

CHAPTER 26
OFFENSES, MISCELLANEOUS PROVISIONS*

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ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

The term “public place” as used in this chapter shall mean 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, unless the context indicates otherwise. (Code 1972, 9.171)

Cross reference – Definitions and rules of construction generally, 1-2.

Sec. 26-2. Aiding and abetting.

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids or abets in its commission, may be prosecuted and on conviction, shall be punished as if he had directly committed such act. (Gen. Code 1946, Ch. 1, 203.1)

State law reference – Abolition of distinction between accessory and principal, MCL 767.39, MSA 28.979.

Sec. 26-3. Temporary detention and search.

- (a) Whenever a police officer of the city reasonably suspects, or has reasonable cause to believe, that the behavior of an individual warrants further investigation for criminal activity such officer may stop temporarily detain and question such person. If such police officer shall not be in uniform at the time, he shall first identify himself as a police officer to the person detained.
- (b) Whenever a police officer has stopped and detained a person for questioning pursuant to subsection (a), and reasonably suspects, or has reasonable cause to believe, that there is danger to himself or others, he may conduct a limited search of such person for dangerous weapons. The police officer may take and keep any such weapon or other thing found on such person, the possession of which may constitute a crime or might endanger the police officer or others, until he has completed the questioning, at which time he shall either return the property so taken, if lawfully possessed, or arrest such person and dispose of such property according to law.
- (c) Any person who shall refuse to stop and comply with the order of a police officer given pursuant to the authority of this section, or who shall obstruct, resist, oppose, assault or threaten such officer with bodily harm or aid, abet or encourage others to do so , or shall flee from such officer, or attempt to escape his custody, shall be guilty of an offense.
- (d) The division of police and the individual police officer will take special care to exercise sound and considered judgment in the enforcement of this section, not only to honor the rights of citizens as defined by the United States Constitution and the Constitution of the State of Michigan, but also to safeguard the personal dignity of all those affected by it. The driver or occupants of a motor vehicle stopped for a routine traffic violation shall not be searched or unduly detained, nor shall the vehicle be searched or impounded, if the driver’s license and the vehicle registration are in order, the vehicle is equipped as required by state law, and the driver’s ability to drive is not impaired, provided that special and unusual circumstances which reasonably cause an officer to believe his life or person is

endangered shall justify a limited search for dangerous weapons. (Gen. Code 1946, Ch. 4, 1000; Code 1972, 9.209 – 9.212)

Sec. 26-4. Obstruction of police officers.

No person shall obstruct, resist, hinder or oppose any member of the police force, or any peace officer in the discharge of his duties as such. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
State law reference – Obstruction of police officers, MCL 750.479, MSA 28.747.

Sec. 26-5. Interference with impounded property.

It shall be unlawful for any person to take or interfere with any personal property impounded by the city, whether such personal property is stored on city property or elsewhere.

Sec. 26-6. False summons for service.

No person shall summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or the fire division or any public or private ambulance or any other public officials to go to any address where the service called for is not needed. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
State law references – False fire alarms, MCL 750-240, MSA 28.437; false report on crime, MCL 750.411a, MSA 28.643(1).

Sec. 26-7. Begging.

No person shall wander abroad and beg, or shall go about from door to door of private homes or commercial and business establishments, or shall place himself in or upon any public way or public place, to beg or receive alms for himself. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
State law reference – Person found begging deemed a disorderly person, MCL 750.167(1)(g), MSA 28.364(1)(g).

Sec. 26-8. Window peeping.

No person shall look, peer or peep into, or be found loitering around or within view of any window not on his own property, with the intent of watching or looking through such window. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
State law reference – Person window peeping deemed a disorderly person, MCL 750.167(1)(c), MSA 28.364(1)(c).

Sec. 26-9. Spitting in public.

No person shall spit upon any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
Cross reference – Streets, sidewalks and other public places, Ch. 37. State law reference – Spitting in railroad cars, MCL 750.476, MSA 28.744.

Sec. 26-10. Playing in streets.

