

CHAPTER 11 OFFENSES

Art. I.	In General, §§ 11-001--11-030.....	Pages 11-1 through 11-3
Art. II.	Offenses Affecting Governmental Functions, §§ 11-031--11-065.....	Pages 11-3 through 11-5
Art. III.	Offenses Against the Person, §§ 11-066--11-090.....	Pages 11-5 through 11-7
Art. IV.	Offenses Against Property, §§ 11-091--11-165.....	Pages 11-7 through 11-12
Div. 1.	Generally, §§ 11-091--11-100.....	Page 11-7
Div. 2.	Theft, §§ 11-101--11-125.....	Pages 11-7 through 11-10
Div. 3.	Destruction of Property, §§ 11-126--11-140.....	Pages 11-10 and 11-11
Div. 4.	Trespass, §§ 11-141--11-165.....	Pages 11-11 and 11-12
Art. V.	Offenses Against Public Peace, §§ 11-166--11-200.....	Pages 11-12 through 11-16
Art. VI.	Offenses Against Public Morals, §§ 11-201--11-300.....	Pages 11-17 through 11-25
Div. 1.	Generally, §§ 11-201--11-210.....	Pages 11-17
Div. 2.	Prostitution, §§ 11-211--11-225.....	Page 11-17 through 11-18
Div. 3.	Gambling, §§ 11-226--11-240.....	Pages 11-18 through 11-19
Div. 4.	Controlled Substances, §§ 11-241--11-260.....	Pages 11-20 through 11-22
Div. 5.	Drug Paraphernalia, §§ 11-261--11-275.....	Pages 11-22 through 11-24
Div. 6.	Model Glue, §§ 11-276--11-300.....	Page 11-24 through 11-25
Art. VII.	Offenses Against Public Safety, §§ 11-301--11-350.....	Pages 11-25 through 11-28
Div. 1.	Generally, §§ 11-301--11-315.....	Page 11-25
Div. 2.	Weapons, §§ 11-316--11-340.....	Pages 11-25 through 11-28
Div. 3.	Offenses Against Public Safety, §§ 11-341--11-350.....	Pages 11-25 through 11-28
Art. VIII.	Offenses on School Grounds, §§ 11-351--11-380.....	Pages 11-29 through 11-30
Div. 1.	Generally, §§ 11-351--11-370.....	Pages 11-29 through 11-30
Art. IX.	Offenses Involving Minors, §§ 11-381--11-399.1.....	Pages 11-31 through 11-36
Div. 1.	Generally, §§ 11-381--11-395.....	Pages 11-31 through 11-35
Div. 2.	Curfew, §§ 11-396--11-399.....	Pages 11-35 and 11-36
Art. X.	Watercraft Regulations, §§ 11-400--11-404.....	Pages 11-36 and 11-37

ARTICLE I IN GENERAL

Sec. 11-001. Definitions and violations.

(a) Definitions. In addition to the rules of construction and definitions contained in Section 1-002 and this Chapter, definitions of words and phrases in The Michigan Penal Code, Public Act No.328 of 1931, as amended, MCL 750.1 - MCL 750.568, and in Chapter 752 of the Michigan Compiled Laws for Crimes and Offenses, MCL 752.1 et. seq. shall be deemed to apply when those words and phrases are used but not defined in this Chapter or Code. When used in this Chapter, the following words and phrases are defined as follows:

(1) **Nicotine Product** means tobacco and any other product, substance, or device containing or used to deliver nicotine for human consumption, whether chewed, absorbed, dissolved, inhaled, or ingested by any other means.

(2) **Tobacco Product** means a product that contains tobacco that is intended for human consumption, including but not limited to cigarettes, noncigarette smoking tobacco such as cigars or loose tobacco for smoking in a pipe or other device, and smokeless tobacco such as chewing tobacco, that is consumed by placement in the mouth, inhaling through the nostrils, or other means.

(3) **Use a Tobacco Product** means carrying a lighted cigarette, cigar, pipe, or other smoking device, or smoking, inhaling, chewing, or placement within a person's mouth of a tobacco product.

(4) **Vapor Product** means a product or device that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means, regardless of shape or size, that when used, produces vapor, fumes, or smoke from a nicotine product or other substance or solution. Vapor products include an electronic cigarette (E cigarette), electronic cigar,

(CHAPTER 11, ARTICLE I cont.)

electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of a nicotine product, or other substance in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

- (b) Violations. Except for Sections of this Chapter designated as civil infraction violations or otherwise, violation of any other Section in this Chapter is a misdemeanor punishable as provided in Section 1-010(a) of this Code, subject to any different punishment or disposition that is specified in and for a violation of a specific Section.

Sec. 11-002. Abolition of distinction between accessory and principal.

Every person concerned in the commission of an offense under this Code, whether he directly commits the act constituting the offense or procures, counsels, aids or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed such offense.

Sec. 11-003. Begging; Civil infraction.

- (a) For purposes of this section, “beg” or “begging” means an uninvited request or solicitation by words, gestures, and/or signs, for the immediate payment of money, provision of a service, or delivery of property by or from another person in a public place, as defined in Section 11-175(a). Except as otherwise prohibited in this section or Code, it shall be lawful to beg in public places, including on public sidewalks and in public parks.
- (b) Except as otherwise provided in this Code, or authorized by law, it shall be unlawful for a person to beg in the following locations:
 - (1) On property of, or in a building containing, a bank, credit union, or other financial institution that as a principal business, maintains accounts for on-site deposits and withdrawals of cash by customers.
 - (2) Within 20 feet of an automated teller (ATM) machine.
 - (3) On an area of private property that is physically or visually separated and distinguishable from all public sidewalks, where begging is prohibited by a posted sign that is visible to a reasonably observant person.
- (c) Except as otherwise provided in this Code, or authorized by law, it shall be unlawful for a person to beg by engaging in any of the following activities:
 - (1) Touching the solicited person without that person’s consent.
 - (2) Blocking the path of the person being solicited, or the entrance to any building, facility, or vehicle, in a manner that hinders or impedes free and uninterrupted pedestrian or vehicle movement.
 - (3) Making more than one additional request after a refusal by the person being solicited.
 - (4) With the intent to continue to solicit, following behind, alongside or ahead of a person who walks away from the solicitor after having been solicited.
 - (5) Conduct, a statement, or gesture during or following refusal of a solicitation that:
 - (i) Disrupts the public peace and quiet as prohibited in Section 11-167.
 - (ii) Would cause a reasonable person to feel threatened and in fear of harm to his or her person, family, or property.
 - (iii) Is so personally derisive, obscene, lewd, profane, libelous, insulting, or abusive as to inflict injury on, or incite an immediate breach of the peace by, a reasonable person.
 - (iv) Would cause a reasonable person to feel intimidated, coerced, or compelled to make a donation.
- (d) Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(CHAPTER 11, ARTICLE I cont.)

Sec. 11-004. Window peeping; Misdemeanor.

It shall be unlawful for any person to 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 looking through such window in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy without the occupant's express or implied consent.

(Comp. Ords. 1986, § 20.476)

Sec. 11-005. Loitering at place of criminal activity; Civil infraction.

It is a violation of this Code for any person to knowingly loiter at or near any structure, vehicle, or any public or private property, where criminal conduct or activity is occurring, or where an illegal occupation or business is being conducted. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Ord. of 3-10-2003)

Sec. 11-006. Soliciting illegal or immoral act; Misdemeanor.

It shall be unlawful for any person to solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

(Comp. Ords. 1986, § 20.478)

(Ord. of 7-8-2002)

Secs. 11-007--11-030. Reserved

ARTICLE II OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS*

**Cross references: Administration, Ch. 2.*

Sec. 11-031. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Government means any principal subdivision or agency of the United States of America, the state, the County, the Township, or any agency of local governmental operation within the Township.

Governmental function means any activity which a public agency or public servant is legally authorized to perform.

Property means any money, personal property, real property, thing in action, evidence of debt or contract, or article of any kind.

(Comp. Ords. 1986, §§ 20.461, 20.463)

Sec. 11-032. Obstructing officer or governmental function; Misdemeanor.

It shall be a violation of this code for any person to obstruct, impair or hinder the legal performance of a governmental function, including but not limited to a police or public safety officer in the reasonable discharge of his or her duties, by any act, word, threat, physical interference or obstacle which either:

- (a) Is designed to interfere or hinder the officer or governmental function, or;
- (b) Is likely to result in the interference or hindering of any officer or governmental function, and the violator reasonably was aware, or should have been aware, that the said action would likely result in the interference or hindrance.

(Comp. Ords. 1986, § 20.574; Ord. of 3-8-1999)

(CHAPTER 11, ARTICLE II cont.)

Sec. 11-033. Resisting officer; Misdemeanor.

It shall be unlawful for any person to resist any police officer or other law enforcement agent while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty, or to use or threaten to use physical force or violence against the peace officer or another; or, to use any other means, thereby creating a substantial risk of causing physical injury to the peace officer or another.

(Comp. Ords. 1986, § 20.587)

Sec. 11-034. Resisting booking procedure; Misdemeanor.

It shall be unlawful for any person to willfully refuse and resist the established booking procedure, including fingerprint exemplars, photographing and supplying arrest card information, of the Township police department following a lawful arrest.

(Comp. Ords. 1986, § 20.575)

Sec. 11-035. Impersonation of officers; Misdemeanor.

(a) It shall be unlawful for any person to impersonate or falsely assume or pretend to be an employee of the Township, County, state, federal government, or a utility, cable, or telecommunications provider for the purpose of gaining entry into any home or business located in the Township.

(b) It shall be unlawful for any person to impersonate or falsely assume or pretend to be a Waterford Township police officer, any other police officer, a sheriff or deputy sheriff, or state or federal agent.

(Comp. Ords. 1986, § 20.571; Ord. of 9-28-1999)

State law references: False personation of officers, MCL 750.215.

Sec. 11-036. Expecting on or at officers; Misdemeanor.

It shall be unlawful for any person to expectorate or spit, or attempt to expectorate or spit, at or on a peace officer, or officer of the court, who is engaged in the performance of the duties of their office.

(Comp. Ords. 1986, § 20.576)

Sec. 11-037. Obstructing judicial functions; Misdemeanor.

It shall be unlawful for any person to obstruct or interfere with the administration of justice by impeding, or attempting to impede, those parties who seek justice in court or those who have duties or powers of administering justice therein.

(Comp. Ords. 1986, § 20.577)

Sec. 11-038. False reporting to law enforcement officials; Misdemeanor.

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

(a) Makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their concern when he knows that it did not occur.

(b) Makes a report or purposely causes the transmission of a report to law enforcement authorities pretending to furnish information relating to a crime or other incident within their concern when he knows that he has no such information.

(Comp. Ords. 1986, §§ 20.580--20.582)

Sec. 11-039. Fleeing or eluding traffic stop; Misdemeanor.

A person commits the offense of fleeing a traffic stop if he is the driver of a motor vehicle and fails to stop after being directed to do so by a peace officer, or after having been lawfully stopped and detained by a peace officer, thereafter flees or eludes, or attempts to flee or elude the officer, either on foot, in a motor vehicle, or in any other fashion.

