

TITLE 7: GENERAL OFFENSES

CHAPTER

70: OFFENSES AGAINST CITY REGULATIONS

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§ 70.01 DISORDERLY CONDUCT

- (A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

STUDENT. Any person of school age and properly enrolled in the school at which her or she is present.

- (B) The following are acts that are prohibited. No person shall:

- (1) Commit an assault, or an assault and battery on any person;
- (2) Be intoxicated in a public place and endanger directly the safety of another person or of property or act in a manner that causes a public disturbance;
- (3) Discharge any firearm, air rifle, air pistol or bow and arrow in the city, except when in connection with a regularly scheduled educational or training program or a ceremony under adequate supervision.
- (4) FIREWORKS:
 - (a) Display or possess any fireworks except of the type and under the conditions permitted by MCL 28.451-471; Public Acts 256 of 2011 (Michigan Fireworks Safety Act) and;

- (b) Fire or discharge of any fireworks as set forth in paragraph (a) on any days other than the day preceding, the day of, or the day after a legally recognized National Holiday.
- (c) On the following days after 11:00 a.m.:
 - i. December 31 until 1:00 a.m. on January 1
 - ii. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - iii. June 29 through July 4 until 11:45 p.m. on each of those days.
 - iv. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - v. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (d) Fireworks shall not be used or possessed by a minor unless under the direct supervision of an adult.
- (e) An individual shall not use fireworks while under the influence of alcohol or a controlled substance or a combination of the two as defined in MFSA.
- (f) A person shall not ignite, discharge or use fireworks on public property, school property or the property of another person or organization without that person's or organization's express permission to use those fireworks on said premises.
- (g) Unless otherwise provided, if a person knowingly, intentionally or recklessly violates the provisions of this Section, the person is guilty of a civil infraction
- (i) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
70.01 (4)	Fireworks	\$50.00	\$100.00	\$200.00

(Ord. 12-03, Passed 7-24-12; Amended Ord. 13-03, passed 7-9-13; Amended Ord. 15-03, Passed 7-14-15; Amended Ord. 19-02, passed 5-28-19)

- (5) Engage in peeping in the windows of any inhabited place;
- (6) Engage in any indecent, insulting, immoral, or obscene conduct in any public place;
- (7) Make immoral exhibition or indecent exposure of their person;
- (8) Improperly, lewdly or wrongfully accost, ogle, insult, annoy, follow, pursue, lay hands on, or by gesture, movement of body or otherwise wrongfully molest any person in any public place or public vehicle;
- (9) Engage in any disturbance, fight, or quarrel in a public place;
- (10) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place;

- (11) Jostle or roughly crowd persons in any street, alley, park, or public building;
- (12) Participate in any activity that obstructs vehicular or pedestrian traffic on any street or sidewalk by collecting in groups thereon, for any purpose;
- (13) Engage in any act of prostitution;
- (14) Attend, frequent, operate or be an occupant or inmate of place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal or immoral business or occupation is permitted or conducted;
- (15) Engage in prostitution, gambling, the illegal sale of intoxicating liquor; illegal drug, or any other illegal or immoral business or occupation. Proof of recent reputation for engaging in prostitution, gambling, illegal sale of intoxicating liquor, illegal drug, or other illegal or immoral occupation or business shall be prima facie evidence of being engaged or occupied therein;
- (16) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act;
- (17) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal or immoral act;
- (18) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct;
- (19) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons;
- (20) Obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of their duties as such;
- (21) Prowl about any alley or the private premises of any person, without authority or the permission of the owner of such premises;
- (22) Throw or propel any object from any moving vehicle or toward any person or automobile
- (23) Willfully destroy, remove, damage, alter or in any manner deface any property not their own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic-control device, railroad sign or signal, parking meter, or shade tree belonging to the city or located in the public places of the city, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree, or pole within the city, or destroy, take, or meddle with any property belonging to the city, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority;
- (24) Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the Police or the Fire Department or any public or private ambulance to any address where the service called for is not needed;

