation of a roper, steerer, doorman or capper so-called for any gambling room, gaming house, or place where gaming is carried on, or for any gambling, game of chance, trick or device, or for any place where gambling or games of chance may be permitted or allowed or are being carried on. It shall be unlawful for persons to knowingly frequent, attend, or be found present in any of such places.

**Sec. 11-229.    Keeping gaming room for hire, gain or reward.**

- (a) It shall be unlawful for any person within the Township to keep or maintain for hire, gain or reward, a gaming room or gambling table or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or to knowingly suffer a gaming room or gaming table, or any such game to be kept, maintained or played on any premises within the Township occupied or controlled by him, or for any person to aid, assist or abet in the keeping or maintaining of any such gaming room, gaming table or game within the Township.
- (b) Subsection (a) does not apply to a mechanical amusement device which may through the application of an element of skill reward the player with the right to replay the mechanical device at no additional cost if the mechanical amusement device is not allowed to accumulate more than fifteen (15) replays at one (1) time; the device is designed so that accumulated free replays may only be discharged by reactivating the device for one (1) additional play for each accumulated free replay; and the device makes no permanent record directly or indirectly of the free replays awarded.
- (c) Subsection (a) does not apply to a slot machine if the slot machine is twenty-five (25) years old or older and is not used for gambling purposes. As used in this subsection "slot machine" means a mechanical device, an essential part of which is a drum or reel which bears an insignia and which when operated may deliver, as a result of the application of an element of chance, a token or money or property, or by operation of which a person may become entitled to receive, as a result of the application of an element of chance, a token or money or property.
- (d) A slot machine which is being used for a gambling purpose in violation of subsection (c) shall be confiscated and turned over to the director of the department of state police for auction.
- (e) Subsection (a) does not apply to a crane game. As used in this section, "crane game" means an amusement machine activated by the insertion of a coin, by which the player uses one (1) or more buttons, joysticks, or similar means of control, or a combination of those means of control, to position a mechanical or electromechanical claw, or other retrieval device, over a prize, toy, or novelty having a wholesale value of not more than three dollars and seventy-five cents (\$3.75), and thereby attempts to retrieve the prize, toy, or novelty. "Crane game" does not include a slot machine, as defined in subsection (c).
- (f) The bureau of state lottery or a law enforcement officer may confiscate any crane game that is available for play and is not in compliance with subsection (e) of this section or the rules promulgated under state law. The confiscated games and their contents shall not be destroyed, altered, dismantled, sold, or otherwise disposed of except upon order of a court having competent jurisdiction.
- (g) A crane game shall not be made available for play in connection with a fund-raising event, as defined in Section 7 of Act No. 388 of the Public Acts of 1976 (MCL 169.207). A person who violates this subsection is guilty of a misdemeanor.

*State law references: Similar provisions, MCL 750.303*

(CHAPTER 11, ARTICLE VI, DIVISION 3, cont.)

**Sec. 11-230. Gambling place and equipment.**

It shall be unlawful for any person, or his agent or employee, within the Township, to directly or indirectly keep, maintain, operate or occupy any building or room, or any part thereof, or any place with apparatus, books, or any device for registering bets, or buying or selling pools upon the result of a game, competition, political competition, appointment, or election, or any purported event of like character, or to register bets, or buy or sell pools, or to be concerned in buying or selling pools, or to knowingly permit any grounds or premises owned, occupied, or controlled by him to be used for any of the purposes aforesaid.

*State law references: Similar provisions, MCL 750.304.*

**Sec. 11-231. Policy or pool tickets and confiscation of articles of gaming.**

It shall be unlawful, within the Township, for any person or persons to be in possession of any policy or pool tickets, slips or checks, memoranda, or any combination thereof, bet slips, numbers slip or slips, or of any article associated and/or connected with commercial gambling. Any and all such articles may be confiscated and destroyed by the police department, or used in evidence in any prosecution for violation of this Code.

*State law references: Similar provisions, MCL 750.306.*

**Secs. 11-232--11-240. Reserved.**

**Division 4. Controlled Substances\***

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*\*State law references: Controlled substances, MCL 333.7101 et seq.*

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**Sec. 11-241. Definition.**

As used in this division, "drug" means a substance recognized as a drug in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; a substance other than food intended to affect the structure or any function of the body of human beings or animals; or, a substance intended for use as a component of any article specified in this subsection. It does not include a device or its components, parts, or accessories.

*(Comp. Ords. 1986, § 20.459)*

*Cross references: Definitions and rules of construction generally, § 1-002.*

*State law references: Similar provisions, MCL 333.7105(7)*

**Sec. 11-242. Possession, sale, etc., prohibited generally.**

It shall be unlawful for any person to manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance as defined in Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq.), as amended, except as authorized by this article and the public health code.

*(Comp. Ords. 1986, §§ 20.273, 20.274, 20.556)*

**Sec. 11-243. Lawful possession, dispensation.**

(a) A manufacturer, wholesaler, apothecary, medical doctor, osteopathic physician, dentist, veterinarian, chiroprapist, 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 controlled substances described in Section 11-242; provided he or they shall have complied with all provisions as required by the United States Internal Revenue Code, as the same now exists or may be hereafter amended.

*(CHAPTER 11, ARTICLE VI, DIVISION 4, SECTION 11-243 cont.)*

- (b) No medical doctor, osteopathic physician or other person specified in this section in any manner authorized to prescribe controlled substances shall prescribe such substances for his own use, nor shall any druggist honor such a prescription.
- (c) All controlled substances obtained pursuant to this section shall be kept in the original package or container in which they were received; provided, that this requirement should not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian, or chiroprapist, or to any authorized person or persons acting directly under their supervision or control.

**Sec. 11-244.    Operation of boats and snowmobiles while under influence.**

- (a) A person shall not, while under the effects or influence of marijuana, operate or control a motor vehicle, motor boat, snowmobile, or other motor-driven recreational vehicle upon the streets, roads and highways, public or private, or upon the frozen lakes or other areas open to the general public, within the Township; nor shall a person knowingly permit such operation or control of any of the aforementioned vehicles by a person under the effects or influence of marijuana.
- (b) In all arrests and prosecutions for violation of this section, appearance tickets and the appropriate procedures set forth in Public Act No. 147 of 1968 (MCL 764.9a et seq.), as amended, shall be used.
- (c) In any prosecution for violation of the provisions of this section, the burden of establishing any license or prescription shall be upon the defendant, but this does not eliminate the burden of proof for the violation.

