

**OMNIBUS NUISANCE ORDINANCE  
ORDINANCE #65-D**

**An Ordinance to Prohibit Certain Acts to Wit: To Prohibit Abandoned or Unattended Iceboxes, Accosting and Use of Alcoholic Beverages in Certain Situations; To Provide for the Control And Protection of Certain Animals; To Prohibit Arson; Assault or Assault and Battery; To Prohibit Absconding on a Bond; Breaking and Entering; Writing No Account or Non-Sufficient Funds Checks; Illegal Use of Financial Transaction Devices; Using Certain Chemical Agents; Contributing to the Delinquency of Minors or Harboring Runaways; Aiding and Abetting; To Prevent Contracting Without a License; To Control the Distribution, Acquiring Use and Possession of Certain Controlled Substances; Distribution of Model Airplane Glue; The Use of B.B. and Air Guns; To Prohibit Begging or Panhandling; Disorderly Persons; Disturbing the Peace; Embezzlement; To Encourage the Return Of Rented Property; To Prohibit the Impersonation of Public Officers; The Giving of False Police Reports; Obtaining Money by False Pretenses; Refusing to be Fingerprinted; Giving False Fire Alarms; Disobeying Firemen; Possession of Fireworks; Keeping of or Frequenting Gambling Houses; Possessing Gambling Paraphernalia; Graffiti Removal; Hunting While Intoxicated; To Prevent Identity Theft; To Prevent Indecent Exposure; Indecent Language; The defrauding of an Innkeeper; Larceny; Littering; Malicious Destruction of Property; Concealing or Misrepresenting the Identity of an Automobile; Tampering with an Automobile; To Prohibit Malicious Use of Telephone; To Prevent Fleeing From, Refusing to Obey or Resisting and Obstructing a Police Officer; Altering Identifying Numbers of Goods; Receiving and concealing Stolen Property; Retail Fraud; To Prohibit Soliciting and Accosting and Soliciting for Prostitution; To Prevent Stalking and Harassment; Prevent Sale of Tobacco to Minors; Prevent Hindering Township Employees or Damaging Property; Trespassing to Control the Use of Firearms; Trespassing on School Property; Prevent Dangerous Weapon Possession and Use; And To Provide for Penalties for the Violation of this Penal Ordinance**

**SECTION 1 – ABANDONED OR UNATTENDED ICEBOXES**

**Removal of locking devices from abandoned, etc., iceboxes or refrigerators.**

No person shall knowingly leave, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snap lock or other locking device from the lid or cover thereof.

**SECTION 2 – AIDING AND ABETTING**

No person 17 years of age or older, shall assist, aid or abet, allow, permit or encourage any minor under the age of 17 years to violate the Township of Davison Ordinances.

**SECTION 3 – ALCOHOL**

**A. Consumption or possession of alcoholic liquors; public highways, parks, places of amusement, or publicly owned areas; local or state prohibition; definitions**

(1) Alcoholic liquor shall not be consumed on the public highways.

(2) No alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises unless allowed by any municipal body.

**B. Open container in vehicle** – No person shall transport or possess any alcoholic liquor in a container which is or has been opened, uncapped, or upon which the seal was broken, within the passenger compartment of a vehicle.

**SECTION 4 – ALCOHOL -- MINOR IN POSSESSION**

(1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions and is not subject to the penalties prescribed in section 909:

(a) For the first violation a fine of not more than \$100.00, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(b) For a violation of this subsection following a prior conviction or juvenile adjudication for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 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 \$200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, 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 his or her own expense as described in subsection (4).

(c) For a violation of this subsection following 2 or more prior convictions or juvenile adjudications for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 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 \$500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, 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 his or her own expense as described in subsection (4).

(2) A person who **furnishes fraudulent identification to a minor**, or notwithstanding subsection (1) a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(3) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (1) pleads guilty to a violation of subsection (1) or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (1), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in subsection (1)(a), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of 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 or juvenile adjudications under subsection (1)(b) and (c). There may be only 1 discharge or dismissal under this subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. This record shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) The court may order the person convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(5) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (1) or (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(6) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request 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. (amended 1-15-10)

(7) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(8) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(9) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(10) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(11) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(12) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(13) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 801(2), or section 701(1).

(14) In a criminal prosecution for the violation of subsection (1) 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.

(15) As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

#### **A. House Party**

1. That the use of alcoholic beverages and controlled substances by persons under 21 years of age, though prohibited by state law, continues to occur within the Township.

2. That consumption of alcoholic beverages and controlled substances by persons under 21 years of age can and does result in injuries to property and persons because of motor vehicle accidents and other incidents.

3. The provision of penalties against adults who provide facilities and/or opportunities allowing or encouraging persons under 21 years of age to consume alcoholic beverages or controlled substances will assist the Township in reducing the occurrence of injuries, therefore:

a) Any adult having control over any residence or premises who allows a house party to occur at such residence or premises shall be guilty of a misdemeanor.

- b) When the adult knows or reasonably should know that alcoholic beverages or controlled substances are possessed or being consumed by persons under 21 years of age at the residence or premises.
- c) Such adult fails to take steps reasonably calculated to prevent such possession or consumption of the alcoholic beverage or controlled substance by such person under 21 years of age.

4. Definitions:

- (a) **Adult** – means a person 17 years of age or older.
- (b) **Alcoholic Beverage/Liquor** -- means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume which are fit for use for beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in Michigan Compiled Laws, Section 436.1105.
- (c) **Control** – means any form of regulation or dominion including a possessory right.
- (d) **Controlled Substance** -- means any drug, substance or immediate precursor enumerated in sections 7210 – 7220, 1978 PA 368, as amended, commonly known as the Public Health Code.
- (e) **House Party** – means a social gathering of persons at the residence or premises where such persons are not the owner or those with rights of possession or their immediate family members although the owner(s) or persons with right of possession may also be present.
- (f) **Residence or Premises** – means a motel room, hotel room, home, apartment, condominium, or other dwelling unit, including the curtilage of such dwelling unit, or a hall, meeting room, outbuildings, or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

5. The provisions of this section shall not apply to legally protected religious observances or legally protected educational activities.

**B. Persons less than 21 years of age transporting alcoholic liquor in motor vehicle**

A person less than 21 years of age shall not knowingly transport or possess alcoholic liquor in a motor vehicle as an operator or occupant unless the person is employed by a licensee under the Michigan liquor control code of 1998, 1998 PA 58, , a common carrier designated by the liquor control commission under the Michigan liquor control code of 1998, 1998 PA 58, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the motor vehicle.

**C. Children in places where liquor is sold; local ordinances**

A minor child under 17 years of age shall not be permitted to remain in a dance hall, saloon, barroom or any place where spirituous or intoxicating liquor, wine or beer, or any beverage, liquor or liquors containing spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage, unless the minor is accompanied by parent or guardian. A proprietor, keeper or manager of any such place who permits a minor child to remain in any such place, and a person who encourages or induces in any way the minor child to enter the place or to remain therein shall be deemed guilty of a misdemeanor. This section shall not prevent a township, village or city from establishing, by ordinance, regulations more stringent than the provisions of this act relative to the attendance of a minor at theaters, movie houses, bowling or billiard halls and dance halls. This section shall not prevent a township, village or city from establishing, by ordinance, regulations permitting the attendance of minor children at dances where no spirituous or intoxicating liquor, beer or malt liquor is sold, given away or consumed in the dance area.

**D. Prohibition of sales to minors**

Alcoholic liquor shall not be sold or furnished to a minor. No person shall knowingly sell or furnish alcoholic liquor to a minor, or fails to make diligent inquiry as to whether the person is a minor.

**E. Sales to minors, allowing possession or consumption on premises by minors; suspension or revocation of license or assessment of administrative fine**

(1) If a retail licensee or a retail licensee's clerk, agent, or employee violates this act by selling or furnishing alcoholic liquor to a minor, or by allowing a minor to consume alcoholic liquor or possess alcoholic liquor for personal consumption on the licensed premises, and if the enforcing agency involved in the prosecution of the violation is the state police or a local police agency, the commission shall not take any action under section 903 to suspend or revoke the licensee's license or assess an administrative fine against the licensee unless all of the following occur, if applicable:

- (a) Enforcement action is taken against the minor who purchased, consumed, or received the alcoholic liquor from the retail licensee or the retail licensee's clerk, agent, or employee.
- (b) Enforcement action is taken under section 701 against the person 21 years of age or older that is not the retail licensee or the retail licensee's clerk, agent, or employee but who sold or furnished the alcoholic liquor to the minor.
- (c) Enforcement action is taken under section 701 against the retail licensee's clerk, agent, or employee.