(CHAPTER 11, ARTICLE II cont.)

Sec. 11-040. Obstructing, disobeying firefighters; Misdemeanor.

It shall be unlawful for any person within the Township to knowingly and willfully hinder, obstruct or interfere with, or to disobey or disregard any order of any firefighter while in the performance of his duties.

Sec. 11-041. False alarm of fire; Misdemeanor.

Any person who shall knowingly and willfully commit any one (1) or more of the following actions shall be guilty of a misdemeanor:

- (a) Raise a false alarm of fire at any gathering or in any public place.
- (b) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire.
- (c) Raise a false alarm of fire orally, by telephone or in person.

Sec. 11-042. False police or medical emergency alarms; Misdemeanor.

It shall be unlawful for any person to summon, without any good reason therefore, by telephone or otherwise, the police department or any public or private ambulance to go to any address where the service called for is not needed or requested.

(Comp. Ords. 1986, § 20.572)

Sec. 11-043. Obstructing access to polling places; Civil infraction.

It shall be unlawful for any person to solicit, petition, canvass, or in any way interfere with the access of persons to and from polling places in local, state or national elections, either at or within such polling places or within one hundred (100) feet from the entrance of such polling places. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.573)

(Ord. of 7-8-2002)

Secs. 11-044--11-065. Reserved.

ARTICLE III OFFENSES AGAINST THE PERSON

Sec. 11-066. Assault and battery; domestic assault; Misdemeanor.

- (a) It shall be a violation of this Code for any person within the Township to attempt or offer, with force and violence, to do a corporal hurt to another, or assault and/or batter any other person.
- (b) It shall be a violation of this Code to assault, or assault and batter a person's spouse, former spouse, an individual with whom a person has or has had a dating relationship, an individual with whom a person has had a child in common, or a person with whom one resides or with whom one has formerly resided.
- (c) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two (2) individuals in a business or social context.
- (d) A violation of this Section is punishable as a misdemeanor as provided in Section 1-010(a) of this Code except that the maximum jail term is 93 days.

(Comp. Ords. 1986, §§ 20.471, 20.486; Ord. of 4-8-1996; Ord. of 5-14-2001; Ord. of 7-8-2002; Ord. of 4-28-2003)

(CHAPTER 11, ARTICLE III cont.)

Sec. 11-067. Stalking and Harassment; Misdemeanor.

- (a) In this Section, the following words and phrases shall have the meanings respectively assigned to them:

Stalking means a willful course of conduct involving repeated or continuing harassment of another individual 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.

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, including but not limited to:

- (1) Stalking, as defined herein.
- (2) The transmission of e-mail, text, phone or other social media messages which contains threats of bodily injury, directly or indirectly, or threats of other kinds intended to place the person in fear of the safety of their person or property.
- (3) Deliberately follows a person in or about a public place.
- (4) Strikes, shoves, kicks, or otherwise intentionally touches a person or subjects person to physical contact.
- (5) A combination of any of the above acts or conduct.

Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

- (b) It shall be unlawful for any person to engage in stalking or harassment of another person.

(Comp. Ords. 1986, §§ 20.473, 20.485--20.488; Ord. of 10-24-2011)

Sec. 11-068. Malicious annoyance by writing; Misdemeanor.

It shall be unlawful for any person within the Township to knowingly send or deliver, or to make, for the purpose of being delivered, or sent, to part with the possession of any letter, postal card or writing containing any obscene language with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation with the intent thereby to cause annoyance to any person, within the Township or with a view or intent to extort or gain any money or property of any description belonging to another.

Sec. 11-069. Malicious acts; Misdemeanor.

- (a) Any person is guilty of a misdemeanor who maliciously uses any service provided by a communications, internet, or social media carrier, provider, service, or network with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or to disturb the peace and quiet of any other person by any of the following:

- (1) Threatening physical harm or damage to any person or property.
- (2) Falsely and deliberately reporting that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime, or of an accident.
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, thereby interfering with any communications service.
- (4) Using any vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in the course of a communication.
- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.
- (6) Making an unsolicited commercial telephone call which is received between the hours of 9:00 p.m. and 9:00 a.m. For the purpose of this subdivision, "an unsolicited commercial telephone call" means a call made by a person or recording device on behalf of a person soliciting business or contributions.

(CHAPTER 11, ARTICLE III, SECTION 11-069 cont.)

- (7) Deliberately calling a telephone of another person in a repetitive manner which causes interruption in telephone service or prevents the person from utilizing his telephone service.
- (b) An offense shall be committed under subsections (a)(1) through (4) of this section if the message either originates or terminates within the Township.
(Comp. Ords. 1986, §§ 20.490--20.495) (Ord. of 7-8-2002)

Secs. 11-070--11-090. Reserved (Prior text of Sec. 11-070, Nonsupport of family, repealed.)

ARTICLE IV OFFENSES AGAINST PROPERTY

Division 1. General

Sec. 11-091. Definition.

As used in this article, the word "obstruct" shall mean to interrupt, make difficult, oppose, or come in the way of such, as a course of action, passage, or the progression of an event.

(Comp. Ords. 1986, § 20.462)

Sec. 11-092. Expecting on sidewalk or other public areas; Civil infraction.

It shall be unlawful for any person to spit or expectorate on any floor or seat of any public carrier; or on any wall, seat or equipment of any place of public assemblage. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

Comp. Ords. 1986, § 20.504)

(Ord. of 7-8-2002)

Secs. 11-093--11-100. Reserved.

Division 2. Theft

Sec. 11-101. Larceny of property; Misdemeanor.

It is a violation of this Code for any person within the Township to steal, take, carry away, obtain by deceit, trick or conversion any money, goods, chattels, property or services of another person or entity where such property has any personal or market value.

(Comp. Ords. 1986, § 20.502; Ord. of 3-8-1999; Ord. of 1-24-2005)

Sec. 11-102. Larceny from vacant buildings; Misdemeanor.

It shall be unlawful for any person or persons within the Township to steal or unlawfully remove or in any manner damage any fixture, attachment, or other property belonging to, connected with, or used in the construction of any vacant structure or building, whether built or in the process of construction, or to break into any vacant structure or building with the intention of unlawfully removing, taking there from, or in any manner damaging any fixture, attachment or other property belonging to, connected with, or used in the construction of such vacant structure or building, whether built or in the process of construction.

Sec. 11-103. Larceny from public libraries; Misdemeanor.

It shall be unlawful for any person within the Township to procure, or take in any way from the public library in the Township any book, pamphlet, map, chart, painting, picture, photograph,

(CHAPTER 11, ARTICLE IV, DIVISION 2 cont.)

periodical, newspaper, magazine, manuscript or exhibit or any part thereof, with intent to convert the same to his own use.

Sec. 11-104. Breaking and entering coin box; Misdemeanor.

It shall be unlawful for any person within the Township to maliciously and willfully, by and with the aid and use of any key, instrument, device or explosive, blow or attempt to blow, or force or attempt to force an entrance into any coin box, depository box, newspaper coin box, vending machine, or other device that does or is designed to contain money, established and maintained for the convenience of the public, or for any person to not make payment for any articles of merchandise or service from such a device, or to extract or obtain or attempt to extract or obtain from such a device, any money or thing of value contained therein.

Sec. 11-105. Breaking and entering outside showcases; Misdemeanor.

It shall be unlawful for any person in the Township to break and enter, or to attempt to break and enter, or enter without breaking at any time any outside showcase or other outside enclosed counter used for the display of goods, wares or merchandise, with intent to steal, or to commit the crime of larceny therein.

Sec. 11-106. Weights and measures; Misdemeanor.

Any person who shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who shall sell or offer or expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in any manner contrary to law, or any person who shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a violation of this Code.

Sec. 11-107. Frauds unlawful; Misdemeanor.

It shall be unlawful for any person within the Township to engage in any fraudulent scheme, device or trick to obtain money or other valuable thing, or to aid or abet, or in any manner to be concerned therein, or to convert money or property lawfully in one's possession to one's use without authority.

Sec. 11-108. Reserved (Prior text False statements for welfare aid unlawful; repealed)

Sec. 11-109. Fraudulent or insufficient funds checks; or closed account checks; Misdemeanor.

It is a violation of this code for:

- (a) Any person who, with intent to defraud, shall make or draw or utter or deliver within the Township any check, draft or order for the payment of money, up to five hundred (\$500.00) dollars 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 or order, in full, upon its presentation;
- (b) Or, any person who, with the intent of defraud, shall make, draw, utter deliver within the Township any check, draft or order for the payment of money up to five hundred (\$500.00) dollars to apply on

(CHAPTER 11, ARTICLE IV, DIVISION 2, SECTION 11-109 cont.)

account or otherwise, upon any bank or other depository and who shall not have sufficient funds for the payment for same when presentation for payment is made to the bank or depository, except where such 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.

- (c) Or, any person who, with the intent to defraud, shall make, draw, utter or deliver within the Township any check for the payment of money on account or otherwise, upon any bank or other depository where the said account shall have been closed.

(Comp. Ords. 1986, § 20.579; Ord. of 6-13-1988, § 1.00; Ord. of 3-8-1999)

Sec. 11-110. Revoked or cancelled financial transaction device; Misdemeanor.

Any person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services or anything of value, a financial transaction device which has been stolen or which has been revoked or cancelled by the issuer thereof, as distinguished from expired, and notice of such revocation or cancellation has been received by such person through registered or certified mail or by personal service, shall be guilty of a misdemeanor.

Sec. 11-111. Receiving or concealing stolen property; Misdemeanor.

- (a) It is a violation of this code for any person to 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, if the value of the stolen, embezzled or converted money, goods, or property is one thousand dollars (\$1,000.00) or less.

- (b) A person who is a pawnbroker or dealer in or collector of secondhand materials, junk, precious metals or gems, or other merchandise or personal property, and any agent, employee or representative of such a pawnbroker, dealer or collector who fails to make reasonable inquiry that the person selling or delivering the stolen, embezzled or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled or converted property which has a registration, serial or other identifying number altered or obliterated on an external surface of the property, shall be presumed to have bought or received the property knowing the property to be stolen, embezzled or converted. This presumption may be rebutted by proof.

(Comp. Ords. 1986, § 20.505; Ord. of 3-8-1999)

Sec. 11-112. Retail fraud; Misdemeanor.

It shall be unlawful for any person to do any of the following in a store or in its immediate vicinity:

- (a) While a store is open to the public, alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which property is offered 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, steal property of the store that is offered for sale.
- (c) With intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

Sec. 11-113. Fraud on restaurant or inn; Misdemeanor.

- (a) Any person who shall put up at any hotel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefore, except when credit is given therefore by express agreement, with intent to defraud such keeper thereof out of pay for the same, or who, with intent to defraud such keeper out of the pay therefore shall obtain credit at any hotel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, shall be guilty of defrauding an innkeeper; provided, that no conviction shall be had under the provisions of this section unless complaint shall be made within sixty (60) days of the time of the violation hereof.

(CHAPTER 11, ARTICLE IV, DIVISION 2, SECTION 11-113 cont.)