*(Comp. Ords. 1986, §§ 20.75, 20.276, 20.278)*

**Sec. 11-245.    Fraud and deceit in obtaining drugs, syringes, etc.**

Any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact, or the use of a false name or the giving of a false address for the purpose of obtaining any controlled substances or barbituric acid or any derivative, compound, preparation or mixture thereof, or hypodermic syringe or needle or other instrument or implement or empty gelatin capsules or false statement on any prescription blank shall be deemed a violation of this section. No person who shall have obtained the possession of any controlled substances, hypodermic syringes, needles or other instruments or implements adapted for the use of such substances or empty gelatin capsules pursuant to the terms of this section shall use the same or permit or authorize their use for any purpose other than that specifically authorized in the prescription or order by means of which such possession was obtained.

**Sec. 11-246.    Fraud and deceit in sale, etc., prohibited.**

Any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or any other form of 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 a drug as described in Section 11-242, when the same may or may not be the same, shall be deemed a violation of this division.

**Sec. 11-247.    Possession for transportation, enforcement of division.**

The provisions of this section restricting the possession of controlled substances or barbituric acid or any derivative, compound, preparation, or mixture thereof or hypodermic syringes, needles or other implements or instruments adapted to the use of such substances by means of subcutaneous injection or intracutaneous injection or any other manner or method of introduction or empty gelatin capsules shall not apply to common carriers or warehousemen or their employees engaged in the lawful transportation or storage of such substances, syringes, needles or capsules or to public officers or employees while engaged in the performance of their official duties nor to temporary incidental possession on the part of employees or agents of persons lawfully entitled to possession.

*(CHAPTER 11, ARTICLE VI, DIVISION 4, cont.)*

**Sec. 11-248. Commitment of addicts.**

- (a) No person shall unlawfully use or be addicted to the unlawful use of narcotic or dangerous drugs or their derivatives or barbituric acid or derivative or mixtures, compound or preparation thereof. Any unlawful use or addiction shall be deemed a violation of this section. Any nonmedical habitual user of controlled substances who shall make voluntary application to the district court judge may, upon the presentment of a certificate executed by a practicing physician in the state stating that he is a nonmedical habitual user of controlled substances, be committed, at the discretion of the court, to any correctional or charitable institution, hospital, sanitarium or institution authorized for the treatment of disease or inebriety or drug addiction. Whenever the medical officer or head of such institution shall certify to the committing judge or court that any person so committed has been sufficiently treated or gives any other reason which is deemed by such judge or court to be adequate and sufficient, the court may, in accordance with the terms of commitment, discharge the person so committed or return him to await further action of the court.
- (b) Any addicted person who does not make voluntary application for treatment as provided in this section shall be deemed to be in violation of this section.

**Sec. 11-249. Loitering, etc., about places where substances stored, kept.**

No person shall knowingly loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, aeroplane or other place of any description whatsoever where controlled substances, hypodermic syringes, needles or other instruments or implements or empty gelatin capsules are manufactured, administered, delivered, possessed, distributed, prescribed, dispensed, stored or kept illegally.

*(Comp. Ords. 1986, § 20.555)*

**Sec. 11-250. Disposition of first offenders.**

When any person who has not previously been convicted of any offense under this section or any statute of the United States or of any state relating to narcotic drugs, coca leaves, marijuana, or stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance, or of use of a controlled substance the court, without entering a judgment of guilt, and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilty and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. There may be only one (1) discharge and dismissal under this section with respect to any person. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to any court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered in this section has already once availed himself of the provision of this section.

**Sec. 11-251. Instruction, rehabilitation program.**

If a person is convicted of a violation of this division, the court, as part of his sentence during either the period of his confinement or the period of his probation, or both, may require him to attend a course of instruction or rehabilitation program approved by the department of mental health on the medical, psychological and social effects of the misuse of drugs. The court may order him to pay a fee, as approved by the director of mental health, for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of his probation.

*(CHAPTER 11, ARTICLE VI, DIVISION 4, cont.)*

**Sec. 11-252. Sensory observation of expert witness to constitute prima facie evidence as to identification of marijuana.**

In all cases in which alleged marijuana is presented to the court as evidence, the opinion of an expert witness based upon his sensory observation only shall be sufficient to constitute prima facie evidence that the substance constituting the exhibit is marijuana without the necessity of presenting microscopic or chemical test results.

*(Comp. Ords. 1986, § 20.277)*

**Secs. 11-253--11-260. Reserved.**

**Division 5. Drug Paraphernalia**

**Sec. 11-261. Short title.**

This division shall be known and may be cited as the "Waterford Township Drug Paraphernalia Ordinance."

*(Comp. Ords. 1986, § 20.831)*

**Sec. 11-262. 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:

**Controlled substance** means a controlled substance as that term is defined in Act 368, Public Acts of 1978 (MCL 333.1101 et seq.), as amended, the Michigan "Public Health Code."

**Drug paraphernalia** means all equipment, products and materials of any kind which are used, intended for use, or designed for use in preparing, testing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of state or local law. The term "drug paraphernalia" includes but is not limited to:

- (1) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (2) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- (3) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (4) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- (5) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging controlled substances.
- (6) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- (7) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- (8) Objects used, intended for use, or designed for use in ingesting inhaling, or otherwise introducing marijuana, cocaine, hashish, or other controlled substances into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens or punctured metal bowls.
  - b. Water pipes.
  - c. Smoking and carburetion masks.
  - d. Roach clips (meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand).
  - e. Miniature cocaine spoons, and cocaine vials.
  - f. Bongs.

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*(CHAPTER 11, ARTICLE VI, DIVISION 5, SECTION 11-262 cont.)*

In determining whether or not an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the objects, concerning its use.
- (2) The proximity of the object to controlled substances.
- (3) The existence of any residue of controlled substances on the object.
- (4) Instruction, oral or written, provided with the object concerning its use.
- (5) Descriptive materials accompanying the object which explain or depict its use.
- (6) National and local advertising concerning its use.
- (7) The manner in which the object is displayed for sale.
- (8) Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (9) The existence and scope of legitimate uses for the object in the community.
- (10) Expert testimony concerning the use of the object.