(2) Subsection (1) does not apply if the enforcing agent involved in the prosecution is a commission inspector rather than a police agency.

(3) Subsection (1)(a) does not apply if the prosecution of the violation is the result of an undercover operation in which the minor who purchased, consumed, or received the alcoholic liquor acted under the direction of the state police or a local police agency as part of the enforcement action and such enforcement action is otherwise in compliance with section 701(4), (5), and (6).

### **SECTION 5 – ANIMAL CRUELTY**

No person shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill, or cause to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal, and having the charge of custody of any animal, either as owner or otherwise, inflict necessary cruelty upon the same, or willfully fail to provide the same with proper food, drink, shelter, or protection from the weather. The cropping of dogs ears shall be considered to be mutilation or cruelty to an animal within the meaning of this ordinance, unless such cropping is performed by a registered veterinary surgeon, while the dog is under an anesthetic.

### **SECTION 6 -- ARSON**

#### **A. Arson -- Burning of personal property**

No person shall willfully and maliciously burn any personal property owned by himself or herself or another person.

#### **B. Arson -- Willfully and maliciously setting fire**

No person shall, with intent to burn, in any manner, use, arrange, place, devise, or distribute any inflammable, combustible, or explosive material, liquid, or substance or any device in or near a building or property with intent to willfully and maliciously set fire to or burn the building or property, or aid, counsel, induce, persuade, or procure another to do such act or acts.

### **SECTION 7 – ASSAULT AND BATTERY**

#### **A. Domestic Assault -- Assault and/or assault and battery**

(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or

has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

- (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.
- (b) MCLA Section 750.81a, 750.82, 750.83, 750.84 or 750.86.
- (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this Section or MCLA Section 750.81a, 750.82, 750.83, 750.84, or 750.86.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both:

- (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.
- (b) MCLA Section 750.81a, 750.82, 750.83, 750.84 or 750.86.
- (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or MCLA Section 750.81a, 750.82, 750.83, 750.84, or 750.86.

**B. Definitions:** As used in this section “**dating relationship**” means frequent, intimate associations primarily characterized by the expectation of affectionate involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**C. Non-Domestic -- Assault and/or Assault and Battery**

- 1. **Assault** -- No person shall cause another person to be reasonably fearful of an immediate battery.
- 2. **Battery** -- No person shall touch another person (or something closely connected to that person) in a forceful, violent, or offensive manner which is intended by that person, and against the other persons will.

**EXEMPTIONS :** This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

**SECTION 8 – B.B. GUN AND AIR GUN**

(752.891) -- **Possession or use of B.B. handgun by person under 18 years of age**

No person under 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 domicile unless he is accompanied by a person over 18 years of age.

No person shall recklessly, needlessly, willfully or wantonly use, carry, handle, point or discharge any B.B. gun or air gun in the direction of another person, any real or personal property, domestic animal or pet.

### **SECTION 9 -- BEGGING OR PANHANDLING**

It shall be unlawful to go about from person to person or from place to place, soliciting contributions for oneself or others; provided, however, that soliciting of charitable contributions pursuant to a permit issued by the Township Building Department is not prohibited.

### **SECTION 10 – BREAKING AND ENTERING**

#### **A. Opening or attempting to open receptacle maintained for payment for merchandise or services by public; obtaining or attempting to obtain money or thing of value deposited in receptacle**

No person shall maliciously and willfully, by and with the aid and use of any key, instrument, device, or explosive, blows or attempts to blow, or forces or attempts to force an entrance into any coin box, depository box, or other receptacle established and maintained for the convenience of the public, or of any person or persons, in making payment for any article of merchandise or service, wherein is contained any money or thing of value, or extracts or obtains, or attempts to extract or obtain, therefrom any such money or thing of value so deposited or contained therein.

#### **B. Breaking and entering or entering without breaking; buildings, tents, boats, railroad cars; entering public buildings when expressly denied**

(1) No person shall break and enter or 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, boat house, hunting or fishing lodge, garage or the out-buildings belonging thereto, any ice shanty with a value of \$100.00 or more, 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.

(2) Subsection (1) does not apply to entering without breaking, any place which at the time of the entry was open to the public, unless the entry was expressly denied. Subsection (1) does not apply if the breaking and entering or entering without breaking was committed by a peace officer or an individual under the peace officer's direction in the lawful performance of his or her duties as a peace officer.

## **SECTION 11 – CHECKS**

### **A. Drawing checks upon bank without any bank account**

(1) A person shall not, with intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on an account or otherwise, upon any bank or other depository, if at the time of making, drawing, uttering, or delivering the check, draft, or order he or she does not have an account in or credit with the bank or other depository for the payment of the check, draft, or order upon presentation.

(2) A person shall not, with intent to defraud, make, draw, utter, or deliver, within a period of not more than 10 days, 3 or more checks, drafts, or orders for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of making, drawing, uttering, or delivering each of the checks, drafts, or orders that the maker or drawer does not have sufficient funds or credit with the bank or other depository for the payment of the check, draft, or order in full upon its presentation.

### **B. Drawing on insufficient funds**

(1) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation.

(2) A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

### **C. Forgery -- False, forged, altered, or counterfeit record, deed, check, etc.; uttering and publishing; invalid real estate document, document and court order, registration.**

(1) A person shall not utter and publish as true a false, forged, altered, or counterfeit record, deed, instrument, or other writing knowing it to be false, altered, forged, or counterfeit with intent to injure or defraud any person.

(2) A person shall not utter and publish as true any false, forged, altered, or counterfeit financial transaction device, with the intent to injure or defraud any person.

## **SECTION 12 – CHEMICAL AGENTS**

**A. Introduction of chemical agent into respiratory or circulatory system** - No person shall, for the purpose of causing condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes of any chemical agent or intentionally drink, eat or

otherwise introduce any chemical agent into his respiratory or circulatory system. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

**B. Chemical Agent for Sale --** Any person who offers for public sale any chemical agent, i.e., model airplane glue, etc., shall first require proof that the purchaser is 17 years of age or older and shall require identification in the nature of a driver's license or other valid proof of age.

**C. Records of Seller of Chemical Agent --** Any person who offers for public sale any model airplane glue shall be required to maintain a permanent record, recording the name and address of the purchaser and the date, time, substance and quantity sold to any purchaser of a chemical agent. Such record shall be available for inspection by any legitimate police officer at any reasonable time for a period of at least six months.

**D. Display or Storage of Chemical Agents by Seller --** The chemical agents described herein shall not be displayed or stored in a manner to allow the purchase of same without a request therefore being made of the vendor by the vendee.

**E. Definition --** As used in this ordinance, "chemical agent" means any substance containing a toxic chemical or organic solvent or both, having the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, hydrocarbons and hydrocarbon derivatives.

### **SECTION 13 – CHILDREN**

#### **A. 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 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, as defined in section 2 of chapter 12a of Act No. 288 of the Public Acts of 1939, as added by Act No. 54 of the Public Acts of the First Extra Session of 194, and any amendments thereto, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor.

#### **B. Aiding or abetting minors to violate order of court; concealing or harboring runaways**

No person shall knowingly and willfully aid or abet a child under the age of 17 years to violate an order of a juvenile court or knowingly and willfully conceal or harbor juvenile runaways who have taken flight from the custody of the court, their parents or legal guardian.

### **SECTION 14 – CONTRACTOR - UNLICENSED**

No person shall engage in or attempt to engage in the practice of the occupation of residential builder, or residential maintenance and alteration contractor who is not licensed to do so.

