

Chapter 18
OFFENSES
AGAINST ORDER AND DECENCY

18.01.00 In General

18.01.01 Aiding and abetting offenses

Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted there under, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.

18.01.02 Penalty

Violations of this Chapter shall, upon conviction, be punishable as misdemeanors under Chapter 1, Section 6.

18.01.03 Definitions

The following definitions apply in the code:

- A. "Controlled Substance" means any drug defined as a controlled substance by the statutes of the State of Michigan, (Act 368 of 1978, the Public Health Code).
- B. To "obstruct" means to render difficult of passage without unreasonable inconvenience or hazard.
- C. "Public place" means a place to which the public or a substantial group of persons has access, and includes but is not limited to highways, sidewalks, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses not constituting rooms or apartments designed for actual residence.
- D. "Property" means any money, personal property, real property, thing in action, evidence of debt or contract, or article of value of any kind.
- E. "Peace officer" includes any public servant vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

18.02.00 Specific Offenses

18.02.01 Accosting and Soliciting.

A person commits the offense of accosting and soliciting if he invites another person, in any public place or in or from any building or vehicle by words, gesture or any other means, to do any lewd or immoral act or act of moral perversion.

18.02.02 Alcoholic Liquor – Furnishing to a Minor.

A person commits the offense of furnishing alcoholic liquor to a minor if he/she furnishes or gives any alcoholic beverage to a person under the age of twenty-one (21) years except upon authority of and pursuant to a prescription of a duly licensed physician.

18.02.03 Alcoholic Liquor – Illegal Possession

A person commits the offense of illegal possession of alcoholic liquor if:

- A) He/she knowingly possesses any alcoholic liquor on any premises or in any building owned by or under the control of the Sandusky School District in the City of Sandusky.
- B) Being under the age of twenty-one (21) years, he/she knowingly purchases, possesses or transports any alcoholic liquor, except in the course of employment as an employee of a licensee of the State Liquor Control Commission.

18.02.04 Assault and Battery.

No person shall commit an assault or an assault and battery upon the person of another.

18.02.05 Controlled Substance – Possession or Use

- A) “Marijuana” means all parts of the plant *Cannabis sativa* L., whether 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, 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 there from, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- B) A person commits the offense of unlawful possession of marijuana if he knowingly or intentionally possesses marijuana except as authorized by the provisions of Act No. 368, Michigan Public Acts of 1978 (Public Health Code).
- C) A person commits the offense of unlawful use of marijuana if he uses marijuana except as authorized by the provisions of Act No. 368, Michigan Public Acts of 1978 (Public Health Code).

18.02.06 Cruelty to Animals

A person commits the offense of cruelty of animals if he tortures, torments, deprives of necessary sustenance, mutilates, cruelly beats or kills any animal; or willfully fails to provide proper food, drink, shelter or protection from the weather for any animal in his charge or custody either as owner or otherwise. (MSA 28.161)

18.02.07 Curfew-Minors Under Twelve Years Old

No minor under the age of twelve (12) years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, or pleasure ride or park in automobiles, between the hours of 10:00p.m. and 6:00a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

18.02.08 Curfew-Minors Between Twelve and Sixteen Years Old

A) No minor twelve (12) years old or older, but under the age of seventeen (17) years, shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, or pleasure ride or park in automobiles, between the hours of 11:00p.m. and 6:00a.m., Sunday through Thursday nights, and between 12:00 midnight and 6:00a.m. Friday and Saturday nights.

B) The provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of such minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor.

C) The provisions of this section do not apply to a minor employed in an occupation authorized by law, where such minor is going to or from work and carries on his person evidence in writing, signed by his employer, showing the time when such minor left work on that day. Any employer falsifying any evidence in writing of the time of day when a minor in his employ was relieved from work shall be guilty of a misdemeanor.

