

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST ORDER AND DECENCY

Port Sanilac – General Offenses

CHAPTER 130: OFFENSES AGAINST ORDER AND DECENCY

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GENERAL PROVISIONS

§ 130.01 AIDING AND ABETTING.

Whenever any act is prohibited by this code, by an amendment thereof or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.
(1989 Code, § 18.000) (Ord. passed 2-26-1985)

§ 130.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED SUBSTANCE. Any drug defined as a controlled substance by the statutes of the state (Public Act 368 of 1978, the Public Health Code, being M.C.L. §§ 333.1101 et seq.).

OBSTRUCT. To render difficult of passage without unreasonable inconvenience or hazard.

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.

PROPERTY. Any money, personal property, real property, thing in action, evidence of debt or contract or article of value of any kind.

PUBLIC PLACE. 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.
(1989 Code, § 18.110) (Ord. passed 2-26-1985)

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§ 130.15 ACCOSTING AND SOLICITING.

A person commits the offense of accosting and soliciting if he or she 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.
(1989 Code, § 18.200) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.16 ALCOHOL; FURNISHING TO MINOR; ILLEGAL POSSESSION.

(A) A person commits the offense of furnishing alcoholic liquor to a minor if he or she furnishes or gives any alcoholic beverage to a person under the age of 21 years, except upon authority of and pursuant to a prescription of a duly licensed physician.
(1989 Code, § 18.205)

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(B) A person commits the offense of illegal possession of alcoholic liquor if, being under the age of 21 years, he or 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. (1989 Code, § 18.210) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.17 ASSAULT AND BATTERY.

No person shall commit an assault or an assault and battery upon the person of another. (1989 Code, § 18.215) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.18 CONTROLLED SUBSTANCES; POSSESSION OR USE.

(A) A person commits the offense of unlawful possession of marijuana if he or she knowingly or intentionally possesses marijuana, except as authorized by the provisions of Public Act 368 of 1978, Public Health Code, being M.C.L. §§ 333.1101 et seq.

(B) A person commits the offense of unlawful use of marijuana if he or she uses marijuana, except as authorized by the provisions of Public Act 368 of 1978, Public Health Code, being M.C.L. §§ 333.1101 et seq. (1989 Code, § 18.220) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.19 CRUELTY TO ANIMALS.

A person commits the offense of cruelty to animals if he or she 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 or her charge or custody, either as owner or otherwise.

(1989 Code, § 18.225) (Ord. passed 2-26-1985) Penalty, see § 10.99

Statutory reference:

Related provisions, see M.C.L. § 750.50

§ 130.20 CURFEW FOR JUVENILES.

(A) No minor 17 years old or younger 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 10:00 p.m. and 6:00 a.m.

(B) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;

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(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.
(1989 Code, § 18.235) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.21 DISORDERLY CONDUCT.

A person commits the offense of disorderly conduct if he or she:

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

(B) Makes unreasonable noise;

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

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

(E) Obstructs vehicular or pedestrian traffic;

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

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

(H) Urinates in a public place, except public toilets.
(1989 Code, § 18.240) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.22 ELUDING OR FAILING TO OBEY POLICE OFFICER; RESISTING ARREST.

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

(1989 Code, § 18.245)

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

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(1) Using or threatening to use physical force or violence against the peace officer or another;
or

(2) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

(1989 Code, § 18.320) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.23 FAILURE OF DISORDERLY PERSON TO DISPERSE.

A person commits the offense of failure as a disorderly person to disperse if he or she participates with two 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.

(1989 Code, § 18.250) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.24 FALSE ALARMS.

A person commits the offense of rendering a false alarm if he or she 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.

(1989 Code, § 18.255) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.25 FALSE REPORTING TO LAW ENFORCEMENT OFFICIALS.

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

(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 or she 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 or she knows that he or she has no such information.

(1989 Code, § 18.260) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.26 HARASSMENT; HARASSING COMMUNICATIONS.

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

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

(2) Follows a person in or about a public place or places; or

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

(1989 Code, § 18.265)

(B) A person commits the offense of harassing communications if, with intent to harass or alarm another person, he or she communicates with a person, in a manner likely to harass or cause alarm.

(1989 Code, § 18.270) (Ord. passed 2-26-1985) Penalty, see § 10.99

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§ 130.27 IMPERSONATING, OBSTRUCTING A PEACE OFFICER.

(A) A person commits the offense of impersonating a peace officer if he or she falsely pretends to be a peace officer and does an act in that capacity.
(1989 Code, § 18.275)

(B) 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 or she intentionally obstructs, impairs or hinders the enforcement of state criminal laws, village ordinances or the preservation of the peace or exercise of authority by a peace officer acting under color of his or her official authority.
(1989 Code, § 18.315) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.28 INDECENT EXPOSURE.