#### **A. Definitions as used in this section:**

(i) **"Residential builder"** means a person engaged in the construction of a residential structure or a combination residential and commercial structure who, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair, alteration, or an addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure or combination residential and commercial structure; a person who manufactures, assembles, constructs, deals in, or distributes a residential or combination residential and commercial structure which is prefabricated, preassembled, precut, packaged, or shell housing; or a person who erects a residential structure or combination residential and commercial structure except for the person's own use and occupancy on the person's property.

(ii) **"Residential maintenance and alteration contractor"** means a person who, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another for the repair, alteration, or an addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure or combination residential and commercial structure, or building of a garage, or laying of concrete on residential property, or who engages in the purchase, substantial rehabilitation or improvement, and resale of a residential structure.

(iii) **"Residential structure"** means a premises used or intended to be used for a residence purpose and related facilities appurtenant to the premises, used or intended to be used, as an adjunct of residential occupancy.

## **SECTION 15 – CONTROLLED SUBSTANCES**

### **A. Controlled Substance – Drugs – Obtaining by False Name**

No person shall obtain or attempt to obtain a prescription drug by giving a false name to a pharmacist or other authorized seller, prescriber, or dispenser.

### **B. Controlled Substance – Drugs – Obtaining by False Representation**

Obtains or attempts to obtain a prescription drug by falsely representing that he or she is a lawful prescriber, dispenser, or licensee, or acting on behalf of a lawful prescriber, dispenser, or licensee.

### **C. Controlled Substance – Drugs – Possession Forged Prescription**

No person shall falsely make, utter, publish, pass, alter, or forge a prescription.

No person shall knowingly possess a false, forged, or altered prescription.

No person shall knowingly attempt to obtain, obtain, or possess a drug by means of a prescription for other than a legitimate therapeutic purpose, or as a result of a false, forged, or altered prescription.

**D. Controlled Substance – Drugs – Possession for Purpose of Dispensing**

No person shall possess or control for the purpose of resale, or sell, offer to sell, dispense, or give away, a drug, pharmaceutical preparation, or chemical that has been dispensed on prescription and has left the control of a pharmacist.

No person shall possess or control for the purpose of resale, or sell, offer to sell, dispense, or give away, a drug, pharmaceutical preparation, or chemical that has been damaged by heat, smoke, fire, water, or other cause and is unfit for human or animal use.

No person shall prepare or permit the preparation of a prescription drug, except as delegated by a pharmacist.

No person shall sell a drug in bulk or in an open package at auction, unless the sale has been approved in accordance with rules of the board.

**E. Distribution without remuneration (Marijuana)**

No person shall distribute marijuana.

**F. Possession of controlled substance, controlled substance analogue; marijuana, or prescription form**

A person shall not knowingly or intentionally possess a controlled substance, a controlled substance analogue, or a prescription form unless the controlled substance, controlled substance analogue, or prescription form was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

**G. Use of controlled substance or controlled substance analogue; marijuana**

(1) A person shall not use a controlled substance or controlled substance analogue unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.

**H. Unlawful manufacture, delivery, or possession with intent to deliver; unlawful dispensing, prescription, or administration**

No person shall manufacture, create, deliver, or possess with intent to manufacture, create, or deliver a controlled substance, a prescription form, or a counterfeit prescription form. A practitioner licensed by the administrator under this article shall not dispense, prescribe, or administer a controlled substance for other than legitimate and professionally recognized therapeutic or scientific purposes or outside the scope of practice of the practitioner, licensee, or applicant.

**I. DRUG PARAPHERNALIA, possession, sale or offering for sale for specific use prohibited**

(1) No person shall possess, sell or offer for sale drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, 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.

- a. **Exception:** The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists or embalmers in the normal, lawful course of their respective businesses or professions, nor to common carriers or warehousemen of their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injections.

(2) No person shall use, design or market paraphernalia for intended use with a controlled substance.

**J. Transporting Or Possessing Usable Marihuana**

(1) A person shall not transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is one or more of the following:

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

**K. Definitions:**

The following definitions shall apply to this ordinance:

(1) **Controlled Substance** means any drug, substance or immediate precursor enumerated in sections 7210 – 7220, 1978 PA 368, as amended, commonly known as the Public Health Code.

(2) **Deliver or Delivery** means the actual, constructive or attempted transfer from one person to another of marijuana or other controlled substance, whether or not there is any agency relationship, whether or not there is an exchange for money or any other thing of value.

(3) **Manufacture** means the preparation, compounding, conversion, planting, cultivating, growing, harvesting or processing of marijuana or other controlled substance either directly or indirectly by extraction and chemical synthesis, or by a combination of

extraction and chemical synthesis, and includes any packaging or repackaging of the substance.

(4) **Marihuana or Marijuana** means all parts of the plant *Cannabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(5) **Person** means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

(6) **Possession** means knowingly or intentionally to exercise dominion or control over a controlled substance with the following exceptions:

- a. Except as authorized by Act 368 of the Public Acts of 1978, known as the Public Health Code, being MCLA 333.1101 et. seq. and MSA 14.15(1101) et seq., it is unlawful for any person to manufacture, deliver, or possess with intent to deliver marijuana.
- b. Except as authorized by Act 368 of the Public Acts of 1978, known as the Public Health Code, being MCLA 333.1101 et. seq. and MSA 14.15(1101) et seq., it is unlawful for any person to possess marijuana.

(7) **Used, designed, marketed or intended for use with a controlled substance** means that at the time the drug paraphernalia is sold, displayed or otherwise dispensed, the drug paraphernalia either: was primarily designed, adapted or marketed because of its objective physical features, for use with a controlled substance; or was intended by the party selling or dispensing the same for use with a controlled substance.

## **SECTION 16 – CREDIT CARDS – FINANCIAL TRANSACTION DEVICE**

### **A. Credit Card – Use -- Delivery, circulation, or sale of wrongly held or obtained financial transaction device**

No person shall deliver, circulate, or sell a financial transaction device which was obtained or held by that person under circumstances such as a person who steals, knowingly takes, or knowingly removes a financial transaction device from the person or possession of a deviceholder, or who knowingly retains, knowingly possesses, knowingly secretes, or knowingly uses a financial transaction device without the consent of the deviceholder, or uses, permits, causes, or procures the financial transaction device to be used, delivered, circulated, or sold, knowing the device to have been obtained or held under circumstances such as a person who steals, knowingly takes, or knowingly removes a financial transaction device from the person or possession of a deviceholder, or who knowingly retains, knowingly possesses, knowingly secretes, or knowingly uses a financial transaction device without the consent of the deviceholder,

**B. Use of Revoked or canceled financial transaction devices, use with intent to defraud to obtain goods**

A person who, for the purpose of obtaining goods, property, services, or anything of value, knowingly and with intent to defraud uses 1 or more financial transaction devices that have been revoked or canceled by the issuer of the device or devices, as distinguished from expired, and has received notice of the revocation or cancellation.

**SECTION 17 – DISORDERLY PERSON**

**A. Disorderly person**

(1) A person shall be deemed a disorderly person if the person is any of the following:

- (a) A person of sufficient ability who refuses or neglects to support his or her family.
- (b) A common prostitute.
- (c) A window peeper.
- (d) A person who engages in an illegal occupation or business.
- (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (f) A person who is engaged in indecent or obscene conduct in a public place.
- (g) A vagrant.
- (h) A person found begging in a public place.
- (i) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed.
- (j) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted.
- (k) A person who loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances.
- (l) A person who is found jostling or roughly crowding people unnecessarily in a public place.

(m) A person who commits an assault and/or battery upon any person including spouse, former spouse, or person residing or having resided in the same household as the perpetrator.

(n) A person who engages in any fight in a public place except when doing so solely in self-defense.

(o) A person remaining in a public place after regular closing hours after being instructed to leave by one authorized to give such order.

(p) A person who conducts himself in any public place, singly or together with others with whom he has joined, who is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this subsection is not to be interpreted to conflict with the regulations of the National Labor Relations Board regarding picketing in labor disputes.

(q) A person who persists in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is in fact causing a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.

(r) A person who persists in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication by which its very existence inflicts injury or tends to incite an immediate breach of peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is in fact unreasonably causing such disturbance.

(s) A person who knowingly transports any person for consideration, or the offer of consideration, to a place where the business of prostitution, gambling, or illegal sale of liquor or a controlled substance is carried on, for the purpose of enabling such person to be a customer of any such business.