18.02.09 Disorderly Conduct.

A person commits the offense of disorderly conduct if he:

A) Engages in fighting or in violent, tumultuous or threatening behavior;
or

B) Makes unreasonable noise; or

C) In a public place uses abusive or obscene language, or makes an obscene gesture; or

D) Without lawful authority, disturbs any lawful assembly or meeting of persons or

E) Obstructs vehicular or pedestrian traffic; or

F) Creates a hazardous or physically offensive condition by an act that serves no legitimate purpose; or

G) Consumes any alcoholic beverage upon a public highway, or in any public place not licensed by the Michigan Liquor Control Commission, or

H) Urinates in a public place, except public toilets.

18.02.10 Disturbance in Business or Public Place or of Lawful Meetings

Any person who 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, shall be guilty of a misdemeanor.

18.02.11 Eluding or Failing to Obey Police Officer

No person shall fail to refuse to obey the lawful commands of a police officer in the exercise of his duty. Nor shall any person elude or attempt to elude a police officer in the exercise of his duty. Failure to obey, or attempting to elude an officer in uniform, or in a marked police vehicle, or who has identified himself as such, shall create a presumption of intent to violate this Section.

18.02.12 Failure of Disorderly Person to Disperse

A person commits the offense of failure as a disorderly person to disperse if he participates with two (2) more other persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.

18.02.13 Rendering a False Alarm

A person commits the offense of rendering a false alarm if he knowingly causes a false alarm of fire or other emergency to be transmitted to or within a fire department or any other government agency that deals with emergencies involving danger to life or property.

18.02.14 False Reporting to Law Enforcement Officials

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

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

18.02.15 Fireworks

A) Definitions.

As used in this chapter, the following definitions shall apply:

- (1) "Act 256" means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011, being MCL 28.451, et seq., as it may be amended from time to time.
- (2) "Consumer fireworks" means that term as defined in Act 256.
- (3) "Firework" or "fireworks" means that term as defined in Act 256.
- (4) "Retailer" means that term as defined in Act 256.
- (5) "Wholesaler" means that term as defined in Act 256.

B) Compliance with Applicable Ordinances and Codes.

Unless otherwise provided in this Chapter, a retailer or wholesaler of fireworks located within the City must comply with the requirements of the City's Zoning Ordinance, as well as all building codes and regulations.

C) Use of Consumer Fireworks Prohibited.

- (1). No person shall ignite, discharge or use consumer fireworks in the City; except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the City on the day proceeding, the day of, or the day after a national holiday.
- (2). On the day proceeding, the day of, or the day after a national holiday no person shall ignite, discharge or use consumer fireworks between the hours of 1 a.m. and 8 a.m..
- (3). A person shall not ignite, discharge and/or use consumer fireworks on public property, school property, church property, or the property owned by another person or entity without that organization or person's written permission.

D) Firework Safety.

No person shall recklessly endanger the life, health, safety, or well-being of any person by the ignition, discharge, or use of consumer fireworks.

A person shall not discharge consumer fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including but not limited to, hotel and motel property, apartment property, and condominium property, without that person or organization's written permission.

E) Permit for Consumer Fireworks

Upon application in writing by any association or group of individuals the city manager or city council may grant permission for the public display of consumer fireworks, on days other than the day before, the day of and the day after a national holiday, subject to such conditions as deemed necessary to safeguard the welfare of the public and property.

F) Penalty.

The City Manager, Police Chief, and their designees are authorized to enforce this Ordinance.

A violation shall be enforced as a Municipal Civil Infraction under Chapter 10, Civil Infractions of the City of Sandusky Code of Ordinances. The enforcing person may issue a notice of violation or proceed directly to a municipal civil infraction citation within his or her discretion. Nothing in this Ordinance shall prohibit filing other causes of action including criminal prosecution or a request for injunctive relief in a court of competent jurisdiction. The penalties and fines for violation of this Ordinance are as follows:

(1). A notice of violation shall be a \$100 civil fine payable at the City violations bureau.

(2). A Municipal Civil Infraction violation processed in Court shall be not more than \$500.00 for each violation plus costs, fees, and injunctive relief as allowed by the Revised Judicature Act Of 1961 Act 236 of 1961 as amended, Chapter 87 Municipal Civil Infractions and as allowed under the Michigan Rules of Court.

G) Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

H) Severability.

Should any portion of this Ordinance be held invalid, such holding shall not be construed as affecting the validity of any of the remaining subsections of this Ordinance.

I) Effective Date.

The effective date of this Ordinance shall be twenty days after adoption and publication or as required by law or City Charter.

18.02.16 Gambling

A) No person shall maintain a gambling or lottery room policy wheel or gaming table of skill, or chance, or partly of skill and partly of chance, used for gaming, or permit the same on any premises occupied or controlled by him, nor shall any person permit gambling of any nature on any premises occupied or controlled by him.

B) Any article, machine, apparatus, furniture, instrument, device or other property or thing kept for the purpose of gambling shall, upon the conviction of the person or persons keeping the same, be destroyed by the Chief of Police upon the order of the Court before whom conviction was handed down.

18.02.17 Harassment

A person commits the offense of harassment if, with intent to harass, annoy or alarm another person, he:

A) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

B) Follows a person in or about a public place or places; or

C) Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

18.02.18 Harassing communications

A person commits the offense of harassing communications if, with intent to harass or alarm another person, he communicates with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communications, in a manner likely to harass or cause alarm.

18.02.19 Impersonating a Peace Officer

A person commits the offense of impersonating a peace officer if he falsely pretends to be a peace officer and does an act in that capacity.

18.02.20 Indecent Exposure

A person commits the offense of indecent exposure if he makes an open and indecent exposure of his person under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm.

18.02.21 Littering

A person commits the offense of littering, if he knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of, litter on any public or private property or waters other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to , the right of way of any road or highway, any body of water or watercourse, or the shores or beaches thereof and including the ice above such waters; any park, playground, building, refuge or conservation or recreation area; and any residential farm properties or timberlands.

18.02.22 Loitering

A person commits the offense of loitering if he:

- A) Loiters, remains or wanders about in a public place for the purpose of begging; or
- B) Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia; or
- C) Loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil, or any other specific, legitimate reason for being there, and not having written permission from a school administrator; or
- D) Loiters or remains in any place for the purpose of intentionally and unlawfully using or possessing a controlled substance; or
- E) Knowingly loiters or remains in any place where the use of controlled substance is practiced, encouraged or allowed.

18.02.23 Malicious Mischief

A person commits the offense of malicious mischief if, having no right to do so or any reasonable ground to believe that he has such right, he intentionally damages public property or private property belonging to another person.

18.02.24 Menacing

A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.

18.02.25 Missiles

- A) No person shall throw or propel any snowball, missile or object toward any person or vehicle.
- B) No person shall throw or propel any snowball, missile or object from any moving vehicle.

18.02.26 Obstructing Governmental Operations

- A) A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function or the use of government property by using or threatening to use violence, force, physical interference or obstacle.
- B) For purposes of this section “government” includes any principal subdivision or agency of the United States, State of Michigan, City of Sandusky, or any agency of local government operating within the City of Sandusky; “governmental function” includes any activity which a public agency or public servant is legally authorized to undertake.

18.02.27 Obstructing a Peace Officer

A person commits the offense of obstructing a peace officer if, by using or threatening to use, violence, force or physical interference or obstacle, he intentionally obstructs, impairs, or hinders the enforcement of Michigan criminal laws or City ordinances, or the preservation of the peace or exercise of authority by a peace officer acting under color of his official authority.

18.02.28 Pollution

No person shall pollute any creek, stream, or lake or water course by throwing, casting, or depositing wherein any waste materials, sewage, or other noxious, poisonous or offensive substance.