- (b) Obtaining such food, lodging, or accommodation by false pretense, or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefore on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefore, or surreptitiously removing or attempting to remove baggage shall be prima facie evidence of such intent to defraud.

(Comp. Ords. 1986, § 20.578)

Secs. 11-114--11-125. Reserved.

Division 3. Destruction Of Property*

Sec. 11-126. Malicious destruction of property generally; graffiti; responsibility of property owner to remove; Misdemeanor.

- (a) It is a violation of this code for any person within the Township to willfully or maliciously destroy or damage the real or personal property of another, or to willfully or maliciously destroy or damage, any appurtenances thereof, or to paint, inscribe, write or scrape messages, words, numbers, symbols or any other picture upon the real or personal property of another without the express consent of the owner of such property, where the damage done shall be one thousand dollars (\$1,000.00) or less.
- (b) It shall be the responsibility of the owner of any property marked or defaced as defined in subsection (a) of this section to remove, erase, or paint over such markings as soon as possible after discovery of the existence of such markings so as to minimize the addition of further markings and other blight upon the property. Pursuant to this section, the owner shall be entitled to restitution in an amount determined by the court for the cost of removing those markings, such restitution to be paid by any person convicted under this section of making such markings.

(Comp. Ords. 1986, § 20.503; Ord. of 8-14-1995; Ord. of 3-8-1999)

Sec. 11-127. Malicious destruction of public property; Misdemeanor.

It shall be unlawful for any person within the Township to maliciously destroy, damage, injure, mar or deface any building, monument, sign or structure or fence, tree, shrub, plant, park or public property of any kind which is owned, controlled, or managed by the state, County, city, any school district within the Township, or by any other unit or agency of government whose operating budget is raised in whole or in part by public taxation, or to commit any act of vandalism on or in any such property.

Sec. 11-128. Responsibility of smokers; Misdemeanor.

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar, pipe or tobacco in any form for which lighters or matches are used, or in the use of flammable liquids, to set fire to any real or personal property the person does not own or have a right to possess.

Sec. 11-129. Tampering--Generally; Misdemeanor.

A person that has no right to do so and no reasonable ground to believe that he has such right, shall not tamper or meddle with public property or private property belonging to another person even though no damage results.

(Comp. Ords. 1986, § 20.520)

Sec. 11-130. Tampering--Motor vehicle; Misdemeanor.

Any person shall be guilty of a violation of this Code who shall:

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 11 OFFENSES

(CHAPTER 11, ARTICLE IV, DIVISION 3, SECTION 11-130 cont.)

- (a) Intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of such motor vehicle;
- (b) Intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top, covering or upholstery of any motor vehicle, the property of another, or intentionally cut, mash, mark, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof; or
- (c) Intentionally release the brake upon any standing motor vehicle, with intent to injure said machine and cause the same to be removed without the consent of the owner; provided, that this section shall not apply in case of moving or starting of motor vehicles by the police under authority of local ordinance or by members of fire departments in case of emergency in the vicinity of a fire.

Secs. 11-131--11-140. Reserved.

Division 4. Trespass*

Sec. 11-141. Upon lands or premises of another; Misdemeanor.

It shall be unlawful for any person to willfully enter upon the lands or premises of another without lawful authority, after having been forbidden to do so, or after such lands or premises have been previously posted with a conspicuous notice forbidding any trespass thereon by the owner or occupant, or agent or servant 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 agent or servant of either, who, without lawful authority neglects or refuses to depart therefrom.

(Comp. Ords. 1986, § 20.510)

Sec. 11-142. Breaking and entering generally; Misdemeanor.

It shall be unlawful for any person to break and enter, or without breaking, shall enter, at any time, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, factory or other building, boat, ship, railroad car or structure used or kept for public or private use with the intent to commit a felony or any larceny therein.

(Comp. Ords. 1986, § 20.506)

Sec. 11-143. Breaking and entering, entering without authority; Misdemeanor.

- (a) It shall be unlawful for any person to break and enter, or shall enter without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boathouse, hunting or fishing lodge, garage or the outbuildings belonging thereto, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner or occupant, agent, or person having immediate control thereof.
- (b) This section shall not apply:
 - (1) To entering without breaking of any place which at the time of such entry was open to the public, unless such entry has been expressly denied.
 - (2) Where the breaking and entering or entering without breaking was committed by a peace officer or other person authorized by law to break and enter or otherwise enter without breaking provided the breaking and entering or entering without breaking was committed in the lawful performance of their duties as a peace officer or other person authorized by law to break and enter or otherwise enter without breaking.

(CHAPTER 11, ARTICLE IV, DIVISION 4, SECTION 11-143 cont.)

- (3) Where the breaking and entering or entering without breaking was committed by someone under the direction of a person exempted from the applicability of this section as noted in subsection (2) above.
- (c) Complaint for violation of this section may be made by the owner, lessee or occupant of the structure, place, or area as set out in subsection (a) above, or the agent thereof, or the police department.

Sec. 11-144. Unauthorized entrance upon private parking area; Misdemeanor.

- (a) It shall be unlawful for any person to enter or loiter upon any private parking area, either in a vehicle or on foot, without the express or implied permission of the owner, lessee, occupant or agent.
- (b) Before this section shall be effective in any parking area, suitable signs must be first posted which would apprise the ordinarily observant person of the restricted use of the parking area. For the purpose of this section, implied permission shall be deemed granted to any person for the use designated by such signs. Implied permission shall not be deemed granted to any person, found upon any private parking area after business hours of the owner, lessee, occupant or agent of the parking area.
- (c) The posting of signs upon a parking area pursuant to this section shall constitute authority by the owner, lessee, occupant or agent of the property for the police department to enforce this section.
- (d) Complaint for violation of this section may be made by the owner, lessee or occupant of the parking area, or the agent thereof, or the police department.

Secs. 11-145--11-165. Reserved.

ARTICLE V OFFENSES AGAINST PUBLIC PEACE

Sec. 11-166. Definition

As used in this Article, the words "public place" or "open to the general public" shall mean a place to which the general public has access for business, entertainment, or other lawful purpose, and includes but is not limited to highways, sidewalks, parks, publicly owned or operated property, transportation facilities, schools, places of amusement, parking areas, playgrounds, the immediate area adjacent to a business establishment, and hallways, stairs, lobbies and other common use areas of apartment houses and other multi-user buildings or structures.

(Comp. Ords. 1986, § 20.458)

Sec. 11-167. Disruption of the peace; Misdemeanor.

- (a) In this Section the following words and phrases shall have the meanings respectively assigned to them:

Public Peace and Quiet means:

- (1) Conditions usually attendant to, and associated with, the public order, decorum, noise levels and activity of a developed residential setting or neighborhood at the time and place in issue.
- (2) Conditions usually attended to, and associated with, the business or commercial activity with the occupied portions of business or commercial premises, including the exterior and parking areas or the premise, which conditions are conducive to such activity.
- (3) Conditions usually attendant to, and associated with the pursuit of lawful occupations where such occupations are commonly engaged in at the time and place in issue.

Disrupts means to interrupt the normal course of harmony or activity under circumstances and to the degree that such disruption is substantial and unnecessary.

(CHAPTER 11, ARTICLE V, SECTION 11-167 cont.)

- (b) It is a violation of this Section for any person to willfully, or while under the influence of alcohol and/or a controlled substance, engage in conduct which disrupts the public peace and quiet, by means of shouting or talking loudly, engaging in altercations, the playing of loud or amplified sound of any nature and from any source, the playing of musical instruments, or any other noise that interferes with the peace and comfort of other persons not on the property that is the source of the noise, and for a person that is engaging in such prohibited conduct to refuse to leave a premises when ordered to by the owner or lawful occupant of that premises. For purposes of this section, sound levels exceeding the maximum permitted noise levels under Section 2-206 of the Township Zoning Ordinance shall be presumed to disrupt the public peace and quiet.

(Comp. Ords. 1986, § 20.551; Ord. of 3-13-2000; Ord. of 10-24-2011)

Sec. 11-168. Permitting gathering of disorderly persons; Misdemeanor.

It shall be unlawful for any person within the Township to permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous or disorderly persons.

(Comp. Ords. 1986, § 20.552)

Sec. 11-169. Jostling; Misdemeanor.

It is unlawful for any person within the Township to jostle or roughly crowd people unnecessarily in a public place.

(Comp. Ords. 1986, § 20.472)

Sec. 11-170. Public disturbance or altercations; Civil infraction; Fighting; Misdemeanor.

- (a) It is unlawful for any person to engage in a disturbance or altercation with another person in a public place without a good cause. Violation of this Subsection is a civil infraction punishable as provided in Section 1-010(b) of this Code.
- (b) It is unlawful for any person to engage in a fight or physical combat with another on or at any public or private property that inflicts or is for the purpose of inflicting injury to another person. Violation of this Subsection is a misdemeanor punishable as provided in Section 1-010(a) of this Code.

(Ord. of 3-10-2003)

Sec. 11-171. Inciting disorder by speech; Misdemeanor.

It shall be unlawful for any person to utter and use language or make gestures, or any combination thereof, toward any person which may be intended to or likely to encourage, adduce and incite altercations, breaches of the peace or riotous behavior or conduct by any other person.

(Comp. Ords. 1986, § 20.553)

Sec. 11-172. Disorderly intoxication; Misdemeanor.

It shall be unlawful for any person to be drunk or intoxicated or to be under the influence of a drug or controlled substance as defined by state law, or any combination thereof in a public place so as to endanger himself, endanger the safety of another person or another person's property, or cause a public disturbance.

(Comp. Ords. 1986, § 20.541)

Sec. 11-173. Consumption of alcoholic beverages on highway; open containers in motor vehicles; Misdemeanor.

- (a) In this section "multi-dwelling parking lots" means any residential complex containing more than four (4) dwelling units, and together with commercial parking lots, is considered a public place.
- (b) It shall be unlawful for any person to consume any alcoholic beverage upon a public highway or public place. This prohibition shall not apply if the owner or person in possession and

(CHAPTER 11, ARTICLE V, SECTION 11-173 cont.)

control of private property that is also a public place has given express permission for the consumption of alcoholic beverages or if the consumption is allowed by license issued by the Michigan Liquor Control Commission and is in compliance with any governmental approvals that are required and have been obtained for such consumption to be lawful.

- (c) It shall be unlawful for any person, as an operator or occupant of a motor vehicle, to transport or possess an alcoholic beverage in an open or uncapped container in the passenger area of a vehicle on a highway or in the passenger area of a moving vehicle in a public place, unless the vehicle does not have a trunk or compartment separate from the passenger area and the container is in a locked glove compartment or console, behind the last upright seat, or in an area not normally occupied by the operator or a passenger.

(Comp. Ords. 1986, §§ 20.543, 20.544; Ord. of 10-24-2011)

Sec. 11-174. Gatherings and meetings; Civil infraction.

It shall be unlawful for any person or persons within the Township to willfully interrupt or disturb on any day of the week any assembly of people met for the worship of God within the place of such meeting or out of it, or to make or excite any disturbance or contention in any tavern, dance hall, beer garden, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, ground or park or at any election or other public meeting in the Township where any persons are peaceably and lawfully assembled. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.554)

Sec. 11-175. Loitering; Misdemeanor.