- (25) Disturb any school, meeting or congregation lawfully assembled, whether religious, political, or otherwise;
- (26) Willfully break or injure in any manner any window, door or other parts of any building, whether such building is occupied or not; or willfully and maliciously destroy or injure the personal property of another person or any school property, or city property, including trees or other plants.
(Am. Ord. 14-03, passed 10-28-14)
- (27) TRESPASSING.
- (a) Trespass upon any land or buildings owned, occupied or otherwise by a school within the city without having legitimate business therein.
- (b) 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, with a conspicuous notice forbidding any trespass thereon, 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, who without lawful authority neglects or refuses to depart therefrom.
(Am. Ord. 14-04, passed 10-28-14)
- (28) Have in their or her possession or in any motor vehicle, upon any public street, park or other public place, or any place open to the public, an open receptacle or container containing any alcoholic beverages or intoxicating liquors; except, one may have in possession, but not in a motor vehicle, open alcoholic beverage containers, when and where the City Council of the city grants to organizations, under terms and conditions that the Council determines appropriate, permission to sell and/or distribute alcoholic beverages in a city park for specific events where the participating organization(s) can provide adequate supervision of the event and obtain liability insurance for the sale and/or distribution of alcoholic beverages naming the city as additional party insured.
- (29) 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. *(Am. Ord. 09-02, passed 9-8-2009)*
- (30) No person, while on public or private lands adjacent to any building or lands owned, occupied or otherwise used by a school within the City, in or on which any gathering or function is in progress, whether in the day or nighttime, shall willfully make or assist in making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function. *(Am. Ord. 09-02, passed 9-8-2009)*
- (31) Fail to give true information of their identity and identifying information, including, but not limited to, their full name, address, and date of birth; or give false or misleading identifying information in response to lawful request by a police officer, peace officer, sheriff or deputy sheriff, or person acting with and having police officer powers, who is lawfully exercising police or peace officer powers, or authorized person where there is probable cause to arrest a person for the commission of a crime or reasonable basis to stop a person to issue him or her a civil infraction citation.
(Ord. 95, passed 6-1-61; Am. Ord. passed 4-22-69; Am. Ord. passed 9-22-70; Am. Ord. 93-1, passed 5-25-93; Am. Ord. 14-05, passed 10-28-14; Am. Ord. 17-02, passed 5-23-17)

(C) Penalty

Section	Description	Violation
70.01	Disorderly Conduct	Misdemeanor – fines determined by court

§ 70.02 CURFEW FOR MINORS

- (A) It shall be unlawful for any minor under the age of 17 years to loiter, wander, stroll, or play in or upon public streets, highways, alleys, parks, playgrounds, public places, places of amusement, vacant lots, or other unsupervised places in the city between the hours of 10:00 p.m. and 6:00 a.m., official city time, Sunday through Thursday of each week, and between the hours of 12:00 a.m. and 6:00 a.m., official city time, Friday and Saturday of each week.
- (B) It shall be unlawful for the parent, guardian, or other person having the legal care and custody of a minor under the age of 17 years to permit such minor to loiter, wander, stroll, or play in or upon the public streets, highways, alleys, parks, playgrounds, public places, places of amusement, vacant lots, or other unsupervised places in the city between the hours of 10:00 p.m. and 6:00 a.m., official city time, Sunday through Thursday of each week; and between the hours of 12:00 a.m. and 6:00 a.m., official city time, Friday and Saturday of each week.
- (C) It shall not constitute a defense hereto, that the parent, guardian, or other person having legal care and custody of a minor who violates any of the provisions of this section, did not have knowledge of the presence of said minor in and upon any of the streets, alleys, public places, vacant lots, or other unsupervised places prohibited in section (A) hereof.
- (D) Whenever any child under the age of 17 years is arrested with or without a warrant for the alleged violation of any of the provisions of section (A) hereof, such child shall be taken immediately before the Juvenile Division of the Probate Court of Muskegon County and the officer making the arrest shall immediately make and file or cause to be made and filed, a petition against such child as required by state statute to the Probate Court of the county.
(Ord. 98, passed 12-10-63)
- (E) *Exemptions.* This section does not apply to a minor who is:
- (1) Accompanied by their parent, guardian or custodian;
 - (2) Accompanied by an adult specified by their parent, guardian or custodian;
 - (3) Carrying out an errand or other lawful activity as directed by their parent, guardian or custodian; or
 - (4) Participating in, going to, or returning from:
 - (a) Lawful employment; or
 - (b) A lawful athletic, educational, entertainment, religious or social event.

(F) Penalty

Section	Description	Violation
70.02(A)	Curfew for Minors	Misdemeanor – fines determined by court
70.02(B)	Curfew for Minors	Civil Infraction – fines determined by court

§ 70.03 FURNISHING OR USING OF INTOXICATING LIQUOR BY PERSONS UNDER 21 YEARS OF AGE.