(t) A person who knowingly harasses any other person.

(u) A person who urinates or defecates on any public street, sidewalk, floor of any building open to the general public, or any other place in view of the public.

(v) A person who throws any object from any moving vehicle, or toward any person or moving vehicle if he knows or should know that the damage to person or property, or alarm which may foreseeably produce damage to person or property, is likely to result.

(w) A person who knowingly destroys, damages, or defaces or removes any public property or other property not his own.

(x) A person who summons, without good reason, by telephone or otherwise, the police or fire department, any public or private ambulance, or any other service of any kind to go to any address where the service call is not needed.

(y) A person who knowingly takes possession of and rides or takes away any bicycle, without the express or implied permission of the owner.

(z) A person who loiters, frequents, or remains on or in any public place or private property for the purpose of unlawfully using, possessing, offering for sale, selling, furnishing or dispensing any controlled substance and/or drug paraphernalia or who has knowledge that controlled substances and/or drug paraphernalia are, or recently have been, unlawfully used, possessed, offered for sale, sold, dispensed, furnished, given away or stored on or near said property.

(aa) A person who knowingly attends or frequents a disorderly house, room, or place.

**B. Definitions:**

**"Disorderly House, room or place"** is in which any or all of the following occurs:

- i) One in which unlicensed gaming or gambling is suffered or permitted, or a common gaming or gambling house or room.
- ii) A house of prostitution or ill repute or a house, room or place in which prostitutes resort.
- iii) One in which intoxicating liquors are illegally sold, given or dispensed.
- iv) One in which gaming devices, lottery, policy, pool or numbers slips, papers, memorandums, books of account, apparatus or material for gambling are unlawfully kept or used.
- v) One in which controlled substances are delivered, used, sold, or maintained.

**"Harass"** means an individual by 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, repeated nonverbal conduct which is specifically intended to frighten, embarrass, or anger another person, or induce such reactions or any repeated verbal communication which by its very utterance inflicts injury or incites an immediate breach of peace. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

**SECTION 18 - DISTURBING THE PEACE**

**A. Disturbance of lawful meetings**

No person shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street,

lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

**B. Disturbance of religious meetings**

No person shall, on the first day of the week, or at any other time, willfully interrupt or disturb any assembly of people met for the worship of God, within the place of such meeting or out of it.

**C. Disturbing session or class**

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

**D. Disturbing lawful gatherings or functions**

No person while on public or private lands adjacent to any building or lands owned, occupied or otherwise used by a school within the Township, in or on which any gathering or function is in progress, whether in the day or nighttime, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

**E. Rioting, collectors of crowds**

No person shall make, aid or assist in making any riot, disturbance or improper diversion, or shall aid or assist in collecting a crowd for any unlawful purpose, or shall commit any breach of the peace.

**F. Motor Vehicle Noise levels; exhaust system; special mobile equipment**

(1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act.

(2) For purposes of this section, a motor vehicle does not include special mobile equipment.

**G. Horns and other warning devises**

(a) A motor vehicle, including a motorcycle or moped, when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn, but shall not otherwise use the horn when upon a highway.

- (b) A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell.

**Exceptions to Section 18:** Nothing contained in this ordinance shall be construed to prevent the use of a sound device in connection with any parade authorized or permitted by law nor to prevent the use of any sound device in connection with an athletic, competitive or recreational event, and/or public playground, athletic fields, or public parks under consent of municipal authority of the Board of Education in charge, nor shall this ordinance apply to any authorized emergency vehicle (police, fire, ambulance, etc.) which may be equipped with a siren, whistle, air horn, or bell.

**SECTION 19 -- DOGS, CATS AND WILD ANIMALS (Revised ordin 2011-59)**

Any person who shall own and /or allow a dog, cat or wild animal to habitually remain or to be lodged within store, building, enclosure or premises of such person shall be considered as possessing or harboring a dog, cat or wild animal within the meaning of this section. The term "wild animal," as used in this section, shall not include animals kept in cages and housed within a building, such as hamsters, rabbits, white mice and other similar pets.

**A. Barking or Howling Animals**

No person shall own, harbor or keep any animal (dog, cat, etc.) which, by loud or frequent noise (habitual barking, yelping or screeching, hissing, howling), shall cause annoyance to the neighborhood or to pedestrians upon a road, sidewalk, path or other area accessible to the general public.

**B. Animals Subject to Impoundment**

Any person who shall own and/or have in their possession any animal which has attacked or bitten any person or other animal shall notify the township police department of such fact. If the police department determines that said animal constitutes a continuing threat to persons, including peace officers may be immediately euthanized, or it may impound, or order the impoundment of the animal at the owners or persons in possession and control of the animal expense.

**C. Dog Leash Required**

- (1) A dog shall not run at large, but shall be contained in an enclosed structure, operational invisible fence, or attached to a leash capable of restraining the dog. This provision shall not apply in specifically designated township property.
- (2) All animals shall have current township, county or state licenses/medical vaccinations as required by state law or local ordinance.

**D. Owner Responsible for Animal**

Any person owning, possessing or harboring any dog or other animal shall be responsible for and shall be held accountable for any and all acts or actions of such dog or other animal and shall not allow or permit such dog to enter upon, be upon or trespass upon the property of any other person without such person's express consent, nor shall any such person permit or allow any such dog to enter upon or be upon any public parks,

playgrounds or recreational facilities, or any of the school grounds, where one or more signs, warning that no animals are allowed upon such premises, have been posted or placed in a conspicuous place thereon.

**E. Maximum Number of Animals**

It shall be unlawful for any person to keep or harbor upon the resident premises of such person more than three (3) animals at any one time, provided the provisions of this subsection shall not be deemed to apply to puppies or kittens not exceeding 8 weeks of age.

**F. Abandoning Animals**

It shall be unlawful for any person to deposit or release any animal for the purpose of abandoning the animal.

**G. Animals Running at Large**

Any animal found at large contrary to the provisions of this section may be seized and impounded; provided, however, that if such animal shall be elusive and incapable of being seized the Davison Township police department shall have the authority to destroy such animal forthwith.

**H. Vicious Dogs and Other Vicious Animals Prohibited**

(1) *Keeping vicious animal prohibited; exception.* No person shall own, harbor or keep a vicious dog or vicious animal. This subsection shall not apply to guard dogs maintained for security purposes, provided that such guard dog has been professionally trained for that purpose and the nature of the dog is noted upon the license application at the time such license is issued. As used in this subsection, the term "vicious dog" means:

- (a) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
- (b) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being.

(2) Any dog that has been determined to be a vicious dog by a Davison Township peace officer may be the subject of a petition to the District Court seeking to euthanize the dog.

**I. Unlicensed and young dogs; application, half fee after certain date**

A person who becomes owner of a dog that is 4 or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old.

**SECTION 20 – EMBEZZLEMENT**

**Embezzlement**

(1) A person who as the agent, servant, or employee of another person, governmental entity within this state, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within this state, or other legal entity fraudulently disposes of or converts to his or her own use, or takes or secretes with the intent to convert to his or her own use without the consent of his or her principal, any money or other personal property of his or her principal that has come to that person's possession or that is under his or her charge or control by virtue of his or her being an agent, servant, employee, trustee, bailee, or custodian, is guilty of embezzlement.

(2) In a prosecution under this section, the failure, neglect, or refusal of the agent, servant, employee, trustee, bailee, or custodian to pay, deliver, or refund to his or her principal the money or property entrusted to his or her care upon demand is prima facie proof of intent to embezzle.

**SECTION 21 – FAILURE TO RETURN RENTED PROPERTY**

**Refusal or neglect to return rented motor vehicle, trailer or other tangible property; penalties; sentencing enhancement**

A person to whom a motor vehicle, trailer, or other tangible property is delivered on a rental or lease basis under a written agreement providing for its return to a particular place at a particular time who with intent to defraud the lessor refuses or willfully neglects to return the vehicle, trailer, or other tangible property after expiration of the time stated in a written notice mailed by registered or certified mail addressed to that person's last known address is guilty of larceny, punishable as provided in this section.