No person shall play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)
Cross reference – Streets, sidewalks and other public places, Ch. 37.

Sec. 26-11. Solicitation of unlawful acts.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-12. Swimming attire.

It shall be unlawful for any person to swim or bathe in any public place without wearing proper apparel. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-13. Indecent exposure.

No person shall make any immoral exhibition or indecent exposure of his or her person. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Indecent exposure, MCL 750.335a, MSA 28.567(1).

Sec. 26-14. Fortune-telling.

No person shall engage in the practice or occupation of fortune-telling, mind reading, character reading or phrenology, or pretend to tell fortunes for hire, gain or reward. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Fortune-telling, MCL 750.267, MSA 28.478.

Sec. 26-15. Fraud on welfare agency.

No person shall misrepresent his financial or physical condition for the purpose of obtaining relief from any official or private welfare agency. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – False pretenses and false misrepresentation, MCL 750.217a et seq.; MSA 28.414(1) et seq.

Sec. 26-16. Service of simulated legal process upon debtor.

No person shall serve upon any debtor any notice or demand for the payment of money on behalf of any creditor, which, in form or substance, simulates any legal process issued out of any of the courts of this city of the state. (Gen. Code 1946, Ch. 4, 101.2; Code 1972, 9.172)

Sec. 26-17. Abandoned refrigerators.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from such icebox, refrigerator or similar container. (Gen. Code 1946, Ch. 3, 118.2; Code 1972, 9.81)

State law reference – Similar provisions, MCL 750.493d, MSA 28.761(4).

Sec. 26-18. Distribution of drugs.

- (a) No person shall distribute any drug, sample of medicine, chemical compound or mixture containing drugs upon the streets, alley or public places or by going in or upon private residences.
- (b) No person shall distribute any drug, sample of medicine, chemical compound or mixture containing drugs either in solid or liquid form except in the regular course of trade or upon an actual purchase and sale. (Gen. Code 1946, Ch. 3, 115; Code 1972, 9.64)

Sec. 26-19. Radio and television interferences.

- (a) No person shall operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the corporate limits of the city between the hours of 5:00 p.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference in the operation of any radio or television receiving set or with radio or television reception within the corporate limits; provided, that X-ray pictures, examinations or treatment, may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception and are not negligently operated.
- (b) The city manager or his authorized representative shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the meaning of this section and no person shall interfere with the city manager or his authorized representative in making such inspection or refuse to permit them to enter the premises for such purpose.
- (c) Nothing herein contained shall be construed to cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce, or the operation of any such instrument, apparatus or device which is licensed or authorized by or under the provisions of any act of the Congress of the United States. All such instruments shall be registered with the chief of police before being put in use. (Gen. Code 1946, Ch. 2, 108; Code 1972, 9.25)

Sec. 26-20. Barbed wire fencing.

No person shall place or maintain any barbed wire fencing or any strands of barbed wire fencing along the line of, or in any public street, alley or public place within the corporate limits; nor shall any person place or allow the same to remain between any premises owned or occupied by him and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire within the corporate limits in any place where it will expose any person to injury on account thereof, provided that it shall not be unlawful to place such barbed wire at the top of a legal fence when placed not less than six (6) feet from the ground. (Gen. Code 1946, Ch. 3, 103; Code 1972, 9.11)

Sec. 26-21. Weights and measures.

- (a) No license shall sell or offer for sale any article or commodity purporting to be in quantities of standard weight or measure, unless the same shall be actually of the weight or measure purported.
- (b) No licensee shall sell or offer for sale any defective, faulty, incomplete or deteriorated articles of merchandise, unless the goods are so represented to prospective customers. (Gen. Code 1946, Ch. 6, 110)

State law reference – Weights and measures, MCL 290.601 et seq., MSA 12.1081(1) et seq.

Sec. 26-22. Obscene materials – Distribution prohibited.