- (A) No person shall knowingly sell, give, or furnish any alcoholic liquor to an individual under the age of 21 and shall reasonably establish the individual's age. If an individual is not known by appearance or personal knowledge to be of age, the person providing any alcoholic liquor shall establish the age by examining a government issued photographic identification that shows an exact birth date.
- (B) Subject to section (d), any person under the age of 21 years shall not purchase or attempt to purchase, consume or attempt to consume, possess or attempt to possess alcoholic liquor or have any bodily alcoholic content.
- (C) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis must not be administered without a court order, but a peace officer may seek to obtain a court order. The results of preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (D) Section (b) shall not be construed to prohibit a person under 21 years of age from possessing and/or consuming alcoholic beverages if any of the following circumstances exist:
 - (1) The alcoholic beverages are possessed during regular working hours and in the course of the person's employment if such employment is by a person properly licensed by the State of Michigan, by the liquor Control Commission or by an agent of the Liquor Control Commission, and if the alcoholic beverage is not possessed for such person's personal consumption.
 - (2) The person is participating in an undercover decoy operation and the person has purchased or received alcoholic beverages exclusively at the direction of a state, county or local police agency as part of an undercover operation.
 - (3) The person is consuming sacramental wine in connection with religious services at a church, synagogue, or temple.
 - (4) The alcoholic beverage is either an over-the counter or prescribed commercially prepared product which is intended for use as a medicine to treat colds, coughs, allergies, or influenza, and is being possessed or used for that purpose.

- (E) As used in this section, “any bodily alcohol content” means either of the following:
- (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person’s body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as part of a generally recognized religious service or ceremony.
(Ord. 105, passed 9-22-70; Am. Ord. 20-01, passed 9-22-2020; Am. Ord. 20-02, passed 11-10-20)

(F) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
70.03	Furnishing to Minors	Civil Infraction – fines determined by court	Misdemeanor – fines determined by court	

§ 70.04 CONTROLLED SUBSTANCES

- (A) Controlled substances are deemed to be and are described as defined in the “Controlled Substances Act of 1971 of the State of Michigan,” as amended, being Sections 335.301 et seq. of Michigan Compiled Laws.
- (B) The following acts within the city are prohibited:
- (1) No person shall at any time have or possess any instrument or implement adapted for the use of controlled substances for any manner or method of introduction and which is possessed for that purpose, unless such possession is authorized by the certificate of a licensed medical doctor or osteopathic physician issued within the period of one year; provided that the prohibition contained in this division shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons diagnosed with diabetes, asthma or any other medical condition requiring self-injection.
 - (2) No person shall at any time have or possess any item that has been used for, or intended to be used for the storage, measurement, preparation, packaging or, ingestion, injection, inhalation or consumption of any controlled substances into a human body, including but not limited to, boxes, trays, plates, baggies, paper wrappings, scales for weight, pipes, metal or glass tubing, spoons, straws or razor blades.
 - (3) Any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge, or any other form of concealment for the purpose of obtaining money or any other thing of value by the sale, furnishing, supplying or giving away of any substance represented to be a controlled substance, as described in section (A) of this section, when the same may or may not be the same, shall be deemed a violation this section.
 - (4) No person shall loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, airline or other place of any description whatsoever where

controlled substances, hypodermic needles or other instruments or implements or empty gelatin capsules are used, sold, dispensed, furnished, given away, stored or kept illegally.
(Ord. 106, passed 5-22-73)

(C) Penalty

Section	Description	Violation
70.04	Controlled Substances	Misdemeanor – fines determined by court

§ 70.05 HUNTING AND CARRYING UNENCASED HUNTING DEVICES PROHIBITED

- (A) *Purpose.* It is the purpose of this section to prevent the potential harm which may be inflicted upon people which may result from the unintentional discharge of hunting devices within the city.
- (B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HUNTING. Carrying an unencased hunting device in public while not engaged in a training program or authorized parade.

HUNTING DEVICE. Any mechanical device commonly used or intended to be used, for hunting birds and animals but not limited to firearms, air rifle, air pistol, pellet gun, bow with arrows, crossbow and slingshot.