*(Comp. Ords. 1986, § 20.832)*

**Sec. 11-263. Prohibited activities.**

- (a) Possession. It is unlawful for any person to use, or possess with intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance in violation of state or local law.
- (b) Manufacture, delivery, or sale. It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance in violation of state or local law.
- (c) Advertisement. It is unlawful for any person to place in a newspaper, magazine, handbill, sign, poster or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

*(Comp. Ords. 1986, § 20.833)*

**Sec. 11-264. Exemptions.**

This division shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

*(Comp. Ords. 1986, § 20.834)*

**Sec. 11-265. Civil forfeiture.**

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

*(Comp. Ords. 1986, § 20.835)*

**Secs. 11-266--11-275. Reserved.**

(CHAPTER 11, ARTICLE VI, cont.)

## **Division 6. Model Glue\***

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*\*State law references: Use of chemical agents, MCL 752.271.*

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### **Sec. 11-276. Definition.**

As used in this division, the term "model glue" means any glue, adhesive cement, mucilage, dope, plastic solvent or other adhesive of the type commonly used in the construction of model airplanes, automobiles, boats and other unassembled model kits, containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate or other toxic ingredient.

*Cross references: Definitions and rules of construction generally, § 1-002.*

### **Sec. 11-277. Minors; sale, possession by.**

No person under the age of eighteen (18) shall possess or buy any model glue and no person shall sell or transfer possession of any model glue to another person under eighteen (18) years of age, except:

- (1) A person may sell or transfer possession of model glue to a person under eighteen (18) years of age for model building or other lawful use where such juvenile has in his possession and exhibits the written consent of his parent or guardian.
- (2) A person may sell or transfer possession to a person under the age of eighteen (18) years, not more than one (1) assembly kit which contains not more than one (1) container of model glue not to exceed one (1) fluid ounce, as a necessary part of model assembly.

### **Sec. 11-278. Parental consent.**

A person making a sale or transfer of possession of model glue to a person under eighteen (18) years of age who exhibits the written consent of his parent or guardian shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent-type register available for inspection by the police department for a period of at least six (6) months.

### **Sec. 11-279. Inhalation of fumes.**

No person shall inhale, drink, eat or otherwise introduce into his respiratory or circulatory system any compound, liquid, chemical or any substance known as glue, adhesive cement, mucilage, dope, plastic solvent or combination thereof with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting the eyesight, thinking process, judgment, balance or coordination of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

### **Sec. 11-280. Medical use.**

The provisions of this division shall not pertain to any person who inhales, drinks, eats or otherwise introduces into his circulatory or respiratory system such material or substance pursuant to the direction or prescription of any doctor, dentist or other person authorized to do so, direct or prescribe.

### **Sec. 11-281. Aiding or abetting violation.**

No person shall, for the purpose of violating or aiding another to violate any provision of this division, intentionally possess, buy, sell, transfer possession or receive possession of any model glue. It shall be unlawful for any person to assist, aid, abet or encourage any minor to violate any provisions of this division.

### **Secs. 11-282--11-300. Reserved.**

(CHAPTER 11, cont.)

## ARTICLE VII OFFENSES AGAINST PUBLIC SAFETY\*

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\*Cross references: Health and sanitation, Ch. 9.

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### Division 1. Generally

#### Sec. 11-301. Abandonment of refrigerators, etc., with airtight doors.

It shall be unlawful for any person to leave outside of any building or dwelling, or in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, trunk, or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of the icebox, refrigerator, trunk or other container, without first removing the locks or doors therefrom.

*State law references: Similar provisions, MCL 750.493d.*

#### Sec. 11-302. Throwing stones, missiles or other objects.

It shall be unlawful for any person to intentionally or deliberately throw or propel by any means any snowball, missile or other object at or towards any person or vehicle, whether stationary or moving.

*(Comp. Ords. 1986, § 20.475)*

#### Sec. 11-303. Depositing snow on sidewalks.

- (a) It is a violation of this Ordinance for any person to shovel, plow or otherwise deposit snow onto a public sidewalk or non-motorized transportation path so as to interfere with the ease of passage of users thereof.

This section is not applicable to the Road Commission of Oakland County or any other governmental agency involved in the clearing of snow from the roadways.

- (b) Violation of this Section is a civil infraction subject to the sanctions in accordance with Sec. 1-10(b) of the Code of Ordinances.

*(Comp. Ords. 1986, §§ 20.543, 20.544; Ord. of 10-24-11)*

#### Secs. 11-304--11-315. Reserved.

### Division 2. Weapons\*

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\*State law references: Firearms and weapons, MCL 28.421 et seq., 750.222 et seq.

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#### Sec. 11-316. 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:

**Armour-piercing bullet** shall refer to any bullet that, when fired out of a handgun having a barrel length of five (5) inches or less, can penetrate eighteen (18) layers of kevlar or equivalent bullet-proof material.

**Firearm** means and includes any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

**Weapon** means any instrument used in the propulsion of shot, shell, bullets, darts, BB's, arrows or projectiles, or any combination thereof, by the action of gun powder exploded within it, or by means of any propellant, gas, spring action, or compressed air. A slingshot shall be deemed a weapon within the meaning of this definition.

*(Comp. Ords. 1986, § 20.803)*

*Cross references: Definitions and rules of construction generally, § 1-002.*

*(CHAPTER 11, ARTICLE VII, DIVISION 2, cont.)*

**Sec. 11-317. Discharging weapons; exceptions.**

It shall be unlawful for any person, except a police officer or other peace officer in the lawful discharge of his or her duties, to fire or discharge any gun, pistol, shotgun, rifle, revolver or any other firearm within the Township, except as follows:

- (1) Nothing in this section shall prohibit any person from discharging such a weapon, when necessary, for the defense of person and property from attack.
- (2) Nothing in this section shall prevent the discharge of firearms in a regularly licensed shooting gallery.
- (3) In accordance with Section 11-331, and Act 10 L.A. 1957, nothing in this section shall prohibit hunting with a bow and arrow within the Township, subject to the limitations contained in Section 11-334 and 11-335.
- (4) Nothing in this section shall prohibit the hunting with firearms on state-owned lands under the jurisdiction of the department of conservation pursuant to Section 11-331.

*(Comp. Ords. 1986, § 20.804(a); Ord. of 10-27-97; Ord. of 4-27-98)*

**Sec. 11-318. Brandishing or aiming firearm.**

It shall be unlawful for any person within the Township to intentionally, without malice, brandish a firearm or to point or aim any firearm at or toward any other person.

*(Ord. of 10-27-97)*

**Sec. 11-319. Aiming and discharging firearm.**

It shall be unlawful for any person within the Township to discharge without injury to another person any firearm, while intentionally, without malice, aiming at or toward any person.