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

Loitering means remaining idle in essentially one (1) 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 also includes the colloquial expression "hanging around."

Public place means any place to which the general public has access and a right of resort for business, entertainment or for lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or 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 within the Township to loiter, either alone or in consort with others in a public place in such manner so 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 after having been told to move on by a police officer.
 - (2) Commit in or upon any public street, public highway, public sidewalk or any other 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 after having been told to move on by a police officer.
 - (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.

(Comp. Ords. 1986, §§ 20.465, 20.501, 20.545, 20.546)

Sec. 11-176. Unlawful assembly; Misdemeanor.

It is unlawful and constitutes an unlawful assembly for a person within the Township to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot or to be present at an assembly that either has or develops such a purpose and to remain there with intent to advance such purpose.

(CHAPTER 11, ARTICLE VI, DIVISION 1 cont.)

Sec. 11-177. Failure to disperse; Misdemeanor.

It is a violation of this code for any person who, after having been requested or ordered to do so by a police or law enforcement officer, fire official or other Township enforcement officer authorized to do so, refuses or fails to remove him or herself from the immediate scene of a breach of the peace or where illegal activity is occurring or has recently occurred, or where the continued presence of the violator, alone or in conjunction with others, constitutes a violation of this code or the laws of this state.

(Comp. Ords. 1986, § 20.590; Ord. of 3-8-1999)

Sec. 11-178. Fireworks; Civil infraction.

- (a) Definitions and adoption by reference. As used in this section, the following words and phrases have the meanings indicated.
- Act** means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 to 28.471, as amended, which is hereby adopted by reference as a part of this ordinance section 11-178.
- Articles pyrotechnic**, as defined in the Act, means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction.
- Consumer fireworks**, as defined in the Act, means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United State consumer product safety commission and that are in compliance with the construction, chemical composition, labeling, and other requirements in the Act. Novelties and low-impact fireworks as defined in the Act are not consumer fireworks.
- Display Fireworks**, as defined in the Act, means large fireworks devices that are explosive materials intended for use in fireworks, displays and designed to produce visible or audible effects by combustion, deflagration, or detonation.
- Fireworks**, as defined in the Act, means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, and consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects but does not include novelties.
- Low-impact fireworks**, as defined in the Act, means ground and handheld sparkling devices.
- Minor**, as defined in the Act, means an individual who is less than 18 years of age.
- National holiday** means New Years Day (January 1), Birthday of Martin Luther King Jr. (third Monday in January), Washington's Birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).
- Novelties**, as defined in the Act, means all of the following:
- (i) Toy plastic or paper caps for toy pistols in sheets, strips, roll, or individual caps containing not more than .25 of a grain of explosive
 - (ii) Content per cap, in packages labeled to indicate the maximum explosive content per cap.
 - (iii) Toy pistols, toy canons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
 - (iv) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 11 OFFENSES

(CHAPTER 11, ARTICLE V, SECTION 11-178 cont.)

(v) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects, as defined in the Act, means a combination of chemical elements or chemical compounds capable of burning, independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(b) *Prohibited ignition, discharge, and use.* Except for the following, fireworks shall not be ignited, discharged, or used in the township:

- (1) In compliance with a permit granted by the township board as provided in the Act.
- (2) Consumer fireworks from 8:00 a.m. until 12:00 midnight on the days preceding, of, and after a national holiday, and for the first hour of New Year's Day until 1:00 a.m.
- (3) Low-impact fireworks by a person that is not under the influence of alcoholic liquor and/or a controlled substance.

(c) *Consumer and low-impact fireworks use prohibitions.*

- (1) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or private property of another person without the express written permission from the person or entity legally in possession and control of that property.
- (2) Consumer and low-impact fireworks, shall not be ignited, discharged or used by a person under the influence of alcoholic liquor and/or a controlled substance.
- (3) Consumer fireworks shall not be possessed, ignited, discharged, or used by a minor, with the parental neglect and responsibility provisions in Article IX of Chapter 11 of the Waterford Charter Township Code applicable to this Ordinance.

(d) *Consumer fireworks sales.* As provided in and subject to punishment under the Act:

- (1) Consumer fireworks shall not be sold to a minor.
- (2) Persons shall not sell consumer fireworks at a retail location without prominently displaying the consumer fireworks certificate obtained under the Act for that location.

(e) *Fireworks seizure costs.* Payment of all costs incurred by the township police department under the Act in securing, seizing, storing, and disposing of fireworks that are in violation of the Act or this Ordinance, shall be the responsibility of all persons found guilty, responsible or liable for the violation. In recognition that the police department's actual costs for any seizure will include having the personnel, equipment, and facilities necessary to store fireworks in compliance with the Act, costs to be paid shall be determined in accordance with rates and methods established by Resolution of the Township Board of Trustees.

(f) *Violations/penalties.* The sanction for violations of subsections (b) and (c) is a municipal civil infraction, punishable by a civil fine of not more than \$500.00, with violations of subsection (c) also punishable by costs, damages and expenses as provided in Section 1-010(b) of this Code. Violations of the Act listed in subsection (d) for reference, are punishable under and as provided in the Act as state civil infractions, misdemeanors, or felonies, and not as violations of this Ordinance.

(Ord. 7-23-12) (Ord. Rev. 6-24-13) (Ord. Re-Enacted with Amend 2-23-15)

Secs. 11-179--11-200. Reserved.

ARTICLE VI OFFENSES AGAINST PUBLIC MORALS

Division 1. Generally

Sec. 11-201. Indecent exposure; Misdemeanor.

It shall be unlawful for any person within the Township to knowingly make any open or indecent exposure of his person or of the person of another, which means the full or partial exposure of genitals, the pubic region, or buttocks, or exposure of the female breast below a point immediately above the top of the areola.

(Comp. Ords. 1986, §§ 20.477, 20.547)

Sec. 11-202. Indecent or obscene conduct; Misdemeanor.

It shall be unlawful for any person within the Township to engage in any indecent or obscene conduct in any public place. For purposes of this Section, indecent conduct is a person fondling their genitals, pubic area, buttocks, or if a female, breasts, while violating Section 11-201. For purposes of this Section, obscene conduct is conduct that an average individual, applying contemporary community standards, would find to appeal to the prurient interest, and specifically includes specified sexual activities as defined in the Adult Entertainment Use definition in Section 1-007 of the Township Zoning Ordinance.

(Comp. Ords. 1986, §§ 20.477, 20.549)

(Ord. of 7-8-2002)

Secs. 11-203--11-210. Reserved

Division 2. Prostitution

Sec. 11-211. Prostitution - generally; Misdemeanor.

- (a) It shall be unlawful for any person within the Township to commit or offer or agree to commit a lewd act or an act of prostitution.
- (b) It shall be unlawful for any person within the Township to secure or offer another for the purpose of committing a lewd act or an act of prostitution.
- (c) It shall be unlawful for any person within the Township to be in or near any place frequented by the public or any public place for the purpose of inducing, enticing or procuring another to commit a lewd act or an act of prostitution.
- (d) It shall be unlawful for any person within the Township to knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution.
- (e) It shall be unlawful for any person within the Township to knowingly receive or offer to or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or to knowingly permit any person to remain in any place or building for any such purpose.
- (f) It shall be unlawful for any person within the Township to direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution.

Sec. 11-212. Houses of ill fame--Patronizing; Misdemeanor.

- (a) It shall be unlawful for any person within the Township to patronize, frequent, be found in or be an inmate of any house of ill fame or assignation or place for the practice of prostitution or lewdness.
- (b) It shall be unlawful for any person to accept the solicitation of or solicit a prostitute for the practice of fornication, prostitution or lewdness.

Sec. 11-213. Same--leasing premises; Misdemeanor.

It shall be unlawful for any person within the Township to lease to another any house, room or other premises, in whole or in part, for any of the uses or purposes set forth in Section 11-212 or to knowingly permit house, room or other premises to be used or occupied for such purposes.

(CHAPTER 11, ARTICLE VI, DIVISION 2 cont.)

Sec. 11-214. Soliciting and accosting; Misdemeanor.

It shall be unlawful for any person within the Township to accost, solicit or entice another in any public place or in or from any building or vehicle by word, gesture or any other means to commit prostitution or to submit to an act of gross indecency, or to any other act of depravity or delinquency or shall suggest any of the aforementioned acts.

(Comp. Ords. 1986, § 20.479)

State law references: Similar provisions, MCL 750.448.

Secs. 11-215--11-225. Reserved.

Division 3. Gambling*

**State law references: Gambling, MCL 750.301 et seq.*

Sec. 11-226. Keeping or occupying building for gambling; Misdemeanor.

- (a) It shall be unlawful for any person, or his agent or employee, to directly or indirectly keep or occupy, or assist in keeping or occupying any common gambling house, or any building or other place where gambling by others is knowingly permitted, facilitated, promoted, encouraged, or allowed, or to allow or permit on any premises owned, occupied or controlled by him, any apparatus used solely for gaming or gambling.
- (b) This section does not prohibit the manufacture of gaming or gambling apparatus or the possession of gaming or gambling apparatus by the manufacturer of the apparatus solely for sale outside of the state, or for sale to a gambling establishment operating within this state in compliance with the laws of this state, if applicable, and in compliance with the laws of the United States, provided the manufacturer meets or exceeds federal government requirements in regard to manufacture, storage, and transportation.

(Comp. Ords. 1986, § 20.556)

Sec. 11-227. Gambling and frequenting prohibited; Misdemeanor.

It shall be unlawful for any person to deal in, play or engage in gaming such as faro, roulette, dice, cards, or other device or game of chance, hazard or skill, either as bookmaker, dealer, keeper, player or otherwise for the purpose of gambling for money or other valuable thing or to knowingly attend or be found frequenting any place where gambling is permitted, allowed, or taking place.

Sec. 11-228. Cappers, steerers, loiterers; Misdemeanor.

It shall be unlawful for any person to engage in the work or occupation of a roper, steerer, doorman or capper so-called for any gambling room, gaming house, or other place where gaming, gambling, or games of chance, trick or device may be occurring or be carried on. It shall be unlawful for persons to knowingly frequent, attend, or be found present in any of such places.

Sec. 11-229. Keeping gaming room for hire, gain or reward; Misdemeanor.

- (a) It shall be unlawful for any person to keep or maintain for hire, gain or reward, a gaming room or gaming table, game of skill and/or chance, or electronic or digital device that is used for gaming by others, or to permit such a gaming room, gaming table, game of skill and/or chance, or electronic or digital device used solely for gaming or gambling, to be kept, maintained or played on a premises owned, occupied or controlled by him, and for any person to aid, assist or abet in the keeping or maintaining of a gaming room, gaming table, game of skill and/or chance, or electronic or digital device in violation of this Section.

(CHAPTER 11, ARTICLE VI, DIVISION 3 cont.)