Any person who knowingly either sells, lends, gives away, distributes, shows or transmutes or offers either to sell, lend, give away, distribute, show or transmute, or has in his possession with intent either to sell, lend, give away, distribute, show or transmute, or advertise in any manner, or who otherwise knowingly offers for either loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy or indecent, sadistic or masochistic book, magazine, pamphlet, newspaper, story paper, writing, paper, phonograph record, picture, drawing, photograph, motion picture film, figure, image, wire or tape recording or any written, printed or recorded matter of an indecent character which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character, shall be guilty of a misdemeanor. (Gen. Code 1946, Ch. 4, 901.1; Code 1972, 9.177)

State law reference – Similar provisions, MCL 750.343a, MSA 28.575(1).

Sec. 26-23. Same – Test of obscenity.

The test to be applied in cases under section 26-22 shall not be whether sexual desires or sexually improper thoughts would be aroused in those comprising a particular segment of the community, the young, the immature or the highly prudish, or would leave another segment, the scientific or highly educated or the so-called worldly wise and sophisticated, indifferent and unmoved. Such test shall be the effect of the book, picture or other subject to complaint considered as a whole, not upon any particular class, but upon all those whom it is likely to reach, that is, its impact upon the average person in the community. The book, picture or other subject of complaint must be judged as a whole in its entire context, not by considering detached or separate portions only, and by the standards of common conscience of the community of the contemporary period of the violation charged. (Gen. Code 1946, Ch. 4, 901.2; Code 1972, 9.178)

State law reference – Similar provisions, MCL 750.343b, MSA 28.575(2).

Sec. 26-24. Possession of controlled substances.

- (a) A person shall not knowingly or intentionally possess a controlled substance, as listed below, 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, or except as otherwise authorized by state law.
- (b) A person who violates this section as to lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocin, psilocybin or a controlled substance listed in schedule five (5) of the Michigan State Law being MCL 333.7200, is guilty of a misdemeanor, punishable by imprisonment for not more than one (1) year, or a fine of not more than one thousand dollars (\$1,000.00) or both.
- (c) A person who violates this section as to marijuana is guilty of a misdemeanor, punishable by imprisonment for not more than one (1) year, or a fine of not more than one thousand dollars (\$1,000.00) or both. (Ord. No. 537-84, 10-29-84)

Sec. 26-25. Use of controlled substances.

- (a) A person shall not use a controlled substance, as listed below, 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, or except as otherwise authorized by the state law.
- (b) A person who violates this section as to lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocin, psilocybin or a controlled substance listed in schedule five (5) of the Michigan State Law being MCL 333.7220, is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days or a fine not to exceed one hundred dollars (\$100.00) or both.
- (c) A person who violates this section as to marijuana is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than one hundred dollars (\$100.00) or both. (Ord. No. 538-84, 10-29-84)

Sec. 26-26. Checks drawn on insufficient funds.

Any person who, with intent to defraud, shall make or draw or 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, knowing at the time of the making, drawing, uttering or delivering, that the maker or drawer does not have sufficient funds in credit with such bank or depository, for the payment of such check, draft or order in full, such person shall, upon the first offense be guilty of a misdemeanor punishable by ninety (90) days in jail or a fine of five hundred dollars (\$500.00) or both and for a second offense be guilty of a misdemeanor punishable by six (6) months in jail or a fine of one thousand dollars (\$1,000.00) or both. (Ord. No. 539-84, 10-29-84)

Secs. 26-27 – 26-34. Reserved.

ARTICLE II. OFFENSES AGAINST PERSONS

Sec. 26-35. Assault or assault and battery.

- (a) No person shall commit an assault, or an assault and battery on any person.
- (b) Any person violating this section shall be subject to the penalties of section 1-8, except that there shall be a minimum fine of fifty dollars (\$50.00) for each offense. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Assaults, MCL 750.81 et seq., MSA 28.276 et seq.

Sec. 26-36. Annoying persons.

No person shall improperly, lewdly or wrongfully accost, ogle, insult, annoy, follow, pursue, lay hands on, or by any gesture, movement of body or otherwise wrongfully molest any person in any public place or public vehicle. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-37. Jostling.