**SECTION 22 – FALSE PERSONATION**

**A. Performance of duties of or representation of self as peace officer or medical examiner by person not peace officer or medical examiner**

(1) An individual who is not a peace officer or a medical examiner shall not do any of the following:

- (a) Perform the duties of a peace officer or a medical examiner.
- (b) Represent to another person that he or she is a peace officer or a medical examiner for any unlawful purpose.
- (c) Represent to another person that he or she is a peace officer or a medical examiner with the intent to compel the person to do or refrain from doing any act against his or her will.

(2) As used in this section, "peace officer" means any of the following:

- (a) A sheriff or deputy sheriff of a county of this state or another state.
- (b) An officer of the police department of a city, village, or township of this state or another state.
- (c) A marshal of a city, village, or township.
- (d) A constable.
- (e) An officer of the Michigan state police.
- (f) A conservation officer.
- (g) A security employee employed by the state pursuant to section 6c of 1935 PA 59.
- (h) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59.
- (i) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.
- (j) A park and recreation officer commissioned pursuant to section 1606 of the natural resources and environmental protection act, 1994 PA 451.
- (k) A state forest officer commissioned pursuant to section 83107 of the natural resources and environmental protection act, 1994 PA 451.
- (l) A federal law enforcement officer.
- (m) An investigator of the state department of attorney general.

### **SECTION 23 – FALSE PERSONATION WITH INTENT TO INTIMIDATE**

#### **Disguising self for purpose of obstructing, intimidating, hindering, or interrupting due execution of law, performance of legal duties, or exercise of legal rights**

No person shall, in any manner, disguise himself or herself with intent to obstruct the due execution of the law, or with intent to intimidate, hinder or interrupt any officer or any other person in the legal performance of his or her duty, or the exercise of his or her rights under the constitution and laws of this state.

**SECTION 24 – FALSE POLICE REPORT**

**A. False reporting of crimes or threats**

No person shall intentionally make a false report of the commission of a crime, or intentionally cause a false report of the commission of a crime to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false.

**B. False reports to law enforcement radio broadcasting stations**

No person shall willfully make to any radio broadcasting station operated by any law enforcement agency any false, misleading, or unfounded report, for the purpose of interfering with the operation thereof, or with the intention of misleading any peace officer or officers of this Township.

**SECTION 25 – FALSE PRETENSES**

**Use of false pretenses with intent to defraud**

(1) No person shall, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following:

- (a) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land.
- (b) Obtain a person's signature on a forged written instrument.
- (c) Obtain from a person any money or personal property or the use of any instrument, facility, article, or other valuable thing or service.
- (d) By means of a false weight or measure obtain a larger amount or quantity of property than was bargained for.
- (e) By means of a false weight or measure sell or dispose of a smaller amount or quantity of property than was bargained for.

**SECTION 26 – FINGERPRINTING**

**Refusing or resisting fingerprinting**

A person shall not refuse to allow or resist the taking of his or her fingerprints (felony arrests, and those misdemeanor arrests as deemed appropriate) if authorized or required under the state act.

## **SECTION 27 – FIRE SAFETY**

### **A. False fire alarm**

No person shall knowingly and willfully commit 1 or more of the following:

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

### **B. Disobedience of order or rule of firefighter at fire; hindrance, obstruction, endangerment, or interference with person engaged in operation, installation, or maintenance of public service facility**

- (1) Any person who, while in the vicinity of any fire, willfully disobeys any reasonable order or rule of the officer commanding any fire department at the fire, when the order or rule is given by the commanding officer or a firefighter there present, is guilty of a misdemeanor.

## **SECTION 28 – FIREWORKS (SEE revised ordin 65-D-1)**

(1) **Fireworks -- Definitions.** As used in this section:

(a) "Fireworks" means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include class B fireworks and class C fireworks.

(b) "Class B fireworks" means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

(c) "Class C fireworks" means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

(2) **Sale, possession, transportation, use, prohibited.** Except as provided in subsection (3) and sections 243b, 243c, and 243d, a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following:

(a) A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used.

(b) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft.

(c) Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction.

(d) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

(3) **Exceptions to Section 28.** A permit is not required for the following:

(a) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(b) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the director of the department of state police in which paper caps as described in subdivision (a) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(d) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains.

(e) 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.

(f) Possession, transportation, sale, or use of signal flares of a type approved by the director of the department of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in subsection (2) used by railroads for emergency signal purposes.

(g) The sale of fireworks, provided they are to be shipped directly out of state pursuant to regulations of the United States department of transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

**SECTION 29 – GAMBLING**

**A. Frequenting or attending gaming places**

No person shall attend or frequent any place where gaming or gambling is suffered or permitted, or any place operated or occupied as a common gaming or gambling house or room, shall be guilty of a misdemeanor.

**B. Maintaining gaming or gambling place; permitting gaming or gambling apparatus on premises; use of gaming or gambling apparatus**

(1) Except as provided in subsection (2), No person, or his or her agent or employee who, directly or indirectly, shall keep, occupy, or assists in keeping or occupying any common gambling house or any building or place where gaming is permitted or suffered or who suffers or permits on any premises owned, occupied, or controlled by him or her any apparatus used for gaming or gambling or who shall use such apparatus for gaming or gambling in any place within the Township.

(2) 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 this 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.

**SECTION 30 -- GRAFFITI REMOVAL**

**A.** All graffiti, including but not limited to, writing, symbols, spray painting, drawings, or defacing of the exterior of any building or structure shall be removed, covered or repainted by the building or property owner or occupant in such a manner as to render the graffiti unseeable within seven days after the building was defaced.

**B.** The removal or repair of the graffiti, or defacing shall restore the exterior of the building or structure as near as possible to its original condition or color.

**SECTION 31 – HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

**Hunting while under the effects of alcohol or drugs with firearms deemed disorderly; conviction; confiscation of weapons, application for license**

Any person who has consumed alcohol or drugs which may affect judgment, coordination, or reflexes shall not hunt with a firearm or other weapon under a valid hunting license shall be deemed to be a disorderly person. Upon conviction of such person, the weapon shall be confiscated and shall be delivered to the department of natural resources for disposition in the same manner as weapons confiscated for other violations of the game laws. Upon conviction under this section, the person so convicted, in addition to any punishment imposed pursuant to section 168, and as a part of any sentence imposed, shall be forbidden to apply for or possess a hunting license for a period of 3 years following the date of conviction.

**SECTION 32 -- IDENTITY THEFT**

**A. Offenses relating to obtaining or possessing personal identifying information of another person to commit identity theft or another crime; offenses relating to false police reports of identity theft**

A person shall not do any of the following:

(a) Obtain or possess, or attempt to obtain or possess, personal identifying information of another person with the intent to use that information to commit identity theft or another crime.

(b) Sell or transfer, or attempt to sell or transfer, personal identifying information of another person if the person knows or has reason to know that the specific intended recipient will use, attempt to use, or further transfer the information to another person for the purpose of committing identity theft or another crime.

(c) Falsify a police report of identity theft, or knowingly create, possess, or use a false police report of identity theft.

**B. Personal identity information; prohibited uses**

(1) No person shall obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:

(a) To obtain financial credit.

(b) To purchase or otherwise obtain or lease any real or personal property.

(c) To obtain employment.

(d) To obtain access to medical records or information contained in medical records.

(e) To commit any illegal act.

(2) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.

(3) This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding, or an arbitration proceeding.

**C. Definitions:**

(a) "**Financial transaction device**" means any of the following:

(i) An electronic funds transfer card.

(ii) A credit card.

(iii) A debit card.

(iv) A point-of-sale card.

(v) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes:

(A) Obtaining money, cash refund or credit account credit, goods, services, or any other thing of value.

(B) Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.

(C) Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account, or making an electronic funds transfer as defined in section 3(4) of Act No. 322 of the Public Acts of 1978.

(b) **"Medical records"** includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.

(c) **"Personal identity information"** means any of the following information of another person:

(i) A social security number.

(ii) A driver license number or state personal identification card number.

(iii) Employment information.

(iv) Information regarding any financial account held by another person including, but not limited to, any of the following:

(A) A savings or checking account number.

(B) A financial transaction device account number.

(C) A stock or other security certificate or account number.

(D) A personal information number for an account described in sub-subparagraphs (A) to (C).

### **SECTION 33 – INDECENT EXPOSURE**

No person shall knowingly make any open or indecent exposure of his or her person or of the person of another. This includes, but is not limited to, intentionally making or causing to be made any open exposure of the human male or female genitals, pubic area, buttocks or female breast in any street, alley, park, sidewalk, public building, school or building open to or frequented by the public or any other place that is open to the public view or to which the public has access.

### **SECTION 34 – INNKEEPER DEFRAUDING**

#### **Hotel, motel, inn, restaurant, café; defrauding; limitations**

No person shall put up at any hotel, motel, inn, restaurant or café as a Guest and shall procure any food, entertainment or accommodation without paying therefore, except when credit is given therefore by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or, who, with intent to defraud such keeper out of the pay therefore, shall obtain credit at any hotel, motel, inn, restaurant or café for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto.

### **SECTION 35 – LARCENY**

#### **A. Larceny; proscribed conduct**

(1) No person shall commit larceny by stealing any of the following property of another person is guilty of a crime as provided in this section:

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

#### **B. Embezzlement or fraudulent conversion or use of money, goods, or property obtained by larceny**

No person to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof.

**C. Receipt of money or property intended for another, Larceny by False Personation**

No person shall falsely personate or represent another, and in such assumed character shall receive any money, or other property whatever, intended to be delivered to the party so personated, with intent to convert the same to his own use.

**SECTION 36 – LITTERING**

**A. Litter; prohibition; removal of debris from highways**

(1) A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water other than property designated and set aside for such purposes.

(2) A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road, or street shall remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

**B. Litter; causing to fall on or throwing into path of vehicle prohibited; penalty**

A person shall not knowingly cause litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling upon a highway.

**SECTION 37 – MALICIOUS DESTRUCTION**

**A. Malicious destruction of house, barn or building of another**

A person shall not willfully and maliciously destroy or injure another person's house, barn, or other building or its appurtenances.

**B. Malicious destruction of personal property**

No person shall willfully and maliciously destroy or injure the personal property of another person.

**C. Malicious destruction of signs, bills and notices placed on private property**

No person shall willfully tear down, destroy or in any manner deface any signs, bill or notices on any private lands, or on any lots or premises in the township. Provided, that such signs, bill or notices are not in violation of any general law of the state or municipal ordinance, and were placed by the owner or lessee or by their consent.

**D. Malicious destruction of tombs and memorials to dead; penalties**

(1) No person, other than the burial right owner or his or her representative, heir at law, or a person having care, custody, or control of a cemetery pursuant to law, a contract, or other legal right, shall willfully destroy, mutilate, deface, injure, or remove a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or for the ornament of any tomb, monument, gravestone, or other structure described in this subsection or any other enclosure for the burial of the dead and shall not willfully destroy, mutilate, remove, cut, break, or injure any tree, shrub, or plant, placed or being within such an enclosure.

(2) Prosecution under subsection (1) may commence upon complaint by the burial right owner or his or her representative, heir at law, or person having care, custody, or control of a cemetery, tomb, monument, gravestone, or other structure or thing described in subsection (1).

**E. Malicious destruction of trees, shrubs, plants or soil; penalties**

No person shall willfully and maliciously, or wantonly and without cause, cut down, destroys, or injures any tree, shrub, grass, turf, plants, crops, or soil of another that is standing, growing, or located on the land of another.

If the value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is less than \$200.00, the person is guilty of a misdemeanor.

**F. Defacing or damaging school property**

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

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

**G. Defacing public structures**

No person shall deface, mar, or disfigure any hall, stairway, interior or exterior finish, restroom, washroom, furniture or equipment of any kind in any public building, church or other public structure within the Township.

**H. Cutting, breaking, tapping, connecting line, wire or cable**

No person shall willfully and maliciously cut, brake, tap, to make any connection with, or read, or copy, by the use of telegraph or telephone instruments, or otherwise, in any unauthorized manner, any message, either social or business, sporting, commercial or other news reports, from any telegraph or telephone line, wire or cable so unlawfully cut or tapped in this Township, or make unauthorized use of the same, or who shall willfully and maliciously prevent, obstruct or delay by an means or contrivance whatsoever the sending, conveyance or delivery, in this township, of any authorized communication, sporting, commercial or other news reports, by or through any telegraph

or telephone line, cable or commercial or other news reports, by or through any telegraph or telephone line, cable or wire under the control of any telegraph or telephone company doing business in this Township, or who shall willfully and maliciously aid, agree with, employ, or conspire with any other person or persons to do any of the aforementioned unlawful acts.

### **SECTION 38 – MOTOR VEHICLES**

#### **Damaging, tampering, or meddling with motor vehicle**

1) No person shall intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of said motor vehicle; or

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 or 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.

### **SECTION 39 – MALICIOUS PHONE CALLS**

#### **A. Malicious use of service provided by telecommunications service provider**

(1) No person shall maliciously use any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

(a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.

(b) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.

(c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

(d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.

(e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(f) Making an unsolicited commercial telephone call that is received between the hours of 9 p.m. and 9 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, corporation, or other entity, soliciting business or contributions.

(g) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his or her telecommunications service or device.

**B. Definitions** as used in this section:

(a) **"Telecommunications" and " telecommunications service"** mean any service lawfully provided for a charge or compensation to facilitate the origination, transmission, retransmission, emission, or reception of signs, data, images, signals, writings, sounds, or other intelligence or equivalence of intelligence of any nature over any telecommunications system by any method, including, but not limited to, electronic, electromagnetic, magnetic, optical, photo-optical, digital, or analog technologies.

(b) **"Telecommunications access device"** means any of the following:

(i) Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service.

(ii) Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.

**SECTION 40 – NUISANCE SMOKE PREVENTION**

No person shall allow visible smoke travel, which may enter or be obnoxious to the adjacent dwelling or structure, beyond the lot line of the property on which the smoke originates.

**SECTION 41 -- OBSTRUCTING TRAFFIC**

No person, without authority, shall loiter, linger, stay, saunter, delay or stand around, or do any other act so as to block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon any public street or highway, sidewalk or any other public place or public building or a business lawfully conducted by anyone in or upon such public street, highway, public sidewalk or other public place or public building, by means of a barricade, object or device, or with his person, all or ingress, egress and regress therein, thereon or thereto. This section shall not apply to persons maintaining, rearranging or constructing public utility facilities in or adjacent to a street or sidewalk, nor shall it apply to persons peacefully picketing upon places other than a public street or highway.

**SECTION 42 -- POLICE OFFICER**

**A. Failure to stop on direction of police or conservation officers; Fleeing**

A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle, extinguishing the lights of the motor vehicle, or otherwise attempting to flee or elude the officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle is identified as an official police or department of natural resources vehicle.

**B. Assaulting, battering, obstructing, or endangering an officer performing his or her duties; other offenses**

- (1) A person shall not knowingly and willfully do any of the following:
  - (a) Assault, batter, wound, obstruct, or endanger a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, or other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order made or issued by lawful authority or otherwise acting in the performance of his or her duties.
  - (b) Assault, batter, wound, obstruct, or endanger an officer enforcing an ordinance, law, rule, order, or resolution of the common council of a city board of trustees, the common council or village council of an incorporated village, or a township board of a township.

**C. Compliance with orders or directions of police officers**

A person shall not refuse to comply with a lawful order or direction of a police officer when that officer, for public interest and safety, is guiding, directing, controlling, or regulating traffic on the highways of this state.

**SECTION 43 - PROPERTY OR GOODS**

Sale through Flea Market, Rummage Sale or Garage Sale. No garage sale, rummage sale, flea market or other similar use shall be conducted unless approval is obtained from the township building department. Approval shall not be granted for more than four (4) such sales on the same premises within a twelve (12) month period. No permit shall be issued for such sale if in the opinion of the building department issuance would disturb the health, safety, and/or welfare or be detrimental to the enjoyment of the surrounding neighborhood.

**SECTION 44 – PROPERTY OR GOODS -- ALTERING**

**Alteration, destruction, etc., of identifying number on goods held for sale**

(1) No person shall obscure, deface, alter, obliterate, remove, destroy, or otherwise conceal or disguise any registration, serial, or other identifying number embossed, engraved, carved, stamped, welded, or otherwise placed or situated in or upon goods or property held for sale in the ordinary course of business with the intent to render the goods or property unidentifiable.