- (b) Subsection (a) does not apply to a mechanical amusement device which may through the application of an element of skill reward the player with the right to replay the mechanical device at no additional cost if the mechanical amusement device is not allowed to accumulate more than fifteen (15) replays at one (1) time; the device is designed so that accumulated free replays may only be discharged by reactivating the device for one (1) additional play for each accumulated free replay; and the device makes no permanent record directly or indirectly of the free replays awarded.
- (c) Subsection (a) does not apply to a slot machine if the slot machine is twenty-five (25) years old or older and is not used for gambling purposes. As used in this subsection "slot machine" means a mechanical device, an essential part of which is a drum or reel which bears an insignia and which when operated may deliver, as a result of the application of an element of chance, a token or money or property, or by operation of which a person may become entitled to receive, as a result of the application of an element of chance, a token or money or property.
- (d) A slot machine which is being used for a gambling purpose in violation of subsection (c) shall be confiscated and turned over to the director of the department of state police for auction.
- (e) Subsection (a) does not apply to a crane game. As used in this section, "crane game" means an amusement machine activated by the insertion of a coin, by which the player uses one (1) or more buttons, joysticks, or similar means of control, or a combination of those means of control, to position a mechanical or electromechanical claw, or other retrieval device, over a prize, toy, or novelty having a wholesale value of not more than three dollars and seventy-five cents (\$3.75), and thereby attempts to retrieve the prize, toy, or novelty. "Crane game" does not include a slot machine, as defined in subsection (c).
- (f) The bureau of state lottery or a law enforcement officer may confiscate any crane game that is available for play and is not in compliance with subsection (e) of this section or the rules promulgated under state law. The confiscated games and their contents shall not be destroyed, altered, dismantled, sold, or otherwise disposed of except upon order of a court having competent jurisdiction.
- (g) A crane game shall not be made available for play in connection with a fund-raising event, as defined in Section 7 of Act No. 388 of the Public Acts of 1976 (MCL 169.207).

Sec. 11-230. Gambling place and equipment; Misdemeanor.

It shall be unlawful for any person, or his agent or employee, to directly or indirectly keep, maintain, operate or occupy all or part of any building, room, or place at which apparatus, books, or any electronic, digital or other device or equipment used for registering bets, buying or selling pools upon the result of a game, competition, appointment, election, or other event, are present, or for a person to knowingly permit such apparatus, books, devices or equipment, or the registering of bets or the buying and selling of pools, on any grounds or premises owned, occupied, or controlled by him.

Sec. 11-231. Policy or pool tickets and confiscation of articles of gaming; Misdemeanor.

It shall be unlawful, within the Township, for any person or persons to be in possession of any policy or pool tickets, slips or checks, memoranda, or any combination thereof, bet slips, numbers slip or slips, electronic, digital or other device or equipment, or of any article associated and/or connected with commercial gambling. Any and all such articles may be confiscated and destroyed by the police department, or used in evidence in any prosecution for violation of this Code.

Secs. 11-232--11-240. Reserved.

(CHAPTER 11, ARTICLE VI, DIVISION 4, SECTION 11-230 cont.)

(CHAPTER 11, ARTICLE VI, DIVISION 4)

Division 4. Controlled Substances*

Sec. 11-241. Definition

As used in this division, "drug" means a substance recognized as a drug in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; a substance other than food intended to affect the structure or any function of the body of human beings or animals; a substance intended for use as a component of any article specified in this subsection, and includes a controlled substance as defined in Section 7104 of the Michigan Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978, MCL 333.7104. It does not include a device or its components, parts, or accessories.

(Comp. Ords. 1986, § 20.459)

Sec. 11-242. Controlled substances prohibitions generally; Misdemeanor.

It shall be unlawful for any person to manufacture, administer, deliver, possess, distribute, prescribe or dispense any controlled substance as defined in Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq.), as amended, except as authorized by this article and the public health code.

(Comp. Ords. 1986, §§ 20.273, 20.274, 20.556)

Sec. 11-243. Lawful possession, dispensation; Misdemeanor.

- (a) A manufacturer, wholesaler, apothecary, medical doctor, osteopathic physician, dentist, veterinarian, chiroprapist, public or private hospital, sanitarium or institution maintained or conducted in whole or in part for the treatment of disability, disease, inebriety or drug addiction may purchase, receive, possess, sell, distribute, prescribe, administer or dispense the controlled substances described in Section 11-242; provided he or they shall have complied with all provisions as required by the United States Internal Revenue Code, as the same now exists or may be hereafter amended.
- (b) No medical doctor, osteopathic physician or other person specified in this section in any manner authorized to prescribe controlled substances shall prescribe such substances for his own use, nor shall any druggist honor such a prescription.
- (c) All controlled substances obtained pursuant to this section shall be kept in the original package or container in which they were received; provided, that this requirement should not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian, or chiroprapist, or to any authorized person or persons acting directly under their supervision or control.

Sec. 11-244. Operation of boats and snowmobiles while under influence; Misdemeanor.

- (a) A person shall not, while under the effects or influence of marijuana, drugs, or a controlled substance, operate or control a motor vehicle, motor boat, snowmobile, or other motor-driven recreational vehicle upon the streets, roads and highways, public or private, or upon the frozen lakes or other areas open to the general public; nor shall a person knowingly permit such operation or control of any of the aforementioned vehicles by a person under the effects or influence of marijuana.
- (b) In any prosecution for violation of the provisions of this section, the burden of establishing any license or prescription shall be upon the defendant, but this does not eliminate the burden of proof for the violation.

(Comp. Ords. 1986, §§ 20.75, 20.276, 20.278)

(CHAPTER 11, ARTICLE VI, DIVISION 4 cont.)

Sec. 11-245. Fraud and deceit in obtaining drugs and use implements; Misdemeanor.

Any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact, or the use of a false name or the giving of a false address for the purpose of obtaining any controlled substances or barbituric acid or any derivative, compound, preparation or mixture thereof, or hypodermic syringe or needle or other instrument or implement or empty gelatin capsules or false statement on any prescription blank shall be deemed a violation of this section. No person who shall have obtained the possession of any controlled substances, hypodermic syringes, needles or other instruments or implements adapted for the use of such substances or empty gelatin capsules pursuant to the terms of this section shall use the same or permit or authorize their use for any purpose other than that specifically authorized in the prescription or order by means of which such possession was obtained.

Sec. 11-246. Fraud and deceit in sale, etc., prohibited; Misdemeanor.

Any fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or any other form of concealment for the purpose of obtaining money or any other thing of value by the sale, furnishing, supplying or giving away of any substance represented to be a drug as described in Section 11-242, when the same may or may not be the same, shall be deemed a violation of this division.

Sec. 11-247. Possession for transportation, enforcement of division.

The provisions of this section restricting the possession of controlled substances or barbituric acid or any derivative, compound, preparation, or mixture thereof or hypodermic syringes, needles or other implements or instruments adapted to the use of such substances by means of subcutaneous injection or intracutaneous injection or any other manner or method of introduction or empty gelatin capsules shall not apply to common carriers or warehousemen or their employees engaged in the lawful transportation or storage of such substances, syringes, needles or capsules or to public officers or employees while engaged in the performance of their official duties nor to temporary incidental possession on the part of employees or agents of persons lawfully entitled to possession.

Sec. 11-248. Reserved (prior text Commitment of addicts; repealed).

Sec. 11-249. Loitering, etc., about places where substances stored, kept; Misdemeanor.

No person shall knowingly loiter about, frequent or live in any building, apartment, store, automobile, boat, boathouse, airplane or other place of any description whatsoever where controlled substances, hypodermic syringes, needles or other instruments or implements or empty gelatin capsules are manufactured, administered, delivered, possessed, distributed, prescribed, dispensed, stored or kept illegally.

(Comp. Ords. 1986, § 20.555)

Sec. 11-250. Disposition of first offenders.

When any person who has not previously been convicted of any offense under this Division or any statute of the United States or of any state relating to narcotic drugs, coca leaves, marijuana, or stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance, or of use of a controlled substance the court, without entering a judgment of guilt, and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilty and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent

(CHAPTER 11, ARTICLE VI, DIVISION 4 cont.)

convictions. There may be only one (1) discharge and dismissal under this section with respect to any person. The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to any court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered in this section has already once availed himself of the provision of this section.

Sec. 11-251. Instruction, rehabilitation program.

If a person is convicted of a violation of this division, the court, as part of his sentence during either the period of his confinement or the period of his probation, or both, may require him to attend a course of instruction or rehabilitation program approved by the department of mental health on the medical, psychological and social effects of the misuse of drugs. The court may order him to pay a fee, as approved by the director of mental health, for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of his probation.

Sec. 11-252. Sensory observation of expert witness to constitute prima facie evidence as to identification of marijuana.

In all cases in which alleged marijuana is presented to the court as evidence, the opinion of an expert witness based upon his sensory observation only shall be sufficient to constitute prima facie evidence that the substance constituting the exhibit is marijuana without the necessity of presenting microscopic or chemical test results.

(Comp. Ords. 1986, § 20.277)

Secs. 11-253--11-260. Reserved.

Division 5. Drug Paraphernalia

Sec. 11-261. Short title.

This division shall be known and may be cited as the "Drug Paraphernalia Ordinance."

(Comp. Ords. 1986, § 20.831)

Sec. 11-262. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a controlled substance as that term is defined in Act 368, Public Acts of 1978 (MCL 333.1101 et seq.), as amended, the Michigan "Public Health Code."

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in preparing, testing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of state or local law. The term "drug paraphernalia" includes but is not limited to:

- (a) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (b) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- (c) 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.
- (d) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 11 OFFENSES

(CHAPTER 11, ARTICLE VI, DIVISION 5, SECTION 11-262 cont.)

- (e) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging controlled substances.
- (f) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
- (g) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- (h) Objects used, intended for use, or designed for use in ingesting inhaling, or otherwise introducing marijuana, cocaine, hashish, or other controlled substances into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens or punctured metal bowls.
 - (2) Water pipes.
 - (3) Smoking and carburetion masks.
 - (4) Roach clips (meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand).
 - (5) Miniature cocaine spoons, and cocaine vials.
 - (6) Bongs.

In determining whether or not an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the objects, concerning its use.
- (b) The proximity of the object to controlled substances.
- (c) The existence of any residue of controlled substances on the object.
- (d) Instruction, oral or written, provided with the object concerning its use.
- (e) Descriptive materials accompanying the object which explain or depict its use.
- (f) National and local advertising concerning its use.
- (g) The manner in which the object is displayed for sale.
- (h) Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (i) The existence and scope of legitimate uses for the object in the community.
- (j) Expert testimony concerning the use of the object.

(Comp. Ords. 1986, § 20.832)

Sec. 11-263. Prohibited activities; Misdemeanor.

- (a) Possession. It is unlawful for any person to use, or possess with intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance in violation of state or local law.
- (b) Manufacture, delivery, or sale. It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body, a controlled substance in violation of state or local law.
- (c) Advertisement. It is unlawful for any person to place in a newspaper, magazine, handbill, sign, poster or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Comp. Ords. 1986, § 20.833)

Sec. 11-264. Exemptions.

This division shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the

(CHAPTER 11, ARTICLE VI, DIVISION 5, SECTION 11-264 cont.)

normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection.

(Comp. Ords. 1986, § 20.834)

Sec. 11-265. Civil forfeiture.