No person shall jostle or roughly crowd people unnecessarily in any street, alley or public place. (Gen. Code 1946, Ch. 4, 101.1)

State law reference – Person jostling in public deemed a disorderly person, MCL 750.167(1)(K), MSA 28.364(1)(k).

Sec. 26-38. Neglect of family.

No person shall neglect or fail to support his wife, children or family, if he shall have sufficient ability to do so, or leave or desert his wife, children or family without sufficient means of support. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Person refusing to support family deemed a disorderly person, MCL 750.167(1)(a), MSA 28.364(1)(a).

Sec. 26-39. Harrassment over telephone.

No person shall telephone any person repeatedly or cause the same to be done for the primary purpose of harassing such other person or his family; or to use any threatening, vulgar, indecent, obscene or immoral language over any telephone. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Harrassing communications, MCL 750.540e, MSA 28.808(5).

Secs. 26-40 – 26-50. Reserved

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 26-51. Loitering.

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

Controlled substances shall be defined as it is in the Controlled Substances Act of the State of Michigan, MCL 33.7101 et seq., as amended.

Drug paraphernalia shall be defined as any item which is used or intended for use with a controlled

substance. “Used or intended for use with a controlled substance” means:

- (1) The item was primarily designed or adapted, because of its objective physical features, for use with a controlled substance;
- (2) The item was intended by an individual for use with a controlled substance; or
- (3) An individual would know, or should have known, that the item was intended for use with a controlled substance.

Loitering shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger, to stay; to saunter; to delay; to stand around and shall also include the colloquial expression “hanging around.”

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

- (b) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner to as to:
 - (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 - (2) Commit in or upon any public street, public highway, public sidewalk or any public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon, and thereto.
 - (3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.
- (c) No person shall loiter in or about any police station, police headquarters building, county jail, hospital, court building or any other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances.
- (d) No person shall knowingly loiter about, in any place or area open to the public where controlled substances or drug paraphernalia are being illegally sold, dispensed, furnished, given away or stored. This subsection shall not apply to persons inside pharmacies or drug stores or to persons licensed by the State of Michigan to sell or dispense controlled substances, nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under law.
- (e) When any person causes or commits any of the conditions in this section, a police officer or any law enforcement official shall order that person to stop causing or committing such conditions and to move on to disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this ordinance.
- (f) The subsections of this section are declared to be severable and if any subsection or part thereof is declared to be illegal, unenforceable, or void for any reason, such illegality or unenforceability shall not affect the remaining subsections or parts of this section. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172; Ord. of 3-26-90, 1; Ord. of 1-22-91, 1)

Cross reference – Streets, sidewalks and other public places, Ch. 37.

State law reference – Certain loitering deemed disorderly conduct, MCL 750-167(1)(h-j), MSA 28.364(1)(h-j).

Sec. 26-52. Prowling.

No person shall prowl about any alley or the private premises of any person, without authority or the permission of the owner of such premises. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-53. Trespassing.

Any person who shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or occupant or the agent or representative of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or the agent or representative of the owner or occupant, who without lawful authority neglects or refuses to depart therefrom, shall be in violation of this section. (Gen. Code 1946, Ch. 4, 701; Code 1972, 9.200)

State law reference – Trespassing, MCL 750-546 et seq., MSA 28.814 et seq.

Sec. 26-54. Malicious destruction of property.

It shall be unlawful for any person to willfully and maliciously injure, destroy, mar or deface the personal property, house, apartment, dwelling, building, fence, tree, shrub or other property not his own. (Gen. Code 1946, Ch. 4, 101.1; Ord. of 5-24-71, 2.7; Code 1972, 9.172; Ord. of 11-4-74, 6.10)

State law reference – Malicious mischief, MCL 750.377 et seq., MSA 28.609 et seq.

Sec. 26-55. Larceny.