*State law references: Similar provisions, MCL 750.234.*

**Sec. 11-320. Injury by discharge of firearm.**

It shall be unlawful for any person within the Township to maim or injure any other person by the discharge of any firearm pointed or aimed unintentionally, without malice, at any such person.

*State law references: Similar provisions, MCL 750.235.*

**Sec. 11-321. Possession or control of firearm while intoxicated.**

It shall be unlawful for any person within the Township, while under the influence of an alcoholic liquor or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

*State law references: Similar provisions, MCL 750.237.*

**Sec. 11-322. Unlawful possession of knives.**

(a) Minors. It is a violation of this section for any minor under the age of eighteen (18) years to have within his or her possession any dagger, dirk, razor, stiletto or knife having a blade of over three (3) inches in length unless, at the time of possession thereof, the minor child is in the presence and supervision of a parent, legal guardian or other adult with whom the minor is engaged in a lawful activity such as hunting or trapping, scouting and the like.

(b) Possession with unlawful intent. It is a violation of this section for any person who, with intent to use the same unlawfully against the person or property of another, to have within his or her possession, any dagger, dirk, razor, stiletto or knife having a blade over three (3) inches in length, or other dangerous or deadly weapon or instrument fashioned as such.

*(Ord. of 4-27-98)*

*State law references: Carrying firearm or dangerous weapon, MCL 750.226.*

**Sec. 11-323. Confiscation of firearms.**

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the Township.

*(CHAPTER 11, ARTICLE VII, DIVISION 2, cont.)*

**Sec. 11-324.    Transportation and possession.**

It shall be unlawful for any person to transport or to have in possession in or upon any vehicle a firearm unless the same be unloaded in both barrels and magazine and carried in the luggage compartment of the vehicle. It shall be unlawful to carry a firearm on any public street or in any public place unless it is unloaded and in a case.

*State law references: Carrying concealed weapons without license, MCL 750.227.*

**Sec. 11-325.    Sale or purchase.**

It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

**Sec. 11-326.    BB guns; use by minors, prohibition, exception.**

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

*(Ord. of 4-27-98)*

*State law references: BB guns, MCL 752.891 et. seq.*

**Sec. 11-327.    Fishing with bow and arrow.**

This division shall not apply to a person using a bow with line attached from arrow to bow for purposes of shooting fish, which activity is otherwise in compliance with state and federal laws.

*(Comp. Ords. 1986, § 20.808)*

**Sec. 11-328.    Bow and arrow target ranges.**

An individual may establish a target range for bow and arrow on his own property, provided that the target is set at least eighty-five (85) feet between the rear of the target and the property line, and at least thirty-five (35) feet on each side of the target to the property line. Every property owner seeking to create a bow and arrow range on his own property shall first make application to the chief of police and a written safety permit must be obtained from the chief. In addition, the application shall be submitted to and approved by the planning department after its review for compliance with the zoning ordinance. The chief of police shall inspect each proposed target site before issuance of the permit to ensure the safety of persons and property adjacent to the area. The permit will be valid for a period of one (1) year at no fee.

*(Comp. Ords. 1986, § 20.809)*

**Sec. 11-329.    Forfeiture of weapons; armour-piercing bullets.**

- (a) All weapons carried, possessed, aimed, discharged and used contrary to this division are declared forfeited to the Township, and may be seized by any police officer of the Township, and, when permitted by state law, may be redeemed at the sole discretion of the chief of police after all court fines and costs have been paid.
- (b) All armour-piercing bullets possessed or sold contrary to the terms of this division are declared forfeited to the Township and shall be destroyed promptly by the order of the chief of the police department. Upon destruction of such bullets by the police department, written notice of the place and person from which the bullets were seized and the number of bullets destroyed shall be furnished to the Township Board by the chief of police.

*(Comp. Ords. 1986, § 20.810)*

**Sec. 11-330.    Careless handling.**

No person shall use, carry, handle, or discharge any weapon or any other instrument or instrumentality fashioned as a weapon, carelessly and heedlessly, in willful or wanton disregard of the rights, safety or property of others, or without due caution or circumspection.

*(Comp. Ords. 1986, § 20.804(c))*

*(CHAPTER 11, ARTICLE VII, DIVISION 2, cont.)*

**Sec. 11-331. Firearm hunting restricted.**

No person shall hunt any fowl, wild game, or animals of any type with a firearm upon any lands or premises within the Township, except on state-owned land under the jurisdiction of the department of conservation.

*(Comp. Ords. 1986, § 20.804(e); Ord. of 10-27-97)*

**Sec. 11-332. Threatening others.**

No person shall, while possessing a weapon or fashioning an object as to reasonably appear to be a weapon, threaten, intimidate, or offer to commit an act of force or violence against the person or property of another.

*(Comp. Ords. 1986, § 20.804(f))*

**Sec. 11-333. Bow and arrow hunting requirements as to clothing and safety zones.**

The following requirements are imposed upon persons hunting by bow and arrow within the Township:

- (1) During the entire firearm deer hunting season, bow and arrow hunters are required to wear a hat, cap, vest, jacket or rain gear of highly visible color, commonly referred to as "hunter orange". The garment featuring the hunter orange must be the outermost garment, and must be visible from all sides. Camouflage orange garments, with fifty (50) percent or more of the surface in hunter orange, are legal.
- (2) Safety zones are defined as all areas within four hundred fifty (450) feet of an occupied dwelling, house, cabin, residence or any barn or any other building used in a farm operation. It is prohibited to hunt or discharge a bow and arrow within a safety zone or shoot at any wild animal or wild bird while the bird or animal is within a safety zone without the written permission of the owner or occupant of such safety zone.

*(Ord. of 10-27-97; Ord. of 6-8-98)*

**Sec. 11-334. Restrictions on weapon use in Township parks.**

It is unlawful for any person other than a duly sworn police or law enforcement official in the course of his or her official duty to discharge, possess and/or use a firearm, bow and arrow, crossbow, slingshot, pellet gun or air rifle, or other weapon within the boundaries of a Township park. This provision shall not prohibit the possession and/or use of any such weapon within the boundaries of a Township park if such possession or use is within a sanctioned hunt approved by the Township Board under Section 11-335.

*(Ord. of 10-27-97)*

**Sec. 11-335. Preservation of wildlife in Township parks, sanctioned hunt.**

No hunting or trapping will be allowed in any Township park, unless the parks and recreation board, or any park governing body and the Township Board, approve a sanctioned hunt, if and/or when the population of any wildlife species becomes a nuisance, health and/or safety hazard. The Township Board shall make the final decision as to a sanctioned hunt. The parks and recreation department shall submit to the Township Board, terms and conditions applicable to any request for a sanctioned hunt.

*(Ord. of 10-27-97)*

**Sec. 11-336. Wildlife blinds.**

No person shall construct or build, within the boundaries of a Township park, any structure of any material, natural or otherwise, which would be used to take, entrap, snare, injure, maim or kill any animal or bird located in such Township parks.

*(Ord. of 10-27-97)*

**Secs. 11-337--11-340 Reserved.**

*(CHAPTER 11, ARTICLE VII, DIVISION 3)*

**Division 3. Synthetic Marijuana and Dangerous Products**

**Sec. 11-341. Findings, Intent and Purpose.**

- (a) The township finds that synthetic marijuana, consisting of plant or other material treated with chemicals or other substances that have not been approved for human consumption, is being marketed and sold as herbal incense and is being used in the same manner and for the same purposes as marijuana, with that use having become increasingly popular, particularly among teens and young adults.
- (b) The township further finds based on information and reports from poison control centers, hospitals, emergency room doctors, and police agencies, that individuals who use synthetic marijuana experience dangerous side effects including convulsions, tremors, seizures, hallucinations, unconsciousness, anxiety attacks, dangerously elevated heart rates, increased blood pressure, vomiting, and disorientation, evidencing that these herbal incense products are harmful if consumed and present an imminent and significant public health danger to persons consuming such products and other persons coming in contact with them.
- (c) The township further finds that, notwithstanding the high potential for abuse, and lack of any accepted medical use, the ability of the state to prohibit all forms of synthetic marijuana as a controlled substance has been frustrated due to the changing nature of the chemicals used in the manufacturing process.
- (d) The township further finds that in addition to synthetic marijuana, there may be other products or materials containing chemicals or substances, that while not approved for human consumption, are or may be marketed and sold in a form that allows for such consumption and which, upon consumption, may result in the same serious side effects and public health dangers as synthetic marijuana.
- (e) Based on these findings, this ordinance is adopted for the purpose and with the intent to protect the public health and safety of the township and its residents from the threat posed by the availability and use of synthetic marijuana and other dangerous products by prohibiting persons from trafficking in, possessing, and using them in the township.

**Sec. 11-342. Definitions and adoption by reference.**

As used in this division, the following words and phrases have the meanings indicated.

**Act** means the controlled substances provisions in Article 7 of the Public Health Code, Public Act No. 368 of 1978, MCL 333.7101 to MCL 333.7545, as amended, which is hereby adopted by reference as a part of this division.

**Chemical agent** means any chemical or organic compound, substance, or agent that is not made, intended and approved for consumption by humans.

**Consumable product or material** means a product or material, that regardless of packaging disclaimers or disclosures that it is not for human consumption or use, is in a form that readily allows for human consumption by inhalation, ingestion, injection, or application, through means including but not limited to smoking, or ingestion by mouth with or without mixing with food or drink.

**Controlled substance** means a substance included as a controlled substance in schedules 1 through 5 of the Act or a substance temporarily scheduled or rescheduled as a controlled substance as provided in the Act.

*(CHAPTER 11, ARTICLE VII, DIVISION 3, cont.)*

**Controlled substance analogue** has the same meaning as defined in the Act, which is a substance, the chemical structure of which is substantially similar to that of a controlled substance in schedules 1 and 2 of the Act.

**Dangerous product** means a consumable product or material containing a dangerous substance.

**Dangerous substance** means:

- (i) a chemical agent that under section 2451 of the Act, MCL 333.2451, has been determined by the local health officer to be or present an imminent danger to the health or lives of humans when present in a consumable product or material; and,
- (ii) a chemical agent in a consumable product or material unless that chemical agent is conspicuously identified and described in writing on the packaging of the product, and has not been previously determined by the township or other governmental authority to be or present an imminent danger to the health or lives of humans when present in that type of consumable product or material.

**Synthetic cannabinoid** means a chemical compound, substance or agent identified in the Synthetic Cannabinoid Appendix that is part of this division, as amended from time to time by Resolution of the Township Board.

**Synthetic marijuana** means a consumable product or material that contains a synthetic cannabinoid or other dangerous substance, which on the date this division was added to the Code, included herb and herbal incense products marketed and most commonly known as K-2 and Spice.

**Traffic and trafficking** means to manufacture, distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, sell, or transfer.

**Transfer** means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.

**Sec. 11-343. Trafficking prohibitions.**

It shall be unlawful for any person to traffic, or knowingly allow trafficking on property owned or controlled by that person, in any of the following:

- (a) A consumable product or material containing a controlled substance or controlled substance analogue.
- (b) A dangerous product.
- (c) Synthetic marijuana.

**Sec. 11-344. Possession and use prohibitions.**

It shall be unlawful for any person to possess or use, or knowingly allow the possession and use on property owned or controlled by that person, of any of the following:

- (a) A consumable product or material containing a controlled substance or controlled substance analogue.
- (b) A dangerous product.
- (c) Synthetic marijuana.

*(CHAPTER 11, ARTICLE VII, DIVISION 3, cont.)*

**Sec. 11-345. Probable cause evidentiary presumption.**

In recognition that the presence of a controlled substance, controlled substance analogue, synthetic cannabinoid, or dangerous substance in a consumable product or material may require laboratory testing that can not be done at the time a violation of this division is believed to have occurred, for purposes of determining the existence of probable cause, it shall be presumed that a consumable product or material contains one or more of those substances if it is being or has been marketed or sold for a price that is substantially higher than the price at which the same quantity of a similar and comparable product or material that is known to not contain such substances can be purchased.

**Sec. 11-346. Penalties.**

The sanction for a violation of this division shall be as a misdemeanor, punishable by a fine of not more than \$ 500.00 and/or imprisonment for not more than 90 days as provided in Section 1-010(a) of this Code.

**SYNTHETIC CANNABINOID APPENDIX**

Synthetic Cannabinoids include all of the following chemical compounds, substances and agents.

“AM Cannabinoids” being synthetic chemical compounds, substances or agents created by Alexandros Makriyannis or his research group and identified as AM-087; AM-251; AM-281; AM-356; AM-374; AM-381; AM-404; AM-411; AM-630; AM-661; AM-678; AM-679; AM-694; AM-855; AM-881; AM-883; AM-905; AM-906; AM-919; AM-926; AM-938; AM-1116; AM-1172; AM-1220; AM-1221; AM-1235; AM-1241; AM-1248; AM-2201; AM-2212; AM-2213; AM-2232; AM-2233; AM-2102; AM-4030; and other substances with a structure and effect that is substantially similar to those listed. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

“CP Cannabinoids” being synthetic chemical compounds, substances or agents identified as CP-47, 497; (C6)-CP-47, 497; (C7)-CP-47, 497; (C8)-CP-47, 497; (C9)-CP-47, 497; CP-50, 556-1; CP-55, 244; CP-55, 940; CP-945, 598; and other substances with a structure and effect that is substantially similar to those listed. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

“HU Cannabinoids” being synthetic chemical compounds, substances or agents synthesized at the Hebrew University and identified as HU-210; HU-211; HU-243; HU-308; HU-320; HU-331; HU-336; HU-345; and other substances with a structure and effect that is substantially similar to those listed. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

“JWH Cannabinoids” being synthetic chemical compounds, substances or agents created by John W. Huffman or his research group and identified as JWH-007; JWH-015; JWH-018; JWH-019; JWH-030; JWH-047; JWH-048; JWH-051; JWH-057; JWH-073; JWH-081; JWH-098; JWH-116; JWH-120; JWH-122; JWH-133; JWH-139; JWH-147; JWH-148; JWH-149; JWH-161; JWH-164; JWH-166; JWH-167; JWH-171; JWH-175; JWH-176; JWH-181; JWH-182; JWH-184; JWH-185; JWH-192; JWH-193; JWH-194; JWH-195; JWH-196; JWH-197; JWH-198; JWH-199; JWH-200; JWH-203; JWH-205; JWH-210; JWH-213; JWH-229; JWH-234; JWH-249; JWH 250; JWH-251; JWH-253; JWH-258; JWH-300; JWH-302; JWH-307; JWH-336;

*(CHAPTER 11, ARTICLE VII, DIVISION 3, cont.)*

JWH-350; JWH-359; JWH-387; JWH-398; JWH-424; and other substances with a structure and effect that is substantially similar to those listed.. The term shall not include synthetic cannabinoids that require a prescription, are approved by the United States Food and Drug Administration and are dispensed in accordance with state and federal law.

*(Ord. of 06-12-12)*

**Secs. 11-347--11-350 Reserved.**

## **ARTICLE VIII    OFFENSES ON SCHOOL GROUNDS**

### **Sec. 11-351.    Definitions.**

For purposes of this article the term "school" means any preelementary, elementary (grades K--6), secondary (grades 7--12) school, any college or combination thereof; and the term "principal" means any principal of any elementary or secondary school or the chief administrative officer of any elementary or secondary school or college.

*Cross references: Definitions and rules of construction generally, § 1-002.*

### **Sec. 11-352.    Admission 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 whatever unless such person has received written permission from the principal or other person designated by the principal to be in or upon or to 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 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 references: Trespassing, MCL 750.546 et seq.*

### **Sec. 11-353.    Disturbing schools.**

No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude, or good order of any public, private or parochial school is disturbed.

*State law references: Disturbing public places, MCL 750.170.*

### **Sec. 11-354.    Duty of person creating disturbance to leave premises.**

Any person, whether lawfully or unlawfully in or upon any public, private or parochial school building or school property who is found to be creating a disturbance in or upon any such school building or property shall leave immediately when so directed by the principal or by any other person designated by the principal.

*State law references: Disturbing public places, MCL 750.170.*

### **Sec. 11-355.    Extortion.**

No person shall by violence, threats of violence or other form of coercion force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time.

*State law references: Extortion, MCL 750.213 et seq.*

### **Sec. 11-356.    Unauthorized borrowing of money or things of value from students in school or traveling to or from school.**

*(CHAPTER 11, ARTICLE VIII, cont.)*

No person shall borrow or attempt to borrow any money or thing of value from any student in or upon any public, private or parochial school building or school property in the city or during any time when such student is engaging in, going to or returning from any regularly scheduled session or activity of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval; provided, however, that this section shall not apply to college students who borrow money or things of value from other college students or adults.

**Sec. 11-357. Destruction of school property.**

No person shall damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto.

*State law references: Malicious mischief, MCL 750.377 et seq.*

**Sec. 11-358. Violations and sanctions.**

Violation of Section 11-353 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

**Secs. 11-359--11-380. Reserved.**

## **ARTICLE IX        OFFENSES INVOLVING MINORS**

### **Division 1. Generally**

**Sec. 11-381. Contributing to neglect or delinquency of children.**

Any person who shall by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a violation of this Code.

*(Comp. Ords. 1986, §§ 20.203, 20.489)*

*State law references: Similar provisions, MCL 750.145.*

**Sec. 11-382. Parental neglect.**

(a) Definitions. For the purposes of this section:

***Criminal acts*** means those acts which violate the statutes of the state or the ordinances of the Township and shall include traffic violations.

***Habitual offender*** means one (1) who commits two (2) or more criminal acts, or including four (4) or more moving traffic violations, within a twelve-month period.

***Minor*** means any juvenile under the age of seventeen (17) residing with the parent as defined in this section.

***Parent*** means the 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.

(b) Prohibition. 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.

(c) Notification.

(1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the Township, 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 their responsibility under this article.

***(CHAPTER 11, ARTICLE IX, DIVISION 1, cont.)***

- (2) A record of such notifications shall be kept by the police department.

**Sec. 11-383. Furnishing alcohol, controlled substances, or tobacco products to minors.**

- (a) It is a violation of this ordinance for any person to sell, give or furnish alcoholic liquor or beverages or a controlled substance, as regulated under Act 318 of 1978, the Public Health Code, to a person under the age of twenty-one (21) years, except in the case of prescription drugs where the person is licensed to dispense such controlled substance under a physician's prescription.
- (b) It is a violation of this ordinance for any person to sell, give or furnish a tobacco product to a person under the age of eighteen (18) years. This subsection does not apply to the handling or transportation of a tobacco product. by a person under the age of eighteen (18) during the course of employment.
- (c) Violations of this section are punishable as a misdemeanor under subsection 1-010(a) of this Code.