- (C) *Prohibition.* No person shall hunt within the city except as specifically permitted by state law.
- (D) *Exception.* The provisions of this section do not apply to law enforcement officers, security personnel, persons lawfully acting in the defense of persons or property; or to activities or situations specifically authorized by state law.
- (E) *Transportation of weapons.* this section shall not prohibit the following kinds of transportation of weapons:
 - (1) Transportation of a fully unloaded weapon in a locked trunk or baggage compartment of a vehicle.
 - (2) Transportation by a carrier in intrastate or interstate commerce, in boxes or crates in locked compartment.
- (F) *Impoundment.* In addition to the other penalties provided in this section or provided by law, any weapon found anywhere in the city in violation of this section shall be impounded and held by the Police Department. Such weapon shall be held subject to court action to determine ownership and shall not be returned to any person prohibited to own guns.

(G) Penalty

Section	Description	Violation
70.05	Hunting & Carrying Unencased Hunting Devices	Misdemeanor – fines determined by court

§ 70.06 POSSESSION OF TOBACCO PRODUCTS - PERSONS UNDER 21

- (A) A person under 21 years of age shall not do any of the following:
- (1) Purchase or attempt to purchase a tobacco product, vapor product or alternate nicotine product.
 - (2) Possess or attempt to possess a tobacco product, vapor product or alternative nicotine product.
 - (3) Use a tobacco product, vapor product or alternative nicotine product.
 - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually their or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or alternative nicotine product.

Section	Description	Violation
70.06(A)	Possession of Tobacco Products by Persons Under 21	Civil Infraction – fine of not more than \$50.00 for each violation

- (B) No person shall knowingly sell, give, or furnish any tobacco product, vapor product or alternative nicotine product to an individual under the age of 21 and shall reasonably establish the individual’s age. If an individual is not known by appearance or personal knowledge to be of age, the person providing any tobacco product, vapor product or alternative nicotine product shall establish the age by examining a government issued photographic identification that shows an exact birth date.

Section	Description	Violation
70.06(B)	Furnishing Tobacco Products to Persons Under 21	Misdemeanor – fine of not more than \$50.00 for each violation

(Ord. 14-02, passed 10-28-14; Am. Ord. 22-06, passed 11/9/22)

§ 70.07 MARIJUANA POSSESSION AND USE

- (A) Definitions:
- (1) **MARIJUANA** means that term as defined in section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
 - (2) **THC** means delta-9-tetrahydrocannabinol acid.
- (B) The following acts within the city are prohibited:
- (1) No person under 21 years of age shall at any time possess or consume any marijuana plant or plant material, or any product, extract, or edible items containing THC, or any accessory used solely for the purpose of processing or consuming of marijuana plant material, or any product or extract unless such possession is authorized by MCL 333.26424 and possess a valid card issued by the State of Michigan.

- (2) No person shall smoke or inhale any marihuana plant material or any product or extract containing THC in a public place or in a place open to the general public and where prohibited by the persons who own, occupy or manage the property.
 - (3) No person shall possess more than 2.5 ounces of dried or partially dried marihuana plant or plant material, 2.5 ounces of any edible item containing THC or 15 grams of liquid or solid extract of THC outside of their own residence.
 - (4) No person shall use butane or any other method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit to extract resin from marihuana plants or plant material in any public place, motor vehicle, or within the curtilage of any residential structure.
 - (5) No person shall knowingly sell, give, or furnish any marihuana plant, plant material, or any product, extract or edible items containing THC to an individual under the age of 21 and shall reasonably establish the individual's age. If an individual is not known by appearance or personal knowledge to be of age, the person providing any marihuana plant, plant material, or any product, extract or edible items containing THC shall establish the age by examining a government issued photographic identification that shows an exact birth date.
 - (6) No person shall cultivate marihuana plants that are visible from a public place without the use of binoculars, aircraft or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area, or cultivate more than 12 plants per qualified adult owning, occupying or managing the property.
 - (7) No person shall consume marihuana or THC products in any form while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoke marihuana within the passenger area of a vehicle upon a public way.
 - (8) No person shall possess or consume any marihuana plant or plant material, or any product, extract, or edible items containing THC upon the grounds of any public or private school or school properties, where children attend classes for preschool, kindergarten or grades 1 through 12 or in any school bus.
- (C) A person who violates sections (1), (2), or (3) shall be guilty of a civil infraction.
- (D) A person who violates sections (4), (5), (6), (7) or (8) shall be guilty of a misdemeanor.
- (E) Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.
- (F) Severability. If any section, section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.
- (G) Penalty

Section	Description	Violation
70.07	Marihuana Possession & Use	Civil Infractions – fines determined by court Misdemeanors – fines determined by court

(Ord. 18-06, passed 11-27-2018; Am. Ord. 21-01, passed 6-8-21)