No person shall commit the offense of larceny, by stealing or taking without authority the property of another, including any money, goods, chattels, bank notes or drafts, or any other form of property; provided, however, that such acts of larceny or unlawful taking shall be prosecuted under this section only where the value of the property stolen shall be on the value of one hundred dollars (\$100.00) or less. (Gen. Code 1946, Ch. 4, 601.1; Code 1972, 9.198)

State law reference – Larceny, MCL 750.356 et seq., MSA 28.588 et seq.

Sec. 26-56. Unlawful possession of bicycle.

No person shall willfully and without authority take possession of and ride or take away any bicycle with intent to steal the same. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Cross reference – Bicycles generally, 41.31 et seq.

Sec. 26-57. Receiving, concealing, etc., stolen, embezzled or converted property; presumption.

- (a) Any person who shall buy, receive or aid in the concealment of any stolen, embezzled or converted money, goods or property knowing the same to have been stolen, embezzled or converted, shall be guilty of a misdemeanor.
- (b) Any person being a dealer in or collector of any merchandise or personal property, or the agent, employee or representative of such dealer or collector who fails to make reasonable inquiry that the person selling or delivering any stolen, embezzled or converted property to him has a legal right to do so, shall be presumed to have bought or received such property knowing it to have been stolen, embezzled or converted. This presumption may, however, be rebutted by proof. (Ord. No. 525-83, 9.199, 12-19-83)

Editor's note – Ord. No. 525-83, adopted Dec. 19, 1983, amended the 1972 Code by the addition of 9.199 to Ch. 111, which provisions have been included herein at the discretion of the editor as 26-57.

Cross references – Secondhand goods and junk dealers, 34-16 et seq.; pawnbrokers, 34-47 et seq.; rummage sales, 34-90 et seq.

Secs. 26-58 – 26-67. Reserved.

ARTICLE IV. CONDUCT ON SCHOOL PROPERTY

Sec. 26-68. Vandalism.

No person shall damage, destroy or deface any public, private or parochial school building, or any building occupied by any public, private or parochial school, or the grounds, outbuildings, fences, trees, shrubs or other appurtenances thereto, or any personal property located in any such school building or located on property used for such school purposes. (Gen. Code 1946, Ch. 4, 801.1; Code 1972, 9.201)

Sec. 26-69. Disturbances.

No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed. (Gen. Code 1946, Ch. 4, 801.2; Code 1972, 9.202)

Sec. 26-70. Indecent language, conduct.

No person shall use profane, indecent or immoral language or engage in indecent or immoral conduct in any public, private or parochial school building or in any building occupied by any public, private or parochial school or the grounds thereto or on any property adjacent to any building occupied by any public, private or parochial school. (Gen. Code 1946, Ch. 4, 801.3; Code 1972, 9.203)

Sec. 26-71. Extortion.

No person shall by violence, threat of violence, coercion, intimidation, force or attempt to force any public, private or parochial student or other person to give or lend any money, property or other thing of value to any person at any time. (Gen. Code 1946, Ch. 4, 801.4; Code 1972, 9.204)

Sec. 26-72. Borrowing.

No person shall borrow or attempt to borrow any money, property or other thing of value from any student in any public, private or parochial school or on the property of any public, private or parochial school or during any time when any such student is going to or returning from any regularly scheduled session of any such school without first obtaining the written consent of the principal of such school or such other person designated by the principal to issue such written consent. (Gen. Code 1946, Ch. 4, 801.5; Code 1972, 9.205)

Sec. 26-73. Order to leave premises.

Any person creating a disturbance in any private, public or parochial school or on the property of any public, private or parochial school shall leave immediately when so directed by the principal of such school or by such other person designated by the principal. (Gen. Code 1946, Ch. 4, 801.6; Code 1972, 9.206)

Sec. 26-74. Unauthorized entry.

No unauthorized person shall enter and remain in any school building or upon any school property whether public, private or parochial for any reason whatever unless such person has received written consent from the principal or such other person designated by the principal to be in any such public, private or parochial school building or upon such school property. An unauthorized person shall mean any person who is not a regularly enrolled student in the school building or school grounds entered, or a parent or guardian of such student, or a

teacher or other employee in such school building. (Gen. Code 1946, Ch. 4, 801.7; Code 1972, 9.207)

Secs. 26-75 – 26-83. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE*

Sec. 26-84. Disturbing the peace generally.