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this division shall be seized and forfeited to the Township.

(Comp. Ords. 1986, § 20.835)

Secs. 11-266--11-275. Reserved.

Division 6. Model Glue*

Sec. 11-276. Definition.

As used in this division, the term "model glue" means any glue, adhesive cement, mucilage, dope, plastic solvent or other adhesive of the type commonly used in the construction of model airplanes, automobiles, boats and other unassembled model kits, containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate or other toxic ingredient.

Sec. 11-277. Minors; sale, possession by; Misdemeanor.

No person under the age of eighteen (18) shall possess or buy any model glue and no person shall sell or transfer possession of any model glue to another person under eighteen (18) years of age, except:

- (a) A person may sell or transfer possession of model glue to a person under eighteen (18) years of age for model building or other lawful use where such juvenile has in his possession and exhibits the written consent of his parent or guardian.
- (b) A person may sell or transfer possession to a person under the age of eighteen (18) years, not more than one (1) assembly kit which contains not more than one (1) container of model glue not to exceed one (1) fluid ounce, as a necessary part of model assembly.

Sec. 11-278. Parental consent; Misdemeanor.

A person making a sale or transfer of possession of model glue to a person under eighteen (18) years of age who exhibits the written consent of his parent or guardian shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent-type register available for inspection by the police department for a period of at least six (6) months.

Sec. 11-279. Inhalation of fumes; Misdemeanor.

No person shall inhale, drink, eat or otherwise introduce into his respiratory or circulatory system any compound, liquid, chemical or any substance known as glue, adhesive cement, mucilage, dope, plastic solvent, aerosol, or combination thereof with the intent of becoming intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting the eyesight, thinking process, judgment, balance or coordination of such person. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.

Sec. 11-280. Medical use.

The provisions of this division shall not pertain to any person who inhales, drinks, eats or otherwise introduces into his circulatory or respiratory system such material or substance pursuant to the direction or prescription of any doctor, dentist or other person authorized to do so, direct or prescribe.

(CHAPTER 11, ARTICLE VI, DIVISION 6 cont.)

Sec. 11-281. Aiding or abetting violation; Misdemeanor.

No person shall, for the purpose of violating or aiding another to violate any provision of this division, intentionally possess, buy, sell, transfer possession or receive possession of any model glue. It shall be unlawful for any person to assist, aid, abet or encourage any minor to violate any provisions of this division.

Secs. 11-282--11-300. Reserved.

ARTICLE VII OFFENSES AGAINST PUBLIC SAFETY*

Division 1. Generally

Sec. 11-301. Abandonment of refrigerators, etc., with airtight doors; Misdemeanor.

It shall be unlawful for any person to leave outside of any building or dwelling, or in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, trunk, or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of the icebox, refrigerator, trunk or other container, without first removing the locks or doors there from.

Sec. 11-302. Throwing stones, missiles or other objects; Misdemeanor.

It shall be unlawful for any person to intentionally or deliberately throw or propel by any means any snowball, missile or other object at or towards any person or vehicle, whether stationary or moving.
(Comp. Ords. 1986, § 20.475)

Sec. 11-303. Depositing snow on sidewalks; Civil infraction.

(a) It is a violation of this Ordinance for any person to shovel, plow or otherwise deposit snow or ice onto a public sidewalk or non-motorized transportation path so as to interfere with the ease of passage of users thereof.

This section is not applicable to the Road Commission of Oakland County or any other governmental agency involved in the clearing of snow from the public streets.

(b) Violation of this Section is a civil infraction punishable as provided in Section 1-10(b) of this Code.

(Comp. Ords. 1986, §§ 20.543, 20.544; Ord. of 10-24-2011)

Secs. 11-304--11-315. Reserved.

Division 2. Weapons*

Sec. 11-316. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Armour-piercing bullet shall refer to any bullet that, when fired out of a handgun having a barrel length of five (5) inches or less, can penetrate eighteen (18) layers of kevlar or equivalent bullet-proof material.

Firearm means and includes any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

Weapon means any instrument used in the propulsion of shot, shell, bullets, darts, BB's, arrows or projectiles, or any combination thereof, by the action of gun powder exploded within it, or by means of any propellant, gas, spring action, or compressed air. A slingshot shall be deemed a weapon within the meaning of this definition.

(Comp. Ords. 1986, § 20.803)

(CHAPTER 11, ARTICLE VII, DIVISION 2 cont.)

Sec. 11-317. Discharging weapons; exceptions; Misdemeanor.

It shall be unlawful for any person, except a police officer or other peace officer in the lawful discharge of his or her duties, to fire or discharge any gun, handgun, shotgun, rifle, or any other firearm within the Township, except as follows:

- (1) Nothing in this section shall prohibit any person from discharging such a weapon, when necessary, for the defense of person and property from attack.
- (2) Nothing in this section shall prevent the discharge of firearms in a regularly licensed shooting gallery.
- (3) In accordance with Section 11-331, and Act 10 L.A. 1957, nothing in this section shall prohibit hunting with a bow and arrow within the Township, subject to the limitations contained in Section 11-334 and 11-335.
- (4) Nothing in this section shall prohibit the hunting with firearms on state-owned lands under the jurisdiction of the department of conservation pursuant to Section 11-331.

(Comp. Ords. 1986, § 20.804(a); Ord. of 10-27-1997; Ord. of 4-27-1998)

Sec. 11-318. Brandishing or aiming firearm; Misdemeanor.

It shall be unlawful for any person within the Township to intentionally, without malice, brandish a firearm or to point or aim any firearm at or toward any other person.

(Ord. of 10-27-1997)

Sec. 11-319. Aiming and discharging firearm; Misdemeanor.

It shall be unlawful for any person within the Township to discharge without injury to another person any firearm, while intentionally, without malice, aiming at or toward any person.

Sec. 11-320. Injury by discharge of firearm; Misdemeanor.

It shall be unlawful for any person within the Township to maim or injure any other person by the discharge of any firearm pointed or aimed unintentionally, without malice, at any such person.

Sec. 11-321. Possession or control of firearm while intoxicated; Misdemeanor.

It shall be unlawful for any person within the Township, while under the influence of an alcoholic liquor or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

Sec. 11-322. Unlawful possession of knives; Misdemeanor.

- (a) Minors. It is a violation of this section for any minor under the age of eighteen (18) years to have within his or her possession any dagger, dirk, razor, stiletto or knife having a blade of over three (3) inches in length unless, at the time of possession thereof, the minor child is in the presence and supervision of a parent, legal guardian or other adult with whom the minor is engaged in a lawful activity such as hunting or trapping, scouting and the like.
- (b) Possession with unlawful intent. It is a violation of this section for any person who, with intent to use the same unlawfully against the person or property of another, to have within his or her possession, any dagger, dirk, razor, stiletto or knife having a blade over three (3) inches in length, or other dangerous or deadly weapon or instrument fashioned as such.

(Ord. of 4-27-1998)

Sec. 11-323. Confiscation of firearms.

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the Township.

Sec. 11-324. Transportation and possession; Misdemeanor.

It shall be unlawful for any person to transport or to have in possession in or upon any vehicle a firearm unless the same be unloaded in both barrels and magazine and carried in the luggage

(CHAPTER 11, ARTICLE VII, DIVISION 2, SEC. 11-324 cont.)

compartment of the vehicle. It shall be unlawful to carry a firearm on any public street or in any public place unless it is unloaded and in a case.

Sec. 11-325. Sale or purchase; Misdemeanor.

It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Sec. 11-326. BB guns; use by minors, prohibition, exception; Misdemeanor.

No person under eighteen (18) years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air, outside the curtilage of his or her domicile unless accompanied by a person over eighteen (18) years of age.

(Ord. of 4-27-1998)

Sec. 11-327. Fishing with bow and arrow.

This division shall not apply to a person using a bow with line attached from arrow to bow for purposes of shooting fish, which activity is otherwise in compliance with state and federal laws.

(Comp. Ords. 1986, § 20.808)

Sec. 11-328. Bow and arrow target range permits; Civil infraction.

An individual may establish a target range for bow and arrow on his own property, provided that the target is set at least eighty-five (85) feet between the rear of the target and the property line, and at least thirty-five (35) feet on each side of the target from any property line. Every property owner seeking to create a bow and arrow range on his own property shall first apply for and obtain a written safety permit from the Police Chief. In addition, the application shall be submitted to and approved by the Zoning Official after a review for compliance with the zoning ordinance. The Police Chief shall inspect each proposed target site before issuance of the permit to ensure the safety of persons and property adjacent to the area. The permit will be valid for a period of one (1) year. Establishing or maintaining a bow and arrow target range without the required permit, or in violation of the location requirements in this Section or conditions of a permit is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.809)

Sec. 11-329. Forfeiture of weapons; armor-piercing bullets.

- (a) All weapons carried, possessed, aimed, discharged and used contrary to this division are declared forfeited to the Township, and may be seized by any police officer of the Township, and, when permitted by state law, may be redeemed at the sole discretion of the Police Chief after all court fines and costs have been paid.
- (b) All armor-piercing bullets possessed or sold contrary to the terms of this division are declared forfeited to the Township and shall be destroyed promptly by the order of the Police Chief. Upon destruction of such bullets by the police department, written notice of the place and person from which the bullets were seized and the number of bullets destroyed shall be furnished to the Township Board by the Police Chief.

(Comp. Ords. 1986, § 20.810)

Sec. 11-330. Careless handling; Misdemeanor.

No person shall use, carry, handle, or discharge any weapon or any other instrument or instrumentality fashioned as a weapon, carelessly and heedlessly, in willful or wanton disregard of the rights, safety or property of others, or without due caution or circumspection.

(Comp. Ords. 1986, § 20.804(c))

(CHAPTER 11, ARTICLE VII, DIVISION 2 cont.)

Sec. 11-331. Firearm hunting restricted; Misdemeanor.

No person shall hunt any fowl, wild game, or animals of any type with a firearm upon any lands or premises within the Township, except on state-owned land under the jurisdiction of the S.E.A.
(Comp. Ords. 1986, § 20.804(e); Ord. of 10-27-1997)

Sec. 11-332. Threatening others; Misdemeanor.

No person shall, while possessing a weapon or fashioning an object as to reasonably appear to be a weapon, threaten, intimidate, or offer to commit an act of force or violence against the person or property of another.
(Comp. Ords. 1986, § 20.804(f))

Sec. 11-333. Bow and arrow hunting requirements as to clothing and safety zones; Misdemeanor.

The following requirements are imposed upon persons hunting by bow and arrow within the Township:

- (a) During the entire firearm deer hunting season, bow and arrow hunters are required to wear a hat, cap, vest, jacket or rain gear of highly visible color, commonly referred to as "hunter orange". The garment featuring the hunter orange must be the outermost garment, and must be visible from all sides. Camouflage orange garments, with fifty (50) percent or more of the surface in hunter orange, are legal.
- (b) Safety zones are defined as all areas within four hundred fifty (450) feet of an occupied dwelling, house, cabin, residence or any barn or any other building used in a farm operation. It is prohibited to hunt or discharge a bow and arrow within a safety zone or shoot at any wild animal or wild bird while the bird or animal is within a safety zone without the written permission of the owner or occupant of such safety zone.
(Ord. of 10-27-1997; Ord. of 6-8-1998)

Sec. 11-334. Restrictions on weapon use in Township parks; Misdemeanor.

It is unlawful for any person other than a duly sworn police or law enforcement official in the course of his or her official duty to discharge, possess and/or use a firearm, bow and arrow, crossbow, slingshot, pellet gun or air rifle, or other weapon within the boundaries of a Township park. This provision shall not prohibit the possession and/or use of any such weapon within the boundaries of a Township park if such possession or use is within a sanctioned hunt approved by the Township Board under Section 11-335.
(Ord. of 10-27-1997)

Sec. 11-335. Preservation of wildlife in Township parks, sanctioned hunt; Misdemeanor.

No hunting or trapping will be allowed in any Township park, unless the Parks and Recreation Board, or any park governing body and the Township Board, approve a sanctioned hunt, if and/or when the population of any wildlife species becomes a nuisance, health and/or safety hazard. The Township Board shall make the final decision as to a sanctioned hunt. The Parks and Recreation Official shall submit to the Township Board, terms and conditions applicable to any request for a sanctioned hunt.
(Ord. of 10-27-1997)

Sec. 11-336. Wildlife blinds; Misdemeanor.

No person shall construct or build, within the boundaries of a Township park, any structure of any material, natural or otherwise, which would be used to take, entrap, snare, injure, maim or kill any animal or bird located in such Township parks.
(Ord. of 10-27-1997)

Secs. 11-337-11-340 reserved.

Division 3. Offenses Against Public Safety

Sec. 11-341. Michigan Clean Indoor Air Act Adoption by Reference; Civil Infraction.

- (a) As allowed by MCL 42.23, the Michigan Clean Indoor Air Act, which is Part 126 of the Public Health Code, MCL 333.12601 through MCL 333.12617, as amended, is adopted by reference as an ordinance of the Township to prohibit smoking in enclosed indoor areas that are defined as public places in the Michigan Clean Indoor Air Act.
- (b) This ordinance shall be known and may be cited as the Clean Indoor Air Ordinance.
- (c) Violation of this Clean Indoor Air Ordinance is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$100.00, and the fine for a second or subsequent violation not to exceed \$500.00.

Sec. 11-342. Indoor Use of Vapor Product; Civil Infraction.

- (a) No person shall use a vapor product, as defined in Section 11-001, in an enclosed indoor area that is defined as a public place in the Michigan Clean Indoor Air Act adopted as the Clean Indoor Air Ordinance in Section 11-341.
- (b) Violation of this Section is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$100.00, and the fine for a second or subsequent violation not to exceed \$500.00.

(Ord. of 10-27-1997, Ord. of 2-11-2019)

Secs 11-343-11-350. Reserved.

ARTICLE VIII OFFENSES ON SCHOOL GROUNDS

DIVISION 1. GENERAL – PROHIBITED CONDUCT.

Sec. 11-351. Definitions.

For purposes of this article the term "school" means any pre-elementary, elementary (grades K--6), secondary (grades 7-12) school, any college or combination thereof; and the term "principal" means any principal of any elementary or secondary school or the chief administrative officer of any elementary or secondary school or college.

Sec. 11-352. Admission restricted; Misdemeanor.

No person who is not a regularly enrolled student or parent or guardian thereof or a school official, teacher, or other public or school employee shall enter or trespass upon or loiter in or upon any public, private, charter, or parochial school building or property unless such person has received written permission from the principal, a person designated by the principal, or other school official authorized to grant such permission; provided that such written permission need not be secured by persons engaging in or attending a school or Recreation Board 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 rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.

Sec. 11-353. Disturbing schools; Civil infraction.

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. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(CHAPTER 11, ARTICLE IX, DIVISION 1 cont.)

Sec. 11-354. Duty of person creating disturbance to leave premises; Misdemeanor.

Any person, whether lawfully or unlawfully in or upon any public, private or parochial school building or school property who is found to be creating a disturbance in or upon any such school building or property shall leave immediately when so directed by the principal or by any other person designated by the principal. *State law references: Disturbing public places, MCL 750.170.*

Sec. 11-355. Extortion; Misdemeanor.

No person shall 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.

Sec. 11-356. Unauthorized borrowing of money or things of value from students in school or traveling to or from school; Misdemeanor.

No person shall borrow or attempt to borrow any money or thing of value from any student in or upon any public, private, charter, or parochial school building or property during any time when such student is engaging in, going to, or returning from any regularly scheduled school session or activity without first obtaining the written approval of the school principal, person designated by the principal, or other school official authorized to issue such written approval; provided that this section shall not apply to college students who borrow money or things of value from other college students or adults.

Sec. 11-357. Destruction of school property; Misdemeanor.

No person shall damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto.

Sec.11-358 Use of Tobacco Products; Misdemeanor.

- (a) Except as provided in subsection (b), no person shall use a tobacco product, as defined in Section 11-001, on school property.
- (b) Subsection (a) does not apply to outdoor areas on school property on Saturdays, Sundays, and other days when there are no regularly scheduled school hours, or after 6:00 p.m. on days when there are regularly scheduled school hours.
- (c) Violation of this Section is a misdemeanor, punishable as provided in Section 1-10(a) of this Code, except that the fine shall not exceed \$50.00.

(Ord. of 02-11-19)

Sec 11-359 Use of Vapor Product; Civil Infraction.

- (a) Except as provided in subsection (b), no person shall use a vapor product, as defined in Section 11-001, on school property.
- (b) Subsection (a) does not apply to outdoor areas on school property on Saturdays, Sundays, and other days when there are no regularly scheduled school hours, or after 6:00 p.m. on days when there are regularly scheduled school hours.
- (c) Violation of this Section is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$50.00, and the fine for a second or subsequent violation not to exceed \$100.00.

(Ord. of 02-11-19)

Secs 11-360--11-370.Reserved.

Division 2 – Smoking in Educational Facilities (Ord. of 8-14-1995, amended to repeal 2-11-19)

Secs. 11-375--11-380. Reserved.

ARTICLE IX OFFENSES INVOLVING MINORS

Division 1. Generally

Sec. 11-381. Contributing to neglect or delinquency of children; Misdemeanor.

No person shall, by any act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, whether or not such child shall in fact be adjudicated a ward of the probate court.

(Comp. Ords. 1986, §§ 20.203, 20.489)

State law references: Similar provisions, MCL 750.145.

Sec. 11-382. Parental neglect; Civil infraction.

(a) Definitions. For the purposes of this section:

Criminal acts means those acts which violate the statutes of the state or the ordinances of the Township and shall include traffic violations.

Habitual offender means one (1) who commits two (2) or more criminal acts, or including four (4) or more moving traffic violations, within a twelve-month period.

Minor means any juvenile under the age of seventeen (17) residing with the parent as defined in this section.

Parent means the mother, father, legal guardian and any other person having the care or custody of a minor or such other adult with whom a minor may be found residing.

(b) Prohibition. It shall be unlawful for the parent of any minor to fail to exercise reasonable parental control which results in the minor committing any criminal act or to allow or encourage any minor to commit any criminal act or become delinquent in accordance with the probate code as it pertains to juveniles.

(c) Notification.

(1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the Township, the parent of such minor shall be immediately notified by the police department advising the parent of such arrest or detention, the reason therefore and their responsibility under this article.

(2) A record of such notifications shall be kept by the police department.

(d) Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

Sec. 11-383. Furnishing alcohol, controlled substances, or tobacco products or vapor products to minors; Misdemeanor.

(a) A person shall not sell, give or furnish alcoholic liquor or beverages or a controlled substance, as regulated under Act 318 of 1978, the Public Health Code, to a person under the age of twenty-one (21) years, except in the case of prescription drugs where the person is licensed to dispense such controlled substance under a physician's prescription. A violation of this subsection is a misdemeanor punishable as provided in Section 1-010(a) if this Code, unless the charging of the violation is not allowed under Section 701 of the Michigan Liquor Control Code of 1998, as amended, MCL 436.1701. A person shall not sell, give or furnish a tobacco product to a person under the age of eighteen (18) years. This subsection does not apply to the handling or transportation of a tobacco product by a person under 18 years of age under the terms of that minor's employment. Violation of this subsection is a misdemeanor punishable by a fine of not more than \$50.00.

(b) A person shall not sell, give or furnish a tobacco product or vapor product to a person under the age of eighteen (18) years. This subsection does not apply to the handling or transportation of a tobacco product or vapor product by a person under 18 years of

(CHAPTER 11, ARTICLE IX, DIVISION 1 cont.)

age under the terms of that minor's employment. Violation of this subsection is a misdemeanor punishable by a fine of not more than \$50.00.

(Comp. Ords. 1986, § 20.542; Ord. of 3-10-2008, Ord. of 2-11-2019)

Sec. 11-384. Alcohol possession, purchase, and consumption by minors; Misdemeanor.

- (a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. For purposes of this section, a person under the age of 21 is deemed a "minor." A minor who violates this subsection is responsible for a civil infraction or guilty of a misdemeanor punishable by the fines and sanctions set forth in this section.
- (1) For the first violation of this subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute the minor is responsible for a civil infraction, shall be fined not more than one hundred dollars (\$100.00), and shall be subject to the court orders described in subsection (a)(4). A minor may be found responsible or admit responsibility only once under this subsection (a)(1), MCL 436.1703(1)(a), or other local ordinance substantially corresponding to that statute.
 - (2) If a violation of this subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, occurs after one (1) prior judgment for an alcohol or controlled substance violation identified in subsection (a)(6), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200.00, or both, and the court orders described in subsection (a)(4). A minor who pleads guilty, or admits in a juvenile delinquency proceeding to a violation of this subsection (a)(2), may request deferral of proceedings and placement on probation under subsection (c).
 - (3) If a violation of this subsection (a), MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, occurs after two (2) or more prior judgments for an alcohol or controlled substance violation identified in subsection (a)(5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 60 days if the court finds that the minor has violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both, as applicable, and the court orders described in subsection (a)(4).
 - (4) The court may order a minor that is responsible for or guilty of a violation under this subsection (a) to: (i) participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of the office of substance abuse services, (ii) perform community service, and (iii) to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5), all of which shall be at the minor's own expense.
 - (5) A minor that is subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsections (a)(2) or (3), may be ordered by court to submit to random or regular preliminary chemical breath analysis, which may be requested by the minor's parent, guardian, or custodian as provided in MCL 436.1703(5).
 - (6) For purposes of subsections (a)(2) and (3), "prior judgment" means a conviction, juvenile adjudication, or finding or admission of responsibility for a violation of the statutes listed in this subsection, or any federal or state law or local ordinance that substantially corresponds to any of those listed statutes:
 - c. This subsection (a) or MCL 436.1703(1).
 - d. A misdemeanor violation that is dismissed under subsection (c), MCL 436.1703(3), or other local ordinance substantially corresponding to that statute.
 - e. MCL 436.1701 (Sale/furnish alcohol to minors.)
 - f. MCL 436.1707 (Sale/service/furnish alcohol to intoxicated persons.)