(2) A person who is a dealer in or collector of any merchandise or personal property or the agent, employee, or representative of a dealer or collector and who possesses goods or property with the intent to sell the goods or property in the ordinary course of business knowing the registration, serial, or other identifying number has been obscured, defaced, altered, obliterated, removed, destroyed, or otherwise concealed or disguised shall be guilty of a misdemeanor.

(3) A person who is a dealer or collector of any merchandise or personal property or the agent, employee, or representative of a dealer or collector and who sells goods or property in the ordinary course of business knowing that the registration, serial, or other identifying number has been obscured, defaced, altered, obliterated, removed, destroyed, or otherwise concealed or disguised shall be guilty of a misdemeanor.

**SECTION 45 – PROPERTY STOLEN**

**Buying, receiving, possessing, or concealing stolen, embezzled, or converted money, goods, or property**

No person shall buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods, or property is stolen, embezzled, or converted.

**SECTION 46 -- RETAIL FRAUD**

(1) No person shall do any of the following in a store or in its immediate vicinity:

- (a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents 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.
- (b) While a store is open to the public, steals property of the store.
- (c) With intent to defraud, obtains or attempts 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.

#### **SECTION 47 – SEX OFFENDER REGISTRATION**

##### **Notification of local law enforcement agencies of change of residence or domicile of individual required to register; notification of transfer of individual to another state; compliance with verification and proof of residence procedures; duration of requirement for compliance with section; registration pursuant to § 28.728d**

- (1) Within 10 days after any of the following occur, an individual required to be registered under this act shall notify the local law enforcement agency or sheriff's department having jurisdiction where his or her new residence or domicile is located or the department post of the individual's new residence or domicile:
  - (a) The individual changes or vacates his or her residence, domicile, or place of work or education, including any change required to be reported under section 4a.
  - (1) The individual is paroled.
  - (c) Final release of the individual from the jurisdiction of the department of corrections.
- (2) Within 10 days after either of the following occurs, the department of corrections shall notify the local law enforcement agency or sheriff's department having jurisdiction over the area to which the individual is transferred or the department post of the transferred residence or domicile of an individual required to be registered under this act:
  - (a) The individual is transferred to a community residential program.
  - (b) The individual is transferred into a minimum custody correctional facility of any kind, including a correctional camp or work camp.
- (3) An individual required to be registered under this act shall notify the department on a form prescribed by the department not later than 10 days before he or she changes his or her domicile or residence to another state. The individual shall indicate the new state and, if known, the new address. The department shall update the registration and compilation databases and promptly notify the appropriate law enforcement agency and any applicable sex or child offender registration authority in the new state.

- (4) If the probation or parole of an individual required to be registered under this act is transferred to another state or an individual required to be registered under this act is transferred from a state correctional facility to any correctional facility or probation or parole in another state, the department of corrections shall promptly notify the department and the appropriate law enforcement agency and any applicable sex or child offender registration authority in the new state. The department shall update the registration and compilation databases.
- (5) An individual registered under this act shall comply with the verification procedures and proof of residence procedures prescribed in sections 4a and 5a.
- (6) Except as provided in subsections (7) and (8), an individual shall comply with this section for 25 years after the date of initially registering or, if the individual is in a state correctional facility, for 10 years after release from the state correctional facility, whichever is longer.
- (7) Except as provided in subsection (8), an individual shall comply with this section for life if the individual is convicted of any of the following or a substantially similar offense under a law of the United States, any state, or any country or under tribal or military law:
- (a) A violation of section 520b of the Michigan penal code, 1931 PA 328.
  - (b) A violation of section 520c(1)(a) of the Michigan penal code, 1931 PA 328.
  - (c) A violation of section 349 of the Michigan penal code, 1931 PA 328, if the victim is less than 18 years of age.
  - (d) A violation of section 350 of the Michigan penal code, 1931 PA 328.
  - (e) A violation of section 145c(2) or (3) of the Michigan penal code, 1931 PA 328.
  - (f) An attempt or conspiracy to commit an offense described in subdivisions (a) to (e).
  - (g) Except as provided in this subdivision, a second or subsequent listed offense after October 1, 1995 regardless of when any earlier listed offense was committed. An individual is not required to comply with this section for life if his or her first or second listed offense is for a conviction on or before September 1, 1999 for an offense that was added on September 1, 1999 to the definition of listed offense, unless he or she is convicted of a subsequent listed offense after September 1, 1999.
- (8) An individual who is ordered to register as provided in section 8d shall register subject to that section.

**SECTION 48 – SOLICITING AND ACCOSTING AND  
SOLICITING FOR PROSTITUTION**

**A. Soliciting and accosting**

No person 16 years of age or older shall accost, solicit, or invite another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act.

**B. Receiving or admitting person to place or vehicle for purpose of prostitution, lewdness, or assignation**

No person 16 years of age or older shall receive or admit or offer to receive or admit a person into a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, or no person shall knowingly permit a person to remain in a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation.

**C. Engaging or offering to engage services of a person for purpose of prostitution, lewdness, or assignation**

No person shall engage or offer to engage the services of another person, not his/her spouse, for the purpose of prostitution, lewdness or assignation, by the payment in money or other forms of consideration.

**D. Aiding, assisting, or abetting commission or offer of commission of act prohibited under this Section**

No person 16 years of age or older shall aid, assist, or abet another person to commit or offer to commit an act prohibited under this Section.

**E. Pandering**

No person shall procure a person for a house of prostitution; or shall induce, persuade, encourage, inveigle or entice a person to become a prostitute; or shall by promises, threats, violence or by any device or scheme, cause, induce, persuade, encourage, take, place, harbor, inveigle or entice a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed; or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade, encourage, inveigle or entice an inmate of a house of prostitution or place of assignation to remain therein as such inmate; or any person who by promises, threats, violence, by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, shall take, place, harbor, inveigle, entice, persuade, encourage or procure any person to enter any place within this Township in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution; or shall inveigle, entice, persuade, encourage, or procure any person to come into this Township or to leave this Township for the purpose of prostitution; or who upon the pretense of marriage takes or detains a person for the purpose of sexual intercourse; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this Township or leave this Township for the purpose of prostitution.

## **F. Public Nuisance**

Any building, vehicle, boat, aircraft, or place used for the purpose of lewdness, assignation or prostitution or gambling, or used by, or kept for the use of prostitutes or other disorderly persons or used for the unlawful manufacture, transporting, sale, keeping for sale, bartering, or furnishing of any controlled substance as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, or of any vinous, malt, brewed, fermented, spirituous, or intoxicating liquors or any mixed liquors or beverages, any part of which is intoxicating, is declared a nuisance, and the furniture, fixtures, and contents of the building, vehicle, boat, aircraft, or place and all intoxicating liquors therein are also declared a nuisance, and all controlled substances and nuisances shall be enjoined and abated as provided in this act and as provided in the court rules. Any person or his or her servant, agent, or employee who owns, leases, conducts, or maintains any building, vehicle, or place used for any of the purposes or acts set forth in this section is guilty of a nuisance.

### **SECTION 49 – STALKING/HARASSMENT**

#### **A. Aggravated stalking; Harassment; course of conduct**

No person shall make to an individual a **Credible threat** – that being a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.

No person shall cause to an individual **Emotional distress** – that being significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

No person shall **Harass** an individual by 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. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

No person shall **Stalk** an individual by willfully taking a 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.

No person shall make to an individual **Unconsented contact** – that being any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- (i) Following or appearing within the sight of that individual.
- (ii) Approaching or confronting that individual in a public place or on private property.
- (iii) Appearing at that individual's workplace or residence.

(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

## **B. Definitions**

**"Stalk"** means progressing in an ominous manner.

**"Pursue"** means harassing someone persistently.

**"Terrorize"** means dominating by filling with terror.

**"Victim"** means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

## **SECTION 50 -- TOBACCO -- MINOR POSSESSION AND SALE**

### **A. Use or possession of tobacco products by minor in public**

No person under 18 years of age shall possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement.

