

CHAPTER 50: OFFENSES

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ARTICLE I: GENERAL

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§ 50.101 POSTING OF SIGNS PROHIBITED; REMOVAL; NOTICE.

(A) *Posting of signs prohibited.* It shall be unlawful for any person, except a public office or employee in the performance of a public duty or a private person in giving a legal notice, to paste, post, paint, print, nail, glue, attach or otherwise fasten any sign, poster, advertisement or notice of any kind upon any property, public or private, or cause or authorize the same to be done, without the consent, authorization or ratification in writing of the owner, holder, occupant, lessee, agent or trustee thereof; provided, that this section shall not apply to the distribution of handbills, advertisements or other printed matter that are not securely affixed to the premises.

(B) *Removal of political signs and posters; notice.*

(1) It shall be unlawful for any political candidate running for any elected office within the city who has pasted, posted, painted, marked, glued, attached or otherwise fastened any political sign, poster, advertisement or notice upon any public property, or who has caused or authorized any agent so to do, to leave remaining such signs, posters, advertisements or notices in a displayed condition for more than 15 days after written notice is given to said candidate of the location of said displays by the City Administrator. For the purpose of this division, written notice shall be by first class mail sent through the U.S. Postal Service to the address listed by the candidate as his home address on his registration for candidacy.

(2) For purposes of this division, a candidate running for any elected office who is named on such signs, posters, advertisements or notices is presumed to have caused or given authority for the erection or placement of said displays, such presumption being rebuttable upon evidence shown by said candidate.

(Ord. 137, passed 6-17-74) Penalty, see § 50.199

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§ 50.102 POSSESSION OR ABANDONMENT OF CERTAIN ICE BOXES, REFRIGERATORS AND OTHER CONTAINERS.

It shall be unlawful for any person, firm or corporation to keep, possess, have, leave or abandon any unused ice box, refrigerator, or any other air tight container which cannot be opened from the inside, in any place within the city which is readily accessible to children, unless the door or latch of such ice box, refrigerator or other container shall have first been removed or unless a steel band shall have first been installed in a manner so as to prohibit the opening of such ice box, refrigerator, or other container without cutting said steel band.

(Ord. 110, passed 8-3-70) Penalty, see § 50.199

§ 50.103 PASSING BAD CHECKS.

Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft or order for the payment of money, to apply in 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, or any person who, with the intent to defraud, shall make, draw, utter or deliver any check, draft or order for the payment of money to apply on account or otherwise, upon any bank or other depository and who shall not have sufficient funds for the payment for same when presentation for payment is made to the drawee, 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, shall, if the amount payable in the check is \$50 or less, be guilty of a misdemeanor.

(Ord. 234, passed 12-1-91) Penalty, see § 50.199

§ 50.104 FALSE PERSONATION OF PUBLIC OFFICER.

Any person who falsely assumes or pretends to be a police officer, sheriff, deputy, deputy sheriff, conservation officer, coroner, or constable, and who takes upon himself or herself to act as such, or to require any person to aid and assist him or her in any matter pertaining tot he duty of a police officer, sheriff, deputy, deputy sheriff, conservation officer, coroner, or constable, or shall falsely take upon himself or herself to act or officiate in any office or place of authority, shall be guilty of a misdemeanor.

(Ord. 235, passed 12-16-91; amended by Codification Ordinance) Penalty, see § 50.199

§ 50.105 HARASSING COMMUNICATIONS.

Any person who uses any service provided by a communication carrier 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 shall be guilty of a misdemeanor.

General

(A) Threatening physical harm or damage to any person or property in the course of a telephone conversation.

(B) Falsely reporting by telephone or telegraph message 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.

(C) 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 interfacing any communication service.

(D) Using any vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a telephone conversation.

(E) Communication with a person, anonymously, or otherwise by telephone, or by telegraph, mail or any other form of written communication in a manner likely to harass or cause alarm.

(F) Making a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication.

(Ord. 283, passed 2-5-96; amended by Codification Ordinance)Penalty, see § 50.199

§ 50.106 USE OF TOBACCO PRODUCTS.

(A) *Generally.* A person shall not use a tobacco product on the following described city properties:

(1) Within the building structure of the Rogers Lodge located on Rogers Lodge Drive.

(2) Within the building structure of the city offices located at 505 West Vienna Street.

(3) Within the building structure of the Clio Area Art Center located on Rogers Lodge Drive.

(4) Within the Clio Area Amphitheater in any area designated for seating of persons in attendance at and during a performance at the Clio Area Amphitheater.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TOBACCO PRODUCTS. A preparation of tobacco to be inhaled, chewed or placed in a person's mouth.