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 11 OFFENSES

(CHAPTER 11, ARTICLE IX, DIVISION 1, SECTION 11-384 cont.)

- g. MCL 257.624a (Transport/possess open alcohol in motor vehicle.)
 - h. MCL 257.624b (Transport/possess open alcohol in motor vehicle by minor.)
 - i. MCL 257.625 (Operating motor vehicle while intoxicated/impaired.)
 - j. MCL 324.80176 (Operating boat while under influence.)
 - k. MCL 324.81134 (Operating off-road vehicle while under influence.)
 - l. MCL 324.82127 (Operating snowmobile while under influence.)
 - m. MCL 750.167a (Hunting with firearm/weapon while intoxicated.)
 - n. MCL 750.237 (Carry/possess/use/discharge firearm while under influence.)
- (a) A person who furnishes fraudulent identification to a minor or, notwithstanding subsection (a), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than one hundred dollars (\$100.00), or both.
- (b) If a minor pleads guilty, or admits in a juvenile delinquency proceeding to a violation of subsection (a)(2), the court may defer further proceedings and place the minor on probation under MCL 436.1703(3), which provides for dismissal of the proceedings upon the terms and conditions of probation being fulfilled. An individual may only obtain one (1) dismissal under MCL 436.1703(3).
- (c) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. A peace officer may initiate civil infraction or misdemeanor charges for a violation of subsection (a) based in whole or in part upon the results of a preliminary chemical breath test analysis. The results of a preliminary chemical breath test analysis or other acceptable blood alcohol test are admissible in a civil infraction or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (d) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed under the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, by the Liquor Control Commission, or by an agent of that Commission, if the alcoholic liquor is not possessed for his or for personal consumption.
- (e) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course.
- (f) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section.
- (g) Subsection (a) does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the Township prosecutor's office as part of an employer-sponsored internal enforcement action or under the direction of the state police, Liquor Control Commission, or Police Chief as part of an enforcement action
- (h) In a civil infraction proceeding or criminal prosecution for the violation of subsection (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (i) As used in this section, "any bodily alcohol content" means either of the following:
- (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(Ord. of 11-8-2004)

(CHAPTER 11, ARTICLE IX, DIVISION 1 cont.)

Editor's note: An ordinance of November 8, 2004 amended the Code by, in effect, repealing former § 11-384, and adding a new § 11-384. Former § 11-384 pertained to the purchase, consumption and possession of alcoholic liquor by minors; and derived from the Compiled Ordinances of 1986, § 20.557; and ordinances of May 13, 1996 and May 27, 1998. Ord Amended 01/01/2018.

Sec. 11-385. Soliciting immoral conduct; Misdemeanor.

It shall be unlawful for any person to accost, entice or solicit a child under the age of sixteen (16) years with intent to induce or force such child to commit an immoral act, or to submit to an act of sexual intercourse, or an act of gross indecency, or to any other act of depravity or delinquency or to suggest to such child any of the aforementioned acts.

(Comp. Ords. 1986, § 20.479)

Sec. 11-386. Tobacco and Vapor Products--Definitions.

As used in Sections 11-383, 11-387 and 11-388, vapor product has the meaning defined in Section 11-001 and tobacco product has the same meaning as defined in the Youth Tobacco Act, MCL 722.644, as amended, which is a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco such as chewing tobacco (loose tobacco or a tobacco which may be inhaled through the nostrils, chewed or placed against the gums.)

(Ord. of 8-14-1995, Ord. of 2-11-2019)

Sec. 11-387. Purchase, possession, or use of tobacco products or vapor products by minor prohibited; Misdemeanor.

- (a) Except as provided in this section and in MCL 722.642, as amended, a person under the age of eighteen (18) years shall not do any of the following:
- (1) Purchase or attempt to purchase a tobacco product or vapor product.
 - (2) Possess or attempt to possess a tobacco product or vapor product.
 - (3) Use a tobacco product or vapor product in a public place.
 - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.
- (b) Subsection (a) does not apply to a minor participating in any of the following:
- (1) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the Township attorney's office as part of an employer-sponsored internal enforcement action.
 - (2) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of a Township police officer as part of an enforcement action.
 - (3) Compliance checks in which the minor attempts to purchase tobacco products or vapor products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in Section 6103 of the public health code, 1978 PA 368, MCL 333.6103, and with the prior approval of the Township police department.
- (c) Subsection (a) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.
- (d) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the violation of subsection (a).

(Ord. of 8-14-1995; Ord. of 3-10-2008, Ord. of 2-11-2019)

Sec. 11-388. Purchase, possession, or use of tobacco and vapor products by minor--Penalty and sanctions.

An individual who violates Section 11-387 is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each violation. Pursuant to a probation order, the court may also require an individual who violates Section 11-387 to participate in a health promotion and risk

(CHAPTER 11, ARTICLE IX, DIVISION 1, SECTION 11-388 cont.)

reduction assessment program if available. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, an individual who violates Section 11-387 is subject to the following:

- (a) For the first violation, the court may order the individual to do the following:
 - (1) Perform not more than sixteen (16) hours of community service in a hospice, nursing home, or long-term care facility
 - (2) Participate in a health promotion and risk reduction program, as described in this subsection.
- (b) For a second violation, in addition to participating in a health promotion and risk reduction program, the court may order the individual to perform not more than thirty-two (32) hours of community service in a hospice, nursing home, or long-term care facility.
- (c) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than forty-eight (48) hours of community service in a hospice, nursing home, or long-term care facility.
(Ord. of 8-14-1995; Ord. of 3-10-2008)
(Ord. of 7-8-2002, Ord. of 2-11-2019)

Secs. 11-387--11-395. Reserved

Division 2. Curfew*

**State law references: Curfew for minors, MCL 722.751 et seq.*

Sec. 11-396. Minors under seventeen; Misdemeanor.

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, congregate, or otherwise be in or on any public street, highway, alley, park, school, or any public place, between the hours of 12:00 midnight and 6:00 a.m., except where the minor is accompanied by a parent or guardian or some adult at least twenty-one (21) years of age delegated by the parent or guardian to accompany such child, or where the presence of the minor is connected with and required by some legitimate work, trade, profession, or occupation in which the minor is upon an emergency errand or other legitimate business directed by his parent or guardian.
(Comp. Ords. 1986, § 20.205)

Sec. 11-397. Minors under thirteen; Misdemeanor.

No minor under the age of thirteen (13) years shall loiter, idle or congregate, or otherwise be in or on any public street, highway, alley, park, school, or other public place, including but not limited to shopping centers, places of amusement, private recreation areas or similar places, between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.
(Comp. Ords. 1986, § 20.204)

Sec. 11-398. Parental responsibility; Civil infraction.

The parent or guardian of a minor subject to the provisions of this division shall be held responsible for the enforcement of Sections 11-396 and 11-397. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b) of this Code.

Sec. 11-399. Presumption against parents; Misdemeanor.

Any person assisting, aiding, abetting, or encouraging any minor to violate the provisions of Sections 11-396 or 11-397 shall be guilty of a violation of this Code and when any such minor is found violating the provisions of Section 11-396 or 11-397, a presumption shall arise that the parent or legal guardian having the care and custody of the minor assisted, aided, abetted and encouraged such minor in so violating that section.

(CHAPTER 11, ARTICLE IX, DIVISION 1, SECTION 11-388 cont.)

(Comp. Ords. 1986, § 20.206)

(Ord. of 7-8-2002)

Editor's note: An ordinance of July 8, 2002 amended the Code by adding a new § 11-400. In order to avoid duplication of section numbers, the editor has re-designated the new provisions as § 11-399.1.

ARTICLE X WATERCRAFT REGULATIONS

Sec. 11-400. Background and definitions.

Adoption of the regulations in this Article as Township ordinances, which correspond to the identified “R” or “WC” section of the Administrative Code for the State of Michigan, required and received prior approval by the Michigan Department of Natural Resources under a procedure that is now provided for in Part 801, Marine Safety (MCL 324.80101 – MCL 324.80199) of Act 451 of the Public Acts of 1994 (Natural Resources and Environmental Protection Act, as amended, with words and phrases used in this Article having the same meaning as words and phrases defined in that statute.

(Comp. Ords. 1986, § 20.261)

Sec. 11-401. Pontiac Lake - Mandatory distance from shoreline for operation of boats; Civil infraction.

On the waters of Pontiac Lake, Township of White Lake/Township of Waterford, County of Oakland, State of Michigan, persons operating vessels shall, in addition to the restrictions set forth in Act 451 of the Public Acts of 1994 (Natural Resources and Environmental Protection Act, Part 801 “Marine Safety”) (MCL 324.80101 et. seq.) as amended, maintain a distance of one hundred (100) feet from the shoreline and from any island, except when proceeding at a slow, no-wake speed or when picking up or dropping off water skiers in a manner that is done with due regard to the safety of persons and property, in a line perpendicular to the shoreline insofar as it is reasonably possible, and in accordance with the laws of this state. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b).R281.763.12

(Comp. Ords. 1986, § 20.121)

Sec. 11-402. Pontiac Lake - Mandatory distance from shoreline for water skiing and similar activities, Civil infraction.

Persons navigating, steering or controlling themselves while being towed on water skis, water sleds, surfboards or similar contrivances shall maintain a distance of one hundred (100) feet from the shoreline and from any island, raft, buoyed or occupied bathing area or vessel moored or at anchor, except when being picked up or dropped off, so long as such operation is otherwise conducted with due regard to the safety of persons and property and in a line perpendicular to the shoreline insofar as it is reasonably possible, and in accordance with the laws of this state. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b). R 281.763.13

(Comp. Ords. 1986, § 20.122)

(Comp. Ords. 1986, § 20.261)

Sec. 11-403. Gerundegut Bay - Speed of vessels restricted; Civil infraction.

On the waters of Gerundegut Bay and connected artificial and natural canals and channels, Section 3, Town 2 North, Range 9 East, West Bloomfield Township, and Sections 33 and 34, Town 3 North, Range 9 East, Waterford (Charter) Township, Oakland County, beginning at a line running from the point where Center Drive intersects the westerly shore and thence northeasterly to the nearest shore, it is unlawful for the operator of a vessel to exceed a slow, no-wake speed, which

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 11 OFFENSES

(CHAPTER 11, ARTICLE X cont.)

means a very slow speed whereby the wake or wash created by the motorboat would be minimal. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b).

R 281.763.17

(Comp. Ords. 1986, § 20.262)

Sec. 11-404. Lake Oakland Canal: Slow - No Wake Speed.

On the waters of Lake Oakland Canal, from the dam at Donzi Cove Drive north to the end of Lakeshore Drive in Waterford, located within section 2, town 3 north, range 9 east of Waterford Township, County of Oakland, State of Michigan, it is unlawful for the operator of a vessel to exceed a slow--no wake speed. Slow--no wake speed means a very slow speed whereby the wake or wash created by the motorboat would be minimal. The boundaries of the area described immediately above shall be marked with signs and/or with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System. Violation of this Section is a civil infraction punishable as provided in Section 1-010(b). WC-63-10-001

(Ord. of 6-28-2010)