A person commits the offense of indecent exposure if he or she makes an open and indecent exposure of his or her person, under circumstances in which he or she knows or should know that his or her conduct is likely to cause affront or alarm.
(1989 Code, § 18.280) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.29 LITTERING.

A person commits the offense of littering, if he or she 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 or farm properties or timberlands.
(1989 Code, § 18.285) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.30 LOITERING.

A person commits the offense of loitering if he or she:

(A) Loiters, remains or wanders about in a public place for the purpose of begging;

(B) Loiters or remains in any place for the purpose of intentionally and unlawfully using or possessing a controlled substance; or

(C) Knowingly loiters or remains in any place where the use of controlled substance is practiced, encouraged or allowed.
(1989 Code, § 18.290) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.31 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 or she has such right, he or she intentionally damages public property or private property belonging to another person.
(1989 Code, § 18.295) (Ord. passed 2-26-1985) Penalty, see § 10.99

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§ 130.32 MENACING.

A person commits the crime of menacing if, by physical action, he or she intentionally places or attempts to place another person in fear of imminent serious physical injury.
(1989 Code, § 18.300) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.33 MISSILES; WEAPONS.

(A) (1) No person shall throw or propel any snowball, missile or object toward any person or vehicle.

(2) No person shall throw or propel any snowball, missile or object from any moving vehicle.
(1989 Code, § 18.305)

(B) 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 village, 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 Village Council.
(1989 Code, § 18.350)

(C) (1) It shall be unlawful for any person to be in possession of a knife with a blade more than three 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.

(2) This division (C) 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 the knife is actively engaged therein or actively in going to or returning from such honest work, trade, business, sport or recreation.

(3) For purposes of this division (C), 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 and the like.
(1989 Code, § 18.355)

(D) (1) It shall be unlawful for any person to be in possession of any firearm that is not unloaded, disassembled or 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.

(2) This division (D) shall not apply to a person holding a valid license to carry a weapon concealed on his or her person or to a duly authorized police or correctional agent of the United States, state or political subdivisions thereof.

(3) This division (D) 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.

(4) This division (D) 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, frequently by the public for purposes of education, recreation, amusement, entertainment, sport, shopping or service.

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(5) For the purposes of this division (D), the word **FIREARM** shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or compressed air.

(1989 Code, § 18.360)

(E) (1) It shall be unlawful for the parent or guardian of any minor under the age of 18 years to willfully permit such minor to use or have in his or her 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 or her use or possession thereof, under the direct supervision or control of his or her parent or guardian or some other adult person.

(2) This division (E) shall not be construed to authorize the discharge or use of any weapon or device in violation of division (B) above or any other section.

(1989 Code, § 18.365) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.34 OBSTRUCTING GOVERNMENT OPERATIONS.

(A) A person commits the offense of obstructing government operations if he or she 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 the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GOVERNMENT. Includes any principal subdivision or agency of the United States, the state, the village or any agency of local government operating within the village.

GOVERNMENTAL FUNCTION. Includes any activity which a public agency or public servant is legally authorized to undertake.

(1989 Code, § 18.310) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.35 TAMPERING WITH PROPERTY.

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

(1989 Code, § 18.325) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.36 THEFT.

(A) *By instrument.*

(1) A person commits the offense of theft by instrument when he or she, 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.

(2) Failure of the maker or drawer to pay the full amount of the instrument (along with costs and protest fees) within five days after receiving notice of rejection by the drawee for non-sufficient funds, shall be prima facie evidence of intent to defraud by maker or drawer.

(1989 Code, § 18.330)

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(B) *Theft of property.* A person commits the offense of theft of property if he or she takes, steals, appropriates to his or her 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. (1989 Code, § 18.335)

(C) *Theft of services.* A person commits the offense of theft of services if he or she intentionally obtains services known by him or her to be available only for compensation by deception, threat, false token or other means to avoid payment for the services. (1989 Code, § 18.340) (Ord. passed 2-26-1985) Penalty, see § 10.99

Statutory reference:

Related provisions, see M.C.L. §§ 28.326, 28.327, 750.131 and 750.132

§ 130.37 TRESPASSING.

(A) A person commits the offense of trespass if he or she enters or remains in or upon premises, which are not open to the public when he or she 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 or she defies a lawful order not to enter or remain, personally communicated to him or her 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 exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her 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. (1989 Code, § 18.345) (Ord. passed 2-26-1985) Penalty, see § 10.99

§ 130.38 WINDOW PEEPING.

A person commits the offense of window peeping if he or she looks, peers or peeps into any window on the property of another person under circumstances in which he or she knows or should know that his or her conduct is likely to cause affront or alarm. (1989 Code, § 18.370) (Ord. passed 2-26-1985) Penalty, see § 10.99

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