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USE OF A TOBACCO PRODUCT.

- (1) The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.
- (2) The inhaling or chewing of a tobacco product.
- (3) The placing of a tobacco product within a person's mouth.

(C) *Enforcement.* The Police Department shall be the agency responsible for the enforcement of this section.

(Ord. 268, passed 11-1-93) Penalty, see § 50.199

§ 50.107 PURCHASE OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF 21.

For provisions regarding minors and sales to, purchase by or possession of alcoholic beverages, see §§ 50.306, 50.307, 50.309.

(Ord. 336, passed 3-18-02; amended by Ord. 344, passed 10-7-02) Penalty, see § 50.199

§ 50.108 USE OF OUTDOOR WOOD-FIRED BOILERS PROHIBITED.

(A) *Purpose.* This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Clio, by preventing air pollution and other potential hazards of outdoor wood-fired boilers.

(B) *Findings.* Research summarized in several publications, including but not limited to United States Environmental Protection Agency (EPA) reports, indicates that there exist certain potentially severe negative health effects of wood-fired boiler emissions on humans when such boilers are installed and used in non-rural settings. At this time, there are no applicable and mandated state or federal standards for determining which, if any, wood-fired boilers would not produce such likely and unacceptable risks to humans if used within the city.

(C) *Definition.* For the purpose of this section, **OUTDOOR WOOD FIRED BOILERS** shall mean, but not necessarily be limited to, a wood-fired boiler, stove, furnace or wood-fired hydronic heater that is not located within a building intended for habitation by humans or domestic animals.

(D) No outdoor wood-fired boilers shall be installed or used within the City of Clio.

(E) *Applicability.* This section does not apply to:

General

(1) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking, grilling appliances or portable fire pits;

(2) Burning for the purpose of generating heat in a stove, furnace, fireplace or other wood-fired heating device contained within a building used for human or animal habitation; and

(3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(Ord. 418, passed 1-19-10) Penalty, see § 50.199

§ 50.199 PENALTY.

(A) Any person who violates the provisions of § 50.101 of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$500 and costs of prosecution or by imprisonment in the Genesee County Jail for a period not to exceed 90 days or by both such fine and imprisonment in the discretion of the court. Each and every day that such violation shall continue shall constitute a separate and distinct violation of the provisions of this article.

(Ord. 283, passed 2-5-96)

(B) Any person who violates the provisions of § 51.106 of this article shall be guilty of a misdemeanor punishable by a fine of not more than \$50.

(C) Any person who shall violate any provision of § 50.108 shall, upon conviction, be punished with a fine of not to exceed \$500 and cost of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

(Ord. 268, passed 11-1-93; Am. Ord. 418, passed 1-19-10)

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ARTICLE II: DRUG OFFENSES

Section

General Provisions

- 50.201 Possession of marijuana
- 50.202 Use of marijuana

Controlled Substances Paraphernalia

- 50.210 Title
- 50.211 Definitions
- 50.212 Regulations

Property Forfeiture

- 50.225 Forfeiture of controlled substances and related products and property

- 50.299 Penalty

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§ 50.201 POSSESSION OF MARIJUANA.

A person who knowingly or intentionally possesses marijuana within the city shall be guilty of a misdemeanor. **MARIJUANA** means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation fiber, oil, cake, or the sterilized seed of the plant which is incapable of germination.

(Ord. 239, passed 3-16-92) Penalty, see § 50.299

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§ 50.202 USE OF MARIJUANA.

A person shall not use a controlled substance or controlled substance analogue unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this article. (Ord. 409, passed 4-20-09) Penalty, see § 50.299

CONTROLLED SUBSTANCES PARAPHERNALIA

§ 50.210 TITLE.

This subarticle shall be known as the "Controlled Substances Paraphernalia Ordinance." (Ord. 211, passed 6-2-86)

§ 50.211 DEFINITIONS.

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

COCAINE SPOON. A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuitable for the typical use of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "coke spoon" or "cocaine spoon."

CONTROLLED SUBSTANCE. Any drug, substance, or immediate precursor enumerated in 1978 P.A. 368 Section 7210 - 7220, as the "Health Code."

DRUG PARAPHERNALIA. Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, including, but not limited to, all of the following:

(1) An isomerization device specifically designed for use in increasing the potency of any species of plant, which plant is a controlled substance;

(2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance;

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(3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance;

(4) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance;

(5) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body;

(7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(8) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(9) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror;

(10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user;

(11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose;

(12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing controlled substances; and

(13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

MARIJUANA OR HASHISH PIPE. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is smoking of marijuana or hashish, rather than lawful smoking of tobacco, and which may or may not be equipped with a screen.