18.02.29 Resisting Arrest

A person commits the offense of resisting arrest if he intentionally prevents or attempts to prevent a peace officer, acting under color of his official authority, from affecting an arrest of the actor or another, by:

- A) Using or threatening to use physical force or violence against the peace officer or another; or
- B) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

18.02.30 Theft by Instrument

- A) A person commits the offense of theft by instrument when he, with intent to defraud, makes, draws, utters or delivers any check, draft order or other instrument for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such

making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository, for the payment of such check, draft, order or other instrument in full upon its presentment. (MSA 28.326, MCL 750.132)

B) Failure of the maker or drawer to pay the full amount of the instrument (along with cost and protest fees) within five (5) days after receiving notice of rejection by the drawer for non-sufficient funds, shall be prima facie evidence of intent to defraud by maker or drawer. (MSA 28.327; MCL 750.132)

18.02.31 Theft of Property

A person commits the offense of theft of property if he takes, steals appropriates to his own use or knowingly possesses public property or private property belonging to another person with the intent to deprive the rightful owner of the possession thereof.

18.02.32 Theft of Services

A person commits the offense of theft of services if he intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services.

18.02.33 Trespass

A) A person commits the offense of trespass if he enters or remains in or upon premises which are not open to the public when he is not licensed, invited or otherwise privileged to do so. A person who enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced or otherwise enclosed in a manner designed to excluding intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

B) "Premises" for purposes of this section, includes any structure or motor vehicle and any real property.

18.02.34 Weapons-Discharging Firearms, Air Guns, Etc.

No person shall discharge any firearm, spring gun, air gun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, in the City except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the City Council.

18.02.35 Weapons-Possession of Knives

A) It shall be unlawful for any person to be in possession of a knife with a blade more than 3 inches in length while in or on any streets, alleys, parks, schools, or other public property, or in any dance hall, liquor establishment, store or other private property generally frequented by the general public for purposes of education, recreation, amusement, entertainment, sport, shopping or service.

B) This section shall not apply to any person in possession of any such knife where it is used, carried or possessed in good faith as a tool of honest work, trade, business, sport or recreation while the person in possession of knife is actively engaged therein or actively in going to or returning from such honest work, trade, business, sport or recreation.

C) For purposes of this section, the term “knife” shall mean any cutting, stabbing, slashing or shaving instrument including, but not limited to, any form of cutlery, dirk, stiletto, dagger, razor, machete, etc.

18.02.36 Weapons-Possession of Loaded Firearms

A) It shall be unlawful for any person to be in possession of any firearm that is not unloaded, disassembled and encased, on any of the streets, alleys, parks, in any schools, liquor sales establishments, restaurants or any public property or private property generally frequented by the public for purposes of education, recreation, amusement, entertainment, sports, shopping or service; and any person who shall carry a pistol (any firearm, loaded or unloaded, thirty (30) inches or less in length) concealed on or about his person, or, whether concealed or otherwise, in any vehicle operated or occupied by him, shall be in violation of this ordinance.

B) This section shall not apply to a person holding a valid license to carry a weapon concealed on his person or to a duly authorized police or correctional agent of the U.S., state or political subdivision thereof.

C) This section shall not apply to persons while they are in possession of an assembled, unloaded and uncased firearm for purpose of sale or purchase of that firearm in a business establishment licensed to sell firearms.

D) This section shall not apply to the owner, proprietor, and manager or authorized employer or agent of said owner, proprietor or manager while such person is actually in charge of the legitimate business normally conducted on private property which is generally frequented by the public for purposes of education, recreation, amusement, entertainment, sport, shopping or service.

E) This section shall not apply to persons in their own dwelling house, place of business or other land possessed by them, or persons in possession of firearms other than pistols while in the course of hunting on lands from which the owners permission has been obtained.

F) For the purpose of this section the word “firearm” shall be construed to include any weapons from which a dangerous projectile may be propelled by using explosives, gas or compressed air.

18.02.37 Weapons – Possession by Minors

It shall be unlawful for the parent or guardian of any minor under the age of eighteen (18) years to willfully permit such minor to use or have in his possession any pistol, rifle, shotgun, spring gun, air gun, slingshot, bow and arrow or other weapon capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, unless such minor shall be, at the time of his use or possession thereof, under the direct supervision or control of his parent or guardian or some other adult person. This section shall not be construed to authorize the discharge or use of any weapon or device in violation of Section 30 or any other section.

18.02.38 Window Peeping

A person commits the offense of window peeping if he looks, peers or peeps into any window on the property of another person under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm.