

**AN ORDINANCE TO AMEND CHAPTER 93 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 93: MISCELLANEOUS OFFENSES¹

- Section:
- 9.51. Definitions
 - 9.52. Rule of construction
 - 9.53. General provisions
 - 9.54. Offenses against persons
 - 9.55. Offenses against property
 - 9.56. Alcohol and drug offenses
 - 9.57. Disturbance of the peace offenses
 - 9.58. Offenses against government order
 - 9.59. Vice offenses
 - 9.60. Larceny offenses
 - 9.61. School premises offenses
 - 9.62. Weapons offenses
 - 9.63. Begging and Soliciting
 - 9.64. Miscellaneous offenses
 - 9.65. Violations and penalties
 - 9.66. Confiscation/civil forfeiture
 - 9.67. Severability

- 9.51. Definitions. When used in this chapter, the following terms shall have the following meanings:

ADDRESS OF RECORD shall mean the address that appears on the check or the last known address of record with the secretary of state at the time the check was presented for payment of goods and services.

ALCOHOLIC BEVERAGE shall mean any spirituous, vinous, malt, fermented liquor, beer, wine, spirits, alcoholic liquids and compounds whether or not medicated, proprietary, patented, and by whatever name called, containing one-half ($\frac{1}{2}$) of one (1) percent or more of alcohol by volume.

CHECK shall mean any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank or other depository.

CITY BUILDING shall mean any building, or portion thereof, owned, leased or used by the city of East Grand Rapids for the exclusive or nonexclusive purpose of conducting its business affairs.

¹ Prior ordinance history: 1982 Code §§9.51, 9.53, 9.54; Ord., 3-21-1983; Ord., 4-18-1983; Ord., 4-1-1985; Ord., 8-18-1986; Ord., 3-6-1989; Ord., 3-1-1991; 1993 Code; Ord., 4-8-1996; Ord., 7-17-1998.

CONTROLLED SUBSTANCE shall mean a drug, substance or precursor which has been designated as a controlled substance by any federal law or Michigan statute.

DANGEROUS WEAPON shall mean any weapon likely to produce death or great bodily injury; or, a weapon which, in the manner in which it is used or attempted to be used, endangers life or inflicts great bodily harm.

DATING RELATIONSHIP shall mean frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between two (2) individuals in a business or social context.

DISHONORED shall mean:

- A. Any check, draft, or order drawn or written on any account, or otherwise, upon any bank or depository, without sufficient funds for the payment of same when presentment is made to the drawee.
- B. Any check, draft, or order drawn or written on any account which has been closed with or by the bank or other depository upon which it is drawn.

DRUG shall mean any drug or other substance, the sale and distribution and/or possession of which is prohibited or restricted by federal or state law.

DRUG PARAPHERNALIA means equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as provided for in act no. 368 of public acts of Michigan of 1978², as amended. It includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived.
- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- C. Isomerization devices used, intended for use or designed for use increasing the potency of any species of plant which is a controlled substance.

² M.C.L.A. §333.1101 *et. seq.*, MSA 14.15(1101) *et. seq.*

- D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- H. Blenders, bowls, containers, spoons or mixing devices used, intended for use or designed for use in compounding controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as, but not limited to:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.

8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

MOTOR VEHICLE shall mean a self-propelled vehicle.

PERSON shall mean any individual, corporation, trust, partnership or any other legal entity.

PRINCIPAL shall mean the chief administrative employee of any public, private or parochial elementary, secondary or high school.

PROWLING shall mean willfully lurking about, lying in wait or moving stealthily about private property as if in search of prey or plunder.

PUBLIC NUDITY shall mean knowingly or intentionally displaying in a public place or displaying from a private place in such a manner as to allow the display to be seen from a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering of the nipple and the areola. "Public nudity" does not include any of the following:

- A. A woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. "Material" as defined in section 2 of act no. 343 of the public acts of 1984.
- C. "Sexually Explicit Visual Material" as defined in section 3 of act no. 33 of the public acts of 1978.

PUBLIC PLACE shall mean any parking lot, street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view to which the public, or any portion thereof, has access.

RETAIL FRAUD shall mean that a person had done one (1) or more of the following:

- A. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

- B. While a store is open to the public, steals property of the store that is offered for sale.
- C. With the intent to defraud, obtain or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for or belongs to the store.

SCHOOL shall mean any public, private or parochial pre-elementary, elementary (grades K-6), secondary (grades 7-12), high school, or combination thereof.

STALKING shall mean a willful course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. As used in this section:

- A. “Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts, evidencing a continuity of purpose.
- B. “Emotional distress” means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.
- C. “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress, and that actually causes the victim to suffer emotional distress. “Harassment” does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- D. “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Uncontested contact includes, but is not limited to, any of the following:
 - 1. Following or appearing within the sight of that individual.
 - 2. Approaching or confronting that individual in a public place or on private property.
 - 3. Appearing at the workplace or residence of that individual.
 - 4. Entering onto or remaining on property owned, leased, or occupied by that individual.
 - 5. Contacting that individual by telephone.
 - 6. Sending mail or electronic communications to that individual.

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

E. “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

TRUANCY shall mean a person between six (6) and sixteen (16) years of age who is out of school during regular school hours, unless the absence is due to an illness, suspension or expulsion from school, or when the person is either engaged in an organized school program or acting at the direction of a parent or legal guardian.

WEAPON shall mean any pistol, air pistol, rifle, air rifle, shotgun, slingshot, crossbow, bow, molotov cocktail, firebomb or bomb, knife having a blade three (3) inches in length or longer, shurkins (throwing stars) and nunchaku, not including guns not in operating condition. (Ord., 4-27-2001)

9.52. Rule of Construction. The rule that a penal statute is to be strictly construed shall not apply to this chapter or any of the provisions thereof. All provisions of this chapter shall be construed according to the fair import of their terms, to promote justice and to effect the objects of the law. (Ord., 4-27-2001)

9.53. General Provisions. The following general provisions shall apply in all prosecutions for offenses provided for in this chapter:

A. Any person who aids, abets, conceals, counsels, facilitates, procures, commands, persuades, solicits or assists in the commission of any offense prohibited by this chapter shall be punished as if he or she committed or perpetrated the actual offense.

B. Any person who shall attempt to commit an offense prohibited by this chapter, and in such attempt shall do any substantial act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall be punished as if the offense were actually perpetrated or committed.

C. Any person who conspires with one or more other persons to commit any act prohibited by this chapter shall be punished as if such offense was actually perpetrated and shall be punished as a principal. (Ord., 4-27-2001)

9.54. Offenses Against Persons. No person shall:

A. Commit an assault or battery upon another person with or without a weapon.

B. Orally, or by delivery of a writing or electronic communication, threaten any physical violence or harm to any person or any member of such person’s family.

- C. Deliver or cause to be delivered, any letter, postal card, electronic writing or other object containing obscene language or containing any words, letters or marks with the intent to frighten, intimidate or cause annoyance to any other person, or with the intent to extort or gain money or property of any description belonging to another.
- D. Accost, molest, or willfully annoy another person.
- E. Recklessly endanger the life, health or well-being of another person.
- F. Engage in any indecent, insulting, immoral or obscene conduct in any public place or place open to the public.
- G. Utter any vile, blasphemous, vulgar, or obscene language in any public place or in such a way as to subject the public to such language.
- H. Commit an assault or an assault and battery on his or her spouse or former spouse, an individual with whom he or she has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household. A police officer may arrest an individual for a violation of this chapter if the officer has reasonable cause to believe that the individual is violating or has violated this section regardless of whether the police officer has a warrant or whether the violation was committed in the officer's presence. Notwithstanding any provision of this Code to the contrary, a person convicted of violating this subsection shall be punished by a fine not to exceed Five Hundred Dollars (\$500) and cost of prosecution or by imprisonment in the Kent County Jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court.
- I. Engage in stalking.
- J. Knowingly and willfully engage in any conduct which exposes a child under twelve (12) years of age to injury. This section shall not be construed as preventing a parent, guardian or other person authorized by law from using reasonable force to discipline a child.
- K. Knowingly and willfully utter any word or commit any act, which causes or tends to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come under the jurisdiction of the family division of the circuit court.
- L. Maliciously, and with the specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, do any of the following:

1. Cause physical contact with another person.
 2. Damage, destroy, or deface any real or personal property of another person.
 3. Threaten, by word or act, to do an act described in subsection L1 or L2 of this section if there is reasonable cause to believe that an act described in subsection L1 or L2 of this section will occur.
- M. By threats, intimidation or otherwise, and without authority of law, interfere with, or in any way molest or disturb, without such authority, any person in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to or from such occupation, vocation or avocation.
- N. Willfully focus, point or shine a laser beam, directly or indirectly upon another person or animal in any manner which would cause a reasonable person to feel terrorized, frightened, threatened, harassed or annoyed and that actually causes the victim to feel terrorized, frightened, threatened, harassed or annoyed.
- O. Possess a laser-pointing device unless that person is at least eighteen (18) years of age. A person under the age of eighteen (18) shall not be in violation of this section if the possession of a laser-pointing device is necessary for his employment, trade, occupation, or has been required by a teacher at a public, private or parochial school as device needed in furtherance of a school assignment. (Ord., 4-27-2001)

9.55. Offenses Against Property. No person shall:

- A. Enter any dwelling house, apartment, private room, private garage or private outbuilding without first obtaining the permission of the owner, or person in charge of the building. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.
- B. Enter or remain upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or person in charge of the lands or premises.
- C. Prowl about the private premises of any other person, either by day or night, without lawful authority or without the express consent of the owner or person in lawful possession of such premises.
- D. Drive or park a motor vehicle on private property without lawful authority knowing the same to be private without the express consent of the owner or person in lawful possession of such

premises. This subsection shall not apply to the parking lot of a business that is open to the public.

- E. Enter into any place, area, or building or any part thereof, without permission or where applicable, having first paid any fee, charge or other consideration required for admission or failing to pay for services as required before leaving. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.
- F. Interfere with, move, disconnect, or carry off any property not his or her own, without lawful authority or the express consent of the owner or person in charge of such property.
- G. Willfully, wantonly or recklessly destroy, damage, deface or tamper with any property, private or public, not his or her own.
- H. Place any sign, advertisement or any other matter upon any lamppost, electric light, telephone or other utility pole, fire hydrant, bridge, pavement, sidewalk, crosswalk or public building without the consent and authorization of the appropriate official. This shall not be construed as preventing any public officer or official from doing any such act for any purpose authorized by the laws of the state or the charter or ordinances of the city.
- I. Mutilate, deface, conceal or tear down any official notice or placard lawfully posted by any city officer or employee unless prior permission is given by such officer or employee to remove such notice.
- J. Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any public toilet which causes or may cause damage to it or put any substance in a water fountain which may in any manner pollute the water therein. For purposes of this subsection, "drinking fountain" and "public toilet" shall mean any facilities owned or operated by the city or any governmental unit as well as facilities owned by private businesses where such facilities are open to and can be used by the public.
- K. Open or attempt to open, interfere with, or damage any fire hydrant without authority.
- L. Swim, bathe, enter or wade in any creek, stream, pond, lake, quarry, swimming pool or any other body of water not designed for the public use or not open to the public at that time, or swim, bathe or wade in water on private property not owned or lawfully occupied by such person, without express consent of the owner or person in lawful possession thereof. This subsection shall not apply to swimming or entry into the water necessitated by an emergency which threatens life or property. (Ord., 4-27-2001)

9.56. Alcohol and Drug Offenses. No person shall:

- A. Be intoxicated or under the influence of an alcoholic beverage or under the influence of any drug or any combination of alcoholic beverages and drugs in any public place and either endanger directly the safety of another person or the property of another person, or act in a manner that causes or creates a public disturbance.
- B. Sell, give or furnish any drug to any person without first obtaining a license to sell, give or furnish such drug.
- C. Sell, give or furnish any alcoholic beverage to any person who appears to be or is reasonably suspected to be drunk or intoxicated.
- D. Purchase, consume or possess an alcoholic beverage if less than twenty-one (21) years of age, except as provided in this chapter.
 1. In addition to the penalties set forth within this chapter, a person convicted of violating this subsection may be ordered to perform community service and to undergo substance abuse screening and assessment or substance abuse treatment and rehabilitation at his or her own expense.
 2. A public safety officer who has reasonable cause to believe that a person under the age of twenty-one (21) years has consumed alcoholic liquor may request that the person submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis shall be admissible as evidence and a legal presumption shall be made by the court that the person less than twenty-one (21) years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis indicates a person's blood contained 0.02% or more weight by alcohol.

This subsection shall not be construed to prohibit a person under twenty-one (21) years of age from possessing 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 a 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. Knowingly transport or possess, in a motor vehicle, an alcoholic beverage if less than twenty-one (21) years of age. This section shall not apply if the person is employed by a licensee under Michigan law, the Michigan liquor control commission, an agent of said commission, or a police officer where the transport or possession of the alcoholic beverage occurs in the course of the person's employment.
- F. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give alcoholic liquor to a person less than twenty-one (21) years of age. This shall not apply to alcoholic beverages given under the authority of and pursuant to the direction of a duly licensed physician, or to a sacramental wine offered by a member of the clergy in connection with religious services within a church, synagogue or temple.
- G. Falsely represent that he or she or any other person is twenty-one (21) years of age or older for the purpose of procuring the sale or furnishing of any alcoholic beverage.
- H. Knowingly allow or permit any other person to operate a motor vehicle or other piece of machinery owned or controlled by him or her when he or she knows or should reasonably know that the other person is intoxicated or under the influence of an alcoholic beverage or a controlled substance.
- I. Consume, possess or knowingly have under his or her control any open container of alcoholic beverage in any public park, public school property or upon any public street or public sidewalk. This section shall not apply if the alcoholic beverage is consumed or possessed exclusively within an area which is currently licensed for sale or consumption by the Michigan liquor control commission, and if the person is otherwise lawfully entitled to consume or possess the alcoholic beverage.
- J. Inhale, drink, eat or otherwise introduce into his/her respiratory or circulatory system any model glue, or other inhalant with the intent of inducing intoxication, elation, dazed condition, paralysis, or irrationality or in any manner distort or disturb the eyesight,

thinking process, judgment, balance or coordination of such person.

- K. Knowingly or intentionally use, possess, or possess with intent to sell or deliver any drug paraphernalia.
- L. Use, knowingly possess, manufacture, plant, grow, cultivate, or deliver to another person any controlled substance. This subsection shall not be interpreted to prohibit a police officer engaged in lawful duties, a person acting pursuant to a license granted by the United States or state of Michigan, or a person acting at the lawful direction of doctor or dentist.
 - 1. In addition to the fines, costs, and term of imprisonment or term of probation, a person convicted under this section shall be subject to the drivers' license sanctions authorized by Michigan statute.
 - 2. When a person, who has not previously been convicted of an offense under this Ordinance, a similar ordinance of another municipality or any similar state statute or statute of the United States pleads guilty, the court, with the express consent of the city attorney may without entering a judgment of guilt, defer further proceedings and place the individual on probation under such terms and conditions as are authorized by Michigan statute.
- M. Transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCLA 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is 1 or more of the following:
 - 1. Enclosed in a case that is carried in the trunk of the vehicle.
 - 2. Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than \$500 or both.
- N. Permit or allow any premises owned, or controlled by him or her to be used or occupied by persons engaged in the unlawful use of an alcoholic beverage or a controlled substance.
- O. Purchase, possess or use any tobacco products if less than eighteen (18) years of age. A person less than eighteen (18) years of age who violates this subsection is responsible for a civil infraction and

may be fined up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution.

This subsection shall not be construed to prohibit a person from possessing tobacco products if any of the following circumstances exist:

1. The tobacco products are possessed during regular working hours and in the course of the person's employment and the tobacco products are not purchased or possessed for such person's personal consumption.
 2. The person is participating in an undercover decoy operation and the person has purchased or received tobacco products exclusively at the direction of a state, county or local police agency as part of an undercover operation.
- P. Falsely represent that he or she or another person is eighteen (18) years of age or older for the purpose of procuring the sale or furnishing of any tobacco product.
- Q. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give tobacco products to a person under eighteen (18) years of age.
- R. No person under twenty-one (21) years of age shall knowingly attend, frequent, or be an occupant at a place where the illegal consumption of alcohol by other persons under the age of twenty-one (21) is being allowed in violation of this subsection, or a place where other persons under the age of twenty-one (21) are illegally in possession of alcoholic liquor. This subsection shall not apply to a place where the attendance is limited to the immediate family of the occupier of the premises and at least one (1) parent residing in that household is actually present. A person who violates this subsection is responsible for a civil infraction and shall be subject to a fine of up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution. (Ord., 4-27-2001)

9.57. Disturbance of the Peace Offenses. No person shall:

- A. Create or unlawfully engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.
- B. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or language.
- C. Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

- D. Disturb or unreasonably interfere with any service of worship or any other assembly gathered for lawful purposes.
- E. Discharge, offer for sale, or possess any fireworks except of the type and under the conditions permitted by chapter 39 of the penal code of the state of Michigan, being sections 750.243a through 750.243e.
- F. Incite, cause, or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property.
- G. By the use or means of telephone perform any of the following:
 - 1. Disturb the peace, quiet, or privacy of any other person or family by repeated calls intended to harass or annoy the person or family to whom the calls are made;
 - 2. Use obscene or offensive language, or suggest any lewd or lascivious act;
 - 3. Attempt to extort money or anything of value from any person;
 - 4. Threaten any physical violence or harm to any person;
 - 5. Repeatedly and continuously ring the telephone of any person with intent to disturb or harass such person;
 - 6. Knowingly and intentionally make a false report of a crime, fire, traffic crash, or medical emergency;
 - 7. Repeatedly dial 9-1-1 except to report an emergency condition requiring a police, fire department or emergency medical response.
- H. Create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place or places within the city in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort or repose of any person or persons between the hours of eleven (11:00) o'clock p.m. and seven (7:00) o'clock a.m., except as allowed by permit issued by the city.
- I. Remain on the premises of any city building unless such person is present for the purposes of conducting business with city officials or attending, participating in or observing any hearing or meeting held in such city building.
- J. Permit or allow any loud noises, electrical, mechanical, human, or animal in origin, to be emitted from any place occupied or controlled by him so as to disturb unnecessarily and without

reasonable cause the quiet, comfort, or repose of any person or persons.

9.58. Offenses Against Government Order. No person shall:

- A. Knowingly and willfully use any physical or verbal conduct which obstructs, resists, hinders or opposes any public safety officer, police officer, deputy sheriff, firefighter, or any federal, county, state or city employee who is acting in the lawful discharge of his or her duties.
- B., Knowingly and willfully furnish to any law enforcement officer/firefighter, police, fire or medical dispatcher, or employee of the city, acting in the lawful discharge of his or her duties, a false name, address, age or date of birth or false or misleading information in connection with a fire, crime, police inquiry, medical emergency, or traffic accident.
- C. Escape, or attempt to escape or willfully engage in conduct that causes or allows the escape of any person while lawfully in the custody of any law enforcement officer.
- D. Impersonate a firefighter, public safety officer, law enforcement officer, or other employee of the city or any government unit, without due authority.
- E. Knowingly and willfully disobey any validly posted sign in any public park or other public place.
- F. When operating a motor vehicle which has been stopped in response to a law enforcement officer's signal, leave or attempt to leave scene unless and until he or she has received permission to do so from the officer.
- G. Falsely indicate a lack of knowledge or when asked by a law enforcement officer, a prosecuting attorney, the city attorney or a judge, fail to disclose, or conceal knowledge of the actual commission of a violation of any statute or city ordinance from a prosecuting attorney, city attorney, judge or from a law enforcement officer investigating said violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself or herself or any other legally recognized privilege or right.
- H. Knowingly and willfully fail to obey the command of any properly identified law enforcement officer to stop or halt.
- I. Knowingly and willfully fail to obey the command of any law enforcement officer, or any person acting at the direction of a law enforcement officer, who is directing traffic or engaging in crowd control or cross a police line without specific authority or the

permission from a law enforcement officer, or any person acting at the direction of the law enforcement officer, who is at the scene in which the police line is constructed.

- J. Knowingly and willfully fail to obey the command of any law enforcement officer, school official, the mayor, or other authorized representative of the department of public safety, department of public works and/or recreation departments, to leave a public park, school ground, playground, boulevard, swimming pool, recreation area, school building or city building.
- K. Equip a vehicle or possess within the passenger compartment of a motor vehicle a radio receiving set that will receive signals sent on frequencies assigned by the federal communications commission of the United States of America for police purposes, or use the same unless such vehicle is used or owned by a peace officer, or a bona fide amateur radio operator holding a technician class, general, advanced, or extra class amateur license issued by the director of the department of state police. This section shall not be construed as restriction to the use of radar detectors or the ability of a person to transport within a vehicle an inoperable police radio.
- L. Engage in any profession, trade, occupation or other activity for which a license is required by any federal law, Michigan statute or East Grand Rapids ordinance without first obtaining, and thereafter maintaining, such license.
- M. Make or file with the public safety department any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime or public safety emergency occurring within the city. (Ord., 4-27-2001)

9.59. Vice Offenses. No person shall:

- A. Engage in prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- B. Engage in gambling or any game of chance for money unless otherwise permitted by law.
- C. Attend, frequent, operate or be an occupant of any place where prostitution, gambling, the illegal possession, use or delivery of a controlled substance, the illegal sale, possession or use of intoxicating liquor, or any other illegal or immoral business or occupation is permitted or conducted.
- D. Knowingly transport any person to any place for the purpose of enabling such person to engage in gambling, prostitution or in any illegal or immoral act.

- E. Keep, maintain, or permit the use of a gambling room, table, or equipment, or any policy or pool tickets, to be used for gambling on any premises occupied or controlled by him or her.
- F. Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity. (Ord., 4-27-2001)

9.60. Larceny Offenses. No person shall:

- A. Commit the offense of larceny, by stealing, trick or conversion, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing counting the conveyance of land or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record.
- B. Obtain or attempt to obtain money, goods, property or services by fraud, trick, or false pretenses.
- C. Knowingly obtain or attempt to obtain telephone service or the transmission of a telephone message by the use of any false or fictitious telephone credit number or telephone number of another without the authority of the person to whom such credit number or telephone number was issued.
- D. Buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property, knowing the money, goods, or property to be stolen, embezzled, or converted.
- E. Refuse or willfully neglect to return a motor vehicle, trailer or other tangible property, which he or she has on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time.
- F. As the agent, servant or employee of another, or as the trustee, bailee or custodian of the property of another, or of any partnership, voluntary association, public or private corporation, or of this state, or of any county, city, village, township or school district within this state, fraudulently dispose of or convert to his own use, or take or secrete with intent to convert to his or her own use without the consent of his or her principal, any money or other personal property, of his or her principal which shall have come to his or her possession or shall be under his or her charge or control by virtue of his or her being such agent, servant, employee, trustee, bailee or custodian.

- G. By use of a computer, telephone or other electronic or mechanical device obtain or gain access to any data base, confidential records or other information not his or her own without permission of the owner or keeper of such information.
- H. Telephone in a false order to any food delivery service or a false request to any service business and request that food be delivered to a location or that services be rendered at a particular location.
- I. Knowingly and willfully defraud any taxicab, boarding house, hotel, motel, inn, restaurant, gas station, service station, or cafe by procuring any transportation service, food, drink, entertainment, room, accommodation, gas, oil or repairs with the intent not to pay for the same. This subsection shall not be interpreted to conflict with the right of any person to dispute the amount, type or quality of goods or services for so long as the person gives notice of the dispute, provides identification of his or her name and address and the notice of the dispute is given before leaving the scene.
- J. Knowingly possess any tool, implement or device which has been designed or adapted for breaking open any building or motor vehicle, or for starting the engine of a motor vehicle without the regular key or for removing sensor tags from property for sale at retail, with the intent to use or employ the same for the purpose of willfully removing property not his or her own.
- K. Engage in retail fraud. (Ord., 4-27-2001)
- L. With intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering, or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order, in full upon its presentation, of the amount payable in such check, draft, or order in any amount.
- M. With intent to defraud make, draw, utter, or deliver any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank, or other depository, unless the person has sufficient funds for payment for same when presentment is due to the drawee in any amount, except where the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and such fact was not known to the person who made, drew, uttered, or delivered the instrument at the time of so doing.
- N. With respect to subsections (L) and (M),

As against the maker or drawer thereof, the making, drawing, uttering, or delivering, of a check, draft, or order, payment of which is refused by the drawee, when presented in the usual course

of business, shall be a prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all cost and protest fees, within five (5) business days after receiving notice that such check, draft, or order has not been paid by the drawee.

Where such check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment, and protest, and shall be prima facie evidence of intent to defraud and knowledge of insufficient funds or credit with such bank or other depository.

9.61. School Premises Offenses. No person shall:

- A. Trespass upon or loiter in or upon any public, private or parochial school building or school property in the city for any reason whatever, unless such person is a regularly enrolled student or parent or guardian thereof or a school official, teacher or other public or school employee, or has received permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such public, private or parochial school building or school property. However, that such permission need not be secured by persons engaging in or attending a school for a city park and recreation commission authorized activity or by persons using school playground or playground equipment after school hours, or when school is not in session, unless such entry or use shall have been otherwise prohibited by a published or posted rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.
- B. 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.
- C. By violence, threats of violence or other form of coercion, force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time.
- D. Damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees, or other appurtenances or fixtures belonging thereto.
- E. By threats, intimidation or otherwise, and without authority of law, interfere with, molest or disturb, without such authority, any person in the quiet and peaceable pursuit of an education or participation in school sponsored or school controlled activities at

a public, private or parochial school, or while that person is on the way to or from such school. (Ord., 4-27-2001)

9.62. Weapons Offenses. No person shall:

- A. Sell, offer to sell, or have in his or her possession any knife having the appearance of a pocketknife, the blade or blades of which can be opened by manipulating a button, applying pressure on a handle or other mechanical contrivance, except under such conditions as are provided by state law.
- B. Carry a dagger, knife, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or other dangerous weapon, except hunting knives adapted and carried as such, concealed on or about his or her person or in a motor vehicle, concealed or otherwise, operated or occupied by him or her, except in his dwelling house or place of business or on other land possessed by him or her.
- C. Possess weapons of the martial arts without a legitimate cause which is related to the person's occupation or business and except on the person's own private property.
- D. Wrongfully throw or propel any snowball, paintball, missile, air-soft pellet, or object from any moving vehicle or toward any person, vehicle, or property of another.
- E. Without authority by law, discharge any firearm, air rifle, air pistol, paintball gun or other dangerous weapon, within or into the city, except on a proper range or facility established for that purpose. This subsection shall not apply to the discharge of blank ammunition as part of a city- approved event, parade or funeral ceremony. (Ord., 4-27-2001)

9.63. Begging and Soliciting.

- A. The following words, terms, and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:
 - 1. ACCOSTING shall mean approaching or speaking to a person in such a manner as could cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.
 - 2. ASK, BEG, OR SOLICIT shall mean and include, without limitation, the spoken, written, or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining donations.

3. FORCING ONESELF UPON THE COMPANY OF ANOTHER shall mean continuing to request, beg, or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
4. DONATIONS shall mean something, including, but not limited to, money or food, that is solicited in order to provide assistance to a person or organization. Donations shall not be construed to mean Halloween candy or treats solicited during the time and date designated by the City of East Grand Rapids each year for Halloween Trick-or-Treating.

B. It shall be unlawful for any person to solicit donations:

1. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
2. Within fifteen (15) feet of the entrance to or exit from any public toilet facility;
3. Within fifteen (15) feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
4. Within any public transportation vehicle, bus station, or within fifteen (15) feet of any public bus stop or taxi stand;
5. From any operator or occupant of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs, requested by the owner or passengers of such vehicle.

C. It shall be unlawful for any person to solicit donations by:

1. Accosting another; or
2. Forcing oneself upon the company of another.

9.64. Miscellaneous Offenses. No person shall:

A. Engage in public nudity.

- B. Make any immoral exhibition or indecent exposure of his or her person in a public place or knowingly do so in a private place where the exhibition or exposure may be viewed by a person located in a public place.
- C. Engage in any window peeping.
- D. Swim or bathe in the nude in any public place or on private property without the specific permission of the owner.
- E. Expectorate, urinate, defecate or perform any other act that creates a hazardous, unsanitary or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to the proper use of public restroom facilities.
- F. Knowingly cause any earth, ashes, mortar, papers, stone, brick, ice, snow, dirt, manure, filth, excrement, chips or rubbish of any description to fall or be thrown into the path of or hit any vehicle traveling within the city limits.
- G. Operate any motorized vehicle including snowmobiles on any city park property.
- H. Maliciously throw or place glass, nails, tacks or other dangerous pointed or edged substances in or on any beach, highway, public property, or on any private walk or driveway not his or her own.
- I. Engage in truancy.
- J. If under the age of twelve (12) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10:00) o'clock p.m. and six (6:00) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.
- K. If under the age of sixteen (16) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian. (Ord., 4-27-2001; Ord., 6-2-2001)

9.65. Violations and Penalties. Except as otherwise specifically provided in this chapter, any person convicted of violating any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) and cost of prosecution or by imprisonment in the Kent County jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court. (Ord. 4-27-2001)

9.66. Confiscation/Civil Forfeiture. All weapons, items or devices which were used to violate any of the preceding sections of this chapter are, upon conviction of the person responsible, forfeited to the city, unless the weapons, items or devices were used without the knowledge of the owner. (Ord. 4-27-2001)

9.67. Severability. If any section, subsection, sentence, clauses, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 2. This Ordinance shall be effective on November 18, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

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