PARAPHERNALIA. An empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement, or device which is primarily adapted or designed for the administration or use of any controlled substance.

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PERSON. Any individual, corporation, governmental agency, business trust, estate, trust, partnership or association.

(Ord. 211, passed 6-2-86; Am. Ord. 409, passed 4-20-09)

§ 50.212 REGULATIONS.

(A) It shall be unlawful for any person to possess, sell, offer for sale, display, furnish, supply or give away any drug paraphernalia or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance as enumerated in Sections 7210 - 7220, 1978 P.A. 368, as amended (commonly known as the Health Code).

(B) The regulations contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, clinical laboratories, medical and osteopathic doctors, dentists, veterinarians pharmacists or embalmers engaged in the normal, lawful course of their respective businesses or professions, nor to common carriers or warehouses or their employees in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injections.

(Ord. 211, passed 6-2-86; Am. Ord. 409, passed 4-20-09) Penalty, see § 50.299

PROPERTY FORFEITURE

§ 50.225 FORFEITURE OF CONTROLLED SUBSTANCES AND RELATED PRODUCTS AND PROPERTY.

Pursuant to M.C.L.A. § 42.23, the city has adopted by reference the following provisions: M.C.L.A. §§ 333.7521, 333.7522, 333.7523, 333.7524, 333.7524(a), 333.7525, 333.7527, 333.7531 and 333.17766(a). A copy of this ordinance and the sections of the Michigan Compiled Laws Annotated which have been adopted by reference can be inspected or obtained at the city offices during regular business hours.

(Ord. 357, passed 4-5-04)

§ 50.299 PENALTY.

(A) Any person who shall violate any provision of this article shall, upon conviction, be punished with a fine of not to exceed \$500 and cost of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both, such fine and imprisonment in the discretion of the court. Each day of the violation shall be considered a separate offense.

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(B) A person who violates § 50.202 as to marijuana is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100, or both.
(Ord. 239, passed 3-16-92 and Ord. 211, passed 6-2-86; Am. Ord. 409, passed 4-20-09)

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ARTICLE III: OFFENSES AGAINST MINORS

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- 50.301 Definitions
- 50.302 Parental responsibility
- 50.303 Notification of parent; record of notification
- 50.304 Violation
- 50.305 Contributing to delinquency of minors
- 50.306 Sales of alcoholic beverages to persons under 21 years of age
- 50.307 Purchase of alcoholic beverages by persons under 21 years of age
- 50.308 Underage smoking or possession of tobacco materials
- 50.309 Transporting, purchasing, possessing of alcoholic beverages by minor

Curfew

- 50.315 Minors 12 and under
- 50.316 Minors 14 and under
- 50.317 Minors under 18
- 50.318 Failure of parent or guardian to collect minor
- 50.319 Persons 18 or over abiding or abetting violations
- 50.320 Exceptions

- 50.399 Penalty

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§ 50.301 DEFINITIONS.

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

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DELINQUENT ACTS. Those acts which violate the laws of the United States, the laws of the State of Michigan or the ordinances of the city; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Division of the Probate Court as defined by M.C.L.A. § 712a.2, being M.S.A. § 27.3178(598.2); or those acts by which the minor intentionally causes physical harm to another or deliberately creates an unreasonable risk of physical harm to himself or herself or to others. ***DELINQUENT ACTS*** do not include traffic violations.

DRUGS. Any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in Part 72 of the Health Code being Sections 333.7201 et seq. of the Michigan Compiled Laws.

MINOR. Any unemancipated person under 18 years of age.

PARENT. A mother, father, or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.
(Ord. 286, passed 10-7-96)

§ 50.302 PARENTAL RESPONSIBILITY.

(A) The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

(B) The parental responsibility to exercise reasonable control includes the following duties, set forth for the purposes of illustration and not limitation:

(1) To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;

(2) To keep firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent.

(3) To know the curfew ordinance of the city and to require the minor to observe the curfew ordinance;

(4) To prevent the minor from maliciously or wilfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the city.

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(5) To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.
(Ord. 286, passed 10-7-96)

§ 50.303 NOTIFICATION OF PARENT; RECORD OF NOTIFICATION.

Whenever a minor is arrested or detained by the City Police Department for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the city police of the minor's arrest or detention and the reason therefore, and of the parent's responsibility under this section.
(Ord. 286, passed 10-7-96)

§ 50.304 VIOLATION.