No person shall make or assist in making any noise, disturbance or improper diversion, or any rout or riot, or ring or sound any gong, by which the peace and good order of the neighborhood are disturbed. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-85. Disturbing public places.

No person shall 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. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Disturbing public places, MCL 750.170, MSA 28.367.

Sec. 26-86. Disturbing religious worship.

No person shall annoy, interrupt or disturb any assembly for religious worship. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Disturbance of religious worship, MCL 750.169, 752.525, MSA 28.133, 28.366.

Sec. 26-87. Permit required for meetings in public places, appeal.

- (a) No person shall conduct or participate in any public meeting in any street, alley, park, cemetery or public place without first applying to the city clerk and receiving permission therefor, provided that this shall not prevent any clergyman from officiating at funeral services without securing a permit. The city clerk shall not be required to issue the permit if in his judgment the public peace, health, morals or safety will be jeopardized thereby, or if city property will be damaged.
- (b) If any person or organization deems themselves aggrieved by the provisions hereof they may appeal the decision of the city clerk to the city commission. (Gen. Code 1946, Ch. 4, 301; Code 1972, 9.195, 9.196)

Sec. 26-88. Public intoxication.

It shall be unlawful for any person to be intoxicated or under the influence of alcoholic beverages, intoxicants, barbiturates or any controlled substance in any public place. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-89. Indecent conduct.

It shall be unlawful for any person to engage in any indecent, insulting, immoral or obscene conduct in any public place. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Person engaged in indecent or obscene conduct deemed a disorderly person, MCL 750.167(1)(e), MSA 28.364(1)(e).

Sec. 26-90. Indecent language.

It shall be unlawful for any person to utter vile, profane or obscene language in any public place. (Gen. Code

1946, Ch. 4, 101.1; Code 1972, 9.172)

State law references – Cursing and swearing, MCL 750.103, MSA 28.298; indecent language, MCL 750.337, MSA 28.569.

Sec. 26-91. Discharge of firearms or air guns.

It shall be unlawful for any person to discharge any firearm, air rifle or air pistol within the city. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

State law reference – Firearms and weapons, MCL 750.222 et seq., MSA 28.419 et seq.

Sec. 26-92. Throwing of projectiles.

- (a) No person shall wrongfully throw or propel any snowball, missile or object from any moving automobile.
- (b) No person shall wrongfully throw or propel any snowball, missile or object toward any person or automobile. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Secs. 26-93 – 26-101. Reserved.

ARTICLE VI. GAMBLING*

Sec. 26-102. Prohibition.

No person shall receive or accept any money or thing of value with the agreement or understanding that any money or thing of value will be paid or delivered to any person where such payment or delivery is or will be contingent upon the result of any race, contest, game, mechanical device or upon the happening of any event not known by the parties to be certain; the term “thing of value,” as used herein, shall include everything having value whether intrinsic or not, and it shall be specifically construed to include the furnishing of amusement when the amount of amusement furnished will be contingent upon the happening of any event not known by the parties to be certain.

(Gen. Code 1946, Ch. 4, 201.1; Code 1972, 9.185)

Sec. 26-103. Frequenting establishment.

No person shall attend or frequent or invite another to attend or frequent any place where gambling is permitted or any place operated or occupied as a common gambling house or room. (Gen. Code 1946, Ch. 4, 201.2; Code 1972, 9.186)

Sec. 26-104. Possession of paraphernalia.

No person shall have in his possession any policy or pool tickets, any slips or checks or memoranda of any combination or bet, any policy or pool books or sheets, or any policy wheel, implement, apparatus or material of any form of gambling or lottery. (Gen. Code 1946, Ch. 4, 201.3; Code 1972, 9.187)

Sec. 26-105. Maintaining establishment.