### **B. Sale of tobacco products to minors; public health department sign**

(1) No person shall sell, give, or furnish any cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in any other form to a person under 18 years of age.

(2) A person who sells tobacco products at retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the department of public health that includes the following statement:

"The purchase of tobacco products by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties."

(3) If the sign required under subsection (2) is more than 6 feet from the point of sale, it shall be 5-1/2 inches by 8-1/2 inches, and the statement required under subsection (2) shall be printed in 36-point boldface type. If the sign required under subsection (2) is 6 feet or less from the point of sale, it shall be 2 inches by 4 inches, and the statement required under subsection (2) shall be printed in 20-point boldface type.

**SECTION 51 – TOWNSHIP EMPLOYEES AND PROPERTY**

**A. Hindering or Assaulting Township Employees**

It shall be unlawful for any person to knowingly or willfully obstruct, resist, oppose, assault, beat or wound any employee of the Township while the employee is engaged in the lawful performance of his official duties.

**B. Damage to Township Vehicles**

It shall be unlawful for any person to cut, mark, scratch, damage or destroy the chassis, running gear, body, sides, top, covering or upholstery of any motor vehicle of the Township, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, being used by an employee of the Township of Davison or Township official who is engaged in lawful performance of his official duties.

**SECTION 52 – TRESPASS**

**A. Trespass upon lands or premises of another**

No person shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, 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, the agent or servant of either, shall not without lawful authority neglect or refuse to depart therefrom. However, a person shall be allowed to enter onto the lands of another without permission to retrieve an at large animal.

**B. Trespassing on grounds or in building of school**

1. No person who is not a student or employee of any school located in the Township, or parent or guardian of any student enrolled therein, shall remain within any school during normal school hours without securing the written permission of the principal or his or her designee.
2. **"Student"** shall mean any person of school age and enrolled in the school at which he then is present.

**SECTION 53 – WEAPONS**

**A. Firearm or dangerous weapon, carrying with unlawful intent**

No person shall, with intent to use the same unlawfully against the person of another, go armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument.

**B. Transportation or possession of firearm other than pistol in or upon self-propelled vehicle designed for land travel**

1. No person shall transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel a firearm, other than a pistol, unless the firearm is unloaded and is 1 or more of the following:

- (a) Taken down.
- (b) Enclosed in a case.
- (c) Carried in the trunk of the vehicle.
- (d) Inaccessible from the interior of the vehicle.

2. It shall be unlawful for any person under 17 years of age or under to possess, carry, or transport any firearm within the Township unless such minor is in possession of a valid hunting license issued by the state and such rifle or shotgun is being transported in the manner prescribed by state law as noted above.

**C. Liquor, possession or use of firearm by person under influence**

An individual shall not carry, have in possession or under control, or use in any manner or discharge a firearm under any of the following circumstances:

- (a) The individual is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- (b) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (c) Because of the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the individual's ability to use a firearm is visibly impaired.

**D. Firearm; discharge, intentionally aimed without malice**

No person shall intentionally discharge, aim at or toward any person, without injury to any other person, any firearm, without malice.

**E. Dangerous Weapons – Possession Restricted**

It shall be unlawful for any person to be in possession of a knife with a blade more than three inches in length, any blackjack, slingshot, billy (club), metallic knuckles, sand club, sand bag, karate sticks, nunchucks, shurikens (sharpened stars or discs used for throwing), bludgeon or any other dangerous or deadly weapon or instrument, in any of the streets, alleys, parks, boulevards, or other public property or schools in the Township, or in any dance hall, theatre, amusement park, liquor establishment, store or other private property generally frequented by the public for purposes of education, recreation, amusement, entertainment, sport or shopping. The prohibition contained in this section shall not apply to any person in possession of any such weapon or instrument when it is used or carried in good faith as a tool of honest work, trade, business, sport or recreation. When the person in possession of such weapons or

instrument is actively engaged in going to or returning from such honest work, trade, business, sport, or recreation, or is transporting such weapon or instrument directly to that individual's residence or place of business immediately after purchase, or unless such person is licensed by the State of Michigan to carry a concealed weapon and then only in accordance with any restrictions upon said license.

#### **F. Dangerous Weapons – Possession by Minor**

It shall be unlawful for any person under the age of 18 years to be in possession of any knife, dart or instrument of any description that could be used for cutting or stabbing, any blackjack, slingshot, billy (club), metallic knuckles, sand club, sand bag, karate sticks, nunchucks, shurikens (sharpened stars or discs used for throwing), bludgeon or any other dangerous or deadly weapon or instrument, in any of the streets, alleys, parks, boulevards, or other public property or schools in the Township, or in any dance hall, theatre, amusement park, liquor establishment, store or other private property generally frequented by the public for purposes of education, recreation, amusement, entertainment, sport or shopping; provided, this section shall not apply to any such person under the age of 18 years of age being in possession of any such weapon or instrument when it is used or carried in good faith as a tool of honest work, trade, business, sport or recreation or youth character building program, boy scouts, girl scouts, etc., when actively engaged therein or actively engaged in going to or returning from such honest work, trade, business, sport, or recreation or youth character building program, or unless such person is licensed by the State of Michigan to carry a concealed weapon and then only in accordance with any restrictions upon said license.

#### **G. Possession or Sale of Switch Blade**

It shall be unlawful for any person to sell, offer for sale, keep, possess, use or loan any switch blade or self-opening knife; provided, that the prohibition of this section shall not apply to any one-armed person in possession of such knife in connection with his living requirements.

#### **H. Access to Firearms by Minors**

1. Except as provided in this section, a person shall not leave a loaded firearm, or an unloaded firearm in close proximity to ammunition, in any location where the person knows, or reasonably should know, that an unsupervised minor may gain access to the firearm.

This section shall not apply where:

- a. A minor's access to a firearm is supervised by a person 21 years of age or older.
- b. A firearm is in a locked gun cabinet or similar locked location, or is secured with a trigger lock or other similar device which prevents the firearm from discharging ammunition.
- c. A minor's access to a firearm was obtained as a result of an unlawful entry to the premises.
- d. A firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties.

2. When selling any firearm, a licensed firearms dealer shall explicitly offer to sell or give to the purchaser a trigger lock device to prevent the firearm from discharging ammunition.

3. At every purchase counter in every store, shop or sales outlet where firearms are sold, the following warning in block letters not less than one inch in height shall be conspicuously posted: **"It is unlawful to leave a loaded firearm, or an unloaded firearm in close proximity to ammunition, where a minor can obtain access to the firearm."**

#### **I. Concealed Pistol License**

1. An individual who is licensed to carry a concealed pistol shall have his or her license to carry that pistol in his or her possess in at all times he or she is carrying a concealed pistol.

2. An individual licensed to carry a concealed pistol and is carrying a concealed pistol and who is stopped by a peace officer shall immediately disclose to the peace officer that he or she is carrying a pistol concealed upon his or her person or in his or her vehicle.

#### **J. Brandishing Firearm in Public**

1. Except as provided in subsection (2), a person shall not knowingly brandish a firearm in public.

2. Subsection (1) does not apply to the following:

- a) A peace officer lawfully performing his or her duties as a peace officer.
- b) A person lawfully engaged in hunting.
- c) A person lawfully engaged in target practice.
- d) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.

### **SECTION 54- PENALTIES**

Any person guilty of violating this Ordinance shall be guilty of a misdemeanor and upon conviction thereof may be punishable by imprisonment for not more than 90 days (unless specified 93 days by statute) or a fine of not more than \$500.00, or both such fine and imprisonment, together with costs of prosecution. In addition, any violation of this Ordinance is hereby declared to be a public nuisance and such nuisance shall be abated by a court of competent jurisdiction when such abatement is applied for.

### **SECTION 55 – EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after publication.

**CLERK'S CERTIFICATION**

I, Karen Miller, being the duly elected clerk of the Township of Davison, Genesee County, Michigan does hereby certify that the above ordinance was adopted at a regular meeting of the Township Board of the Township of Davison held at the township hall at 1280 N. Irish Road, Davison, Michigan on 8<sup>TH</sup> Day of April, 2013 where a quorum was present and voting.

---

Karen Miller, Clerk