*(Comp. Ords. 1986, § 20.542; Ord. of 3-10-08)*

**Sec. 11-384. Minors in possession of alcohol; deferral, probation and treatment; chemical tests; penalties.**

- (a) A person less than twenty-one (21) years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. For purposes of this section, a person under the age of twenty-one (21) is deemed a "minor." A minor who violates this subsection is guilty of a misdemeanor punishable by the fines and sanctions set forth in this section.
  - (1) For the first violation of this article, and where the defendant has no previous violations of MCL 436.1703, a fine of not more than one hundred dollars (\$100.00), and the defendant may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as provided in the Public Health Code, MCL 333.6107, and may be ordered to perform community service and to undergo substance abuse screening and assessment, at defendant's own expense.
  - (2) For a violation of this section following a prior conviction hereof or juvenile or other court adjudication for a violation of MCL 436.1703, Section 33b(1) of former 1933 (Ex Sess) PA 8, or another ordinance substantially corresponding to this section of Section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than thirty (30) days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than two hundred dollars (\$200.00), or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as provided in the public health code, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at defendant's own expense.
  - (3) For a violation of this section following two (2) or more prior convictions hereof or juvenile or other court adjudications for a violation of MCL 436.1703, Section 33b(1) of former 1933 (Ex Sess) PA 8, or another ordinance substantially corresponding to this section or Section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than sixty (60) days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than five hundred dollars (\$500.00), or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as provided in the public health code, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at defendant's own expense.

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**CHAPTER 11    OFFENSES**

***(CHAPTER 11, ARTICLE IX, DIVISION 1, SECTION 11-384 cont.)***

- (b) A person who furnished fraudulent identification to a minor who uses such fraudulent identification to purchase alcoholic liquor is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than one hundred dollars (\$100.00), or both.
- (c) In case of a plea or determination of guilt under Section (a)(1), the defendant shall be afforded the first offender status as provided in MCL 436.1703(3) and (4).
- (d) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than one hundred dollars (\$100.00).
- (e) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the liquor control commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or for personal consumption.
- (f) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course.
- (g) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.
- (h) Subsection (a) does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the Township prosecutor's office as part of an employer-sponsored internal enforcement action.
- (i) In a criminal prosecution for the violation of section (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (j) As used in this section, "any bodily alcohol content" means either of the following:
  - (1) An alcohol content of 0.02 grams or more per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine.
  - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

*(Ord. of 11-8-04)*

*Editor's note: An ordinance of November 8, 2004 amended the Code by, in effect, repealing former § 11-384, and adding a new § 11-384. Former § 11-384 pertained to the purchase, consumption and possession of alcoholic liquor by minors; and derived from the Compiled Ordinances of 1986, § 20.557; and ordinances of May 13, 1996 and May 27, 1998.*

**Sec. 11-385.    Soliciting immoral conduct.**

It shall be unlawful for any person to accost, entice or solicit a child under the age of sixteen (16) years with intent to induce or force such child to commit an immoral act, or to submit to an act of sexual intercourse, or an act of gross indecency, or to any other act of depravity or delinquency or to suggest to such child any of the aforementioned acts.

*(Comp. Ords. 1986, § 20.479)*

(CHAPTER 11, ARTICLE IX, DIVISION 1, cont.)

**Sec. 11-386. Violations and sanctions.**

Violation of Section 11-382 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

**Secs. 11-387--11-395. Reserved**

**Division 2. Curfew\***

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*\*State law references: Curfew for minors, MCL 722.751 et seq.*

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**Sec. 11-396. Minors under seventeen.**

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, congregate, or otherwise be in or on any public street, highway, alley, park or any public place, between the hours of 12:00 midnight and 6:00 a.m., immediately following, except where the minor is accompanied by a parent or guardian or some adult above twenty-one (21) years of age delegated by the parent or guardian to accompany such child, or where the presence of the minor in the place or places is connected with and required by some legitimate work, trade, profession, or occupation in which the minor is upon an emergency errand or other legitimate business directed by his parent or guardian.

*(Comp. Ords. 1986, § 20.205)*

**Sec. 11-397. Minors under thirteen.**

No minor under the age of thirteen (13) years shall loiter, idle or congregate in or on any public street, highway, alley, park, school or other public place, or other place normally open to the public, including but not limited to shopping centers, places of amusement, private recreation areas or similar places, between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

*(Comp. Ords. 1986, § 20.204)*

**Sec. 11-398. Parental responsibility.**

The parent or guardian of a minor subject to the provisions of this division shall be held responsible for the enforcement of Sections 11-396 and 11-397.

**Sec. 11-399. Presumption against parents.**

Any person assisting, aiding, abetting, or encouraging any minor under the age of seventeen (17) years to violate the provisions of Section 11-398 shall be guilty of a violation of this Code and when any minor is found violating the provisions of Section 11-398, a presumption shall arise that the parent or legal guardian having the care and custody of the minor assisted, aided, abetted and encouraged such minor in so violating that section.

*(Comp. Ords. 1986, § 20.206)*

**Sec. 11-399.1. Violations and sanctions.**

Violation of Section 11-398 is a civil infraction, with sanctions as set forth in Sections 11-408 and 11-409 of this Code. All other violations of this article are punishable in accordance with subsection 1-010(a) of this Code, unless specified otherwise.

*(Ord. of 7-8-02)*

*Editor's note: An ordinance of July 8, 2002 amended the Code by adding a new § 11-400. In order to avoid duplication of section numbers, the editor has redesignated the new provisions as § 11-399.1.*

(CHAPTER 11, cont.)

## ARTICLE X MUNICIPAL CIVIL INFRACTIONS\*

*\*Editor's note: An ordinance of July 23, 2001, amended the Code by adding a new art. X, §§ 11-400--11-411. The editor has not included the provisions to be numbered § 11-411, which pertained to severability, because general severability provisions for the Code are located in § 1-009.*

### Sec. 11-400. Purpose.

The purpose of this article is to establish the appropriate civil sanctions for certain enumerated violations of this code, to establish a municipal violation bureau within the Township, and to establish procedures to simplify code and ordinance enforcement for violations of the applicable ordinance provisions adopted by the Township Board.

*(Ord. of 7-23-01)*

### Sec. 11-401. Definitions.

The following definitions shall apply in the interpretation of this article:

**Bureau** shall mean the municipal ordinance violations bureau established in the following section.

**Citation or court citation** means a written complaint or notice prepared by an authorized person directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction.

**Municipal civil infraction** shall mean a violation of a provision of this Code for which the remedy and/or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser-included offense of a criminal offense or of an ordinance violation that is not a civil infraction.

**Municipal civil infraction determination** shall mean a determination that a defendant is responsible for a municipal civil infraction by one of the following:

- (1) An admission of responsibility for the municipal civil infraction.
- (2) An admission of responsibility for the municipal civil infraction, "with explanation."
- (3) A preponderance of the evidence at an informal hearing or formal hearing.
- (4) A default judgment for failing to appear at a scheduled appearance.

**Municipal civil infraction violation notice** shall mean a written notice prepared by an authorized official, directing a person to appear at the Township ordinance violations bureau for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.

**Person** means a natural person, or the principal, officer, director, partner or agent of any other entity, wherein he or she acted in bringing about a violation or municipal civil infraction.

**Repeat offense** shall mean a determination of responsibility for second or any subsequent municipal civil infraction with regard to the same code provision committed by the same person.

**Responsible or responsibility** shall mean a voluntary admission or determination entered by a court or magistrate that a person is in violation of a provision of this Code prescribed to be a municipal civil infraction.

**Violation** shall mean any act which is prohibited or made or declared to be unlawful or an offense under this Code, including affirmative acts as well as omissions and/or failure to act where the act is required by this Code.

**Zoning violation** means any violation or municipal civil infraction of the sections of the Township Code adopted pursuant to the Township Zoning Act, Act 184 of the Public Acts of 1943, as amended. A zoning violation is declared a nuisance per se in accordance with Section 24 of the Act.

*(Ord. of 7-23-01)*

*(CHAPTER 11, ARTICLE X, cont.)*

**Sec. 11-402. Establishment of bureau.**

A Township municipal ordinance violations bureau is hereby established for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices.

Payments made to the bureau shall be retained and accounted for as fines and costs, and shall be deposited in the general fund of the Township.

The bureau shall be located in the office of the Township Treasurer and shall be under the supervision and control of the Township Treasurer and Supervisor, subject to the review of the Township Board.

The fines and costs shall be in an amount in accordance with the schedule thereof for each offense in accordance with Section 11-408 herein or in accordance with amendments thereto as established by the Township Board resolution. The bureau is not authorized to alter the amount of the fines and costs or to adjudicate the violation in any way.

*(Ord. of 7-23-01)*

**Sec. 11-403. Violation notice; payment at municipal ordinance violations bureau.**

Prior to the issuance of a court citation, authorized local officials may issue a violation notice for the commission of a civil infraction to any person responsible therefor under the law. The violation notice form shall be approved by the state court administrator within the time allowed on the notice of civil infraction, the person or entity designated as responsible therefor may avoid the issuance of ordinance continued: court citation by the acknowledgment of responsibility on the notice, together with payment of the fines and costs, as prescribed on the established schedule of fines and costs, at the Township ordinance violations bureau, in person or by mail.

Failure to pay the fines and costs within the time allowed on the notice may result in a court citation being filed pursuant to MCL 600.8707 and Section 11-406.

*(Ord. of 7-23-01)*

**Sec. 11-404. Service of municipal civil infraction violation notice.**

- (a) Except as provided in subparagraph (b), below, an authorized official shall personally serve a copy of the municipal civil infraction violation notice upon an alleged violator.
- (b) In a municipal civil infraction involving the use or occupancy of land or a building or other structure, a copy of the municipal civil infraction violation notice need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the notice shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

*(Ord. of 7-23-01)*

**Sec. 11-405. Grounds for issuance of violation notice or court citation.**

The basis for issuance of a municipal civil infraction notice or court citation shall be as set forth below, as the case may be:

- (1) An authorized official who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation unless such official issues a municipal civil infraction violation notice.
- (2) An authorized official may issue a violation notice or a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.

**(CHAPTER 11, ARTICLE X, SECTION 11-405 cont.)**

- (3) An authorized official may issue a violation notice or a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the Township for whom the authorized local officer is acting approves in writing the issuance of the citation.

*(Ord. of 7-23-01)*

**Sec. 11-406. Municipal civil infraction violations notice unresolved; issuance of court citation; service by first-class mail.**

In the event a person elects not to admit responsibility and pay the specified civil fine and costs prescribed for the respective violation, a municipal civil infraction citation may be filed with the district court, in which case a copy of the citation shall be served by first-class mail upon the person charged with the municipal civil infraction at such person's last known address. The citation filed with the court shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the defendant how to respond to the citation. The citation shall comply with MCL 600.8707. The citation or complaint may contain a request by the code officer or attorney issuing it to the court that, upon the entry of a not responsible plea, the matter shall be set for a formal hearing. Without such designation by the code officer, the defendant shall have the option of an informal or formal hearing.

*(Ord. of 7-23-01)*

**Sec. 11-407. Failure to respond to court citation; criminal sanctions.**

In the event a person fails to appear and respond to a court citation issued herein, such person shall be deemed to have committed a misdemeanor and, upon conviction therefore, shall be punished in accordance with Section 1-010 of this Code. The issuance of a complaint for failure to appear before the court for a civil infraction court citation shall be in accordance with the procedures set forth by law and in the Code of Ordinances.

*(Ord. of 7-23-01)*

**Sec. 11-408. Bureau schedule of fines and costs.**

The following fines and costs shall apply where an admission of responsibility is made at the municipal civil infractions bureau, unless stated otherwise in the Code of Ordinances:

- (1) For the initial violation, fines and costs of seventy-five dollars (\$75.00) are due and payable to the bureau.
- (2) In the case of another offense within one (1) year of the date of the initial infraction, the fines and costs shall be one hundred dollars (\$100.00). This shall be known as the second offense.
- (3) In the case of another offense within one (1) year of the date of the second offense, the fines and costs shall be two hundred fifty dollars (\$250.00). This shall be known as the third offense.
- (4) In the case of another offense within one year of the date of the third offense, the fines and costs shall be five hundred dollars (\$500.00). This shall be known as the fourth offense. All subsequent offenses shall be five hundred dollars (\$500.00).

*(Ord. of 7-23-01)*

**Sec. 11-409. Sanctions for civil infraction court citation.**

- (a) Determination responsible or responsible with explanation. The judge or magistrate may order the defendant to pay a civil fine and costs of not less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00). Costs in addition to the costs taxable in civil actions, may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infractions, up to the entry of judgment.

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*(CHAPTER 11, ARTICLE X, SECTION 11-409 cont.)*

- (b) Orders. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the court may issue any judgment, writ or order necessary to enforce this article pursuant to MCL 600.8701, as may be amended.
- (c) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.  
*(Ord. of 7-23-01)*

**Sec. 11-410. Remedies not exclusive.**

In addition to any remedies provided for in this Code, the Township may seek additional relief under all other provisions of law or equity, including injunctions to abate code violations.

*(Ord. of 7-23-01)*