No person shall maintain a gambling or lottery room, policy wheel or gaming table of any game 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. (Gen. Code 1946, Ch. 4, 201.4; Code 1972, 9.188)

Sec. 26-106. Permitting on premises.

No person shall permit gambling of any nature on any premises occupied or controlled by him. (Gen. Code 1946, Ch. 4, 201.5; Code 1972, 9.189)

Sec. 26-107. Transporting to establishment.

No person shall knowingly transport any person to a place where gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-108. Destruction of devices following conviction.

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 judge before whom conviction was had. (Gen. Code 1946, Ch. 4, 201.6; Code 1972, 9.190)

Secs. 26-109 – 26-118. Reserved.

ARTICLE VII. PROSTITUTION*

Sec. 26-119. Definition.

For purposes of this article “prostitution” means as act of:

- (a) Sexual intercourse
- (b) Anal intercourse
- (c) Cunnilingus
- (d) Fellatio
 - Between two (2) persons, not married to each other, in return for the payment of money or other valuable consideration by one of them.
- (e) Contact of any part of a person’s body with the intimate parts or the clothing covering the immediate area of the intimate parts of another person, if the persons are not married to each other, in return for the payment of money or other valuable consideration by one of them. For purposes of this section, “intimate parts” includes the primary genital area, groin, inner thigh, buttock or breast of a human being.
- (f) The insertion of any body part or other object into the genital or anal openings of another person’s body, by someone other than a spouse, in return for the payment of money or other valuable consideration by one of them.

(Ord. of 4-21-83)

Sec. 26-120. Prohibition.

No person shall engage in prostitution. (Gen. Code 1946, Ch. 4, 102.1; Code 1972, 9.173; Ord. of 4-21-83)

Sec. 26-121. Frequenting establishment.

No person shall consort in a house of prostitution or place where prostitution or lewdness is practiced, encouraged or allowed. (Gen. Code 1946, Ch. 4, 102.2; Code 1972, 9.173; Ord. of 4-21-83)

Sec. 26-122. Solicitation.

No person shall accost, solicit, invite, urge, compel, force or require, by physical motion, word, sign or in any

other manner, any other person to commit an act of prostitution. (Gen. Code 1946, Ch. 4, 102.3 Code 1972, 9.173; Ord. of 4-21-83)

Sec. 26-123. Transporting to establishment.

No person shall knowingly transport any person to a place where prostitution is practiced, encouraged or allowed for the purpose of enabling such person to engage in any illegal or immoral act. (Gen. Code 1946, Ch. 4, 101.1; Code 1972, 9.172)

Sec. 26-124. Permitting on premise.

No person shall harbor or keep about his premises any prostitute or permit her to follow a lewd course of life. (Gen. Code 1946, Ch. 4, 102.4; Code 1972, 9.173)

Sec. 26-125. Compensating for sex acts.

It shall be unlawful for any person to give compensation or to attempt to give compensation to another person for the purpose of engaging in sexual intercourse or any other sexual act.

Sec. 26-126. Loitering for purpose of soliciting.

No person shall loiter in or near any street or public place under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another person to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person repeatedly beckons to stops or attempts to stops, or engages passerby in conversation, or who repeatedly stops or attempts to stop motor vehicle operators by hailing them or gesturing to them. (Ord. of 4-21-83)

Sec. 26-127. Engaging or offering to engage the services of a prostitute.

Any person, male or female, who engages or offers to engage the services of a prostitute, as previously defined, not his or her spouse, for the purpose of prostitution, lewdness or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00) or incarceration not to exceed ninety (90) days or both. (Ord. of 4-21-83)

Sec. 26-128. Admitting to place for purposes of prostitution.

Any person, male or female, who shall receive or admit or offer to receive or admit any person into his place, structure, house, building or vehicle for the purpose of prostitution, lewdness or assignation, or who shall knowingly permit any person to remain in any such place for any such purpose, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or incarceration not to exceed ninety (90) days or both. (Ord. of 4-21-83)