If the minor of a parent commits a delinquent act within the city, the parent shall be guilty of a violation of this article if:

(A) It is proven that any act, word or non-exercise of parental responsibility by the parent encouraged, caused or allowed to occur the commission of the delinquent act by the minor; or

(B) It is proven that the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If at any time within 45 days following the giving of notice as provided by § 50.303 above, the minor to whom said notice related or applied commits a delinquent act with the knowledge, allowance, permission or sufferance of the parent.
(Ord. 286, passed 10-7-96; amended by Codification Ordinance) Penalty, see § 50.399

§ 50.305 CONTRIBUTING TO DELINQUENCY OF MINORS.

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 18 year to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the Probate Court, or cause or permit any minor child to engage in any occupation that would be likely to endanger the minor child's health or deprave the minor child's morals, or to habitually permit the child to frequent the company of or consort with reputed thieves or prostitutes, whether or not such child in fact be adjudicated a ward of the Probate Court.
(Ord. 286, passed 10-7-96) Penalty, see § 50.399

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§ 50.306 SALES OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE.

It shall be unlawful for any person within the city either directly or indirectly by himself, his clerk, agent, servant or employees, to at any time sell, furnish, give or deliver any alcoholic liquor to any person unless such person has attained the age of 21 years; and it shall be unlawful for any person, either directly or indirectly by himself, his clerk, agent or servant or employee, at any time to sell, furnish, give or deliver any alcoholic liquor to any person who is so intoxicated as not to be in control of all his faculties; provided, however, that nothing contained in this section shall prohibit the sale of an alcoholic beverage to a minor upon authority of and pursuant to a prescription of a duly licensed physician.

(Ord. 344, passed 10-7-02)

§ 50.307 PURCHASE OF ALCOHOLIC BEVERAGES BY PERSONS UNDER 21 YEARS OF AGE.

(A) It shall be unlawful for any person under the age of 21 years to at any time purchase, offer or attempt to purchase, obtain, consume, or bring into any premises within the city for which a license has been issued to sell intoxicating liquor on the premises, any alcoholic liquor.

(B) It shall be unlawful for any person within the city to procure the sale and furnishing of alcoholic liquor to any person under the age of 21 years, to make any false representations as to the age of the person for whom the alcoholic liquor is desired.

(C) It shall be unlawful for any person within the city under the age of 21 years to furnish any false information regarding his age or make any false representations as to his age to any law enforcement officer, or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining a sale of any alcoholic liquor to himself; provided, nothing contained in this section shall prohibit the purchase of an alcoholic beverage by a minor under authority of and pursuant to a prescription of a duly licensed physician.

(Ord. 344, passed 10-7-02)

§ 50.308 UNDERAGE SMOKING OR POSSESSION OF TOBACCO MATERIALS.

(A) Use or possession of tobacco products by a minor in public or in a school or upon school grounds is prohibited; civil fine.

(B) A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form,

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on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement or in a school or on school grounds.

(Ord. 344, passed 10-7-02)

§ 50.309 TRANSPORTING, PURCHASING, POSSESSING OF ALCOHOLIC BEVERAGES BY A MINOR.

(A) *Transporting alcoholic beverages.* It shall be unlawful for any person within the city under the age of 21 to knowingly possess, transport or have under his control in any motor vehicle, any alcoholic liquor unless that person is employed by a licensee licensed under the laws of the state and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his control during his regular working hours and in the course of his employment. Any person under the age of 21 shall be in violation of this section whenever any alcoholic liquor is found in an automobile operated by him, even though he is not the registered owner and notwithstanding such alcoholic liquor was purchased by others or brought in the motor vehicle by others. The mere presence of alcoholic liquor in the automobile, with the knowledge of the driver, shall constitute a violation of this section on the part of the driver. **ALCOHOLIC LIQUOR** as used in this chapter shall have the meaning defined in the Michigan Liquor Control Act, being M.C.L.A. §§ 436.1 *et seq.*, as amended.

(B) *Persons under 21 who purchase, consume in a licensed premises or possess alcoholic liquor.* A person less than 21 years of age shall not purchase alcoholic liquor, consume alcoholic liquor in a licensed premises or possess alcoholic liquor unless the person is employed by a licensee under the Michigan Liquor Control Act, being M.C.L.A. §§ 436.1 *et seq.* A person less than 21 years of age who violates this subsection is liable for the civil fines set forth in M.C.L.A. §§ 436.1 *et seq.*, as amended. (Ord. 344, passed 10-7-02)

CURFEW

§ 50.315 MINORS 12 AND UNDER.

No minor of the age of 12 years or under shall loiter, idle, congregate or be in or on any public street, highway, alley, park or other public place between the hours of 10:00 p.m. and 6:00 a.m., subject to the exceptions of § 50.320.

(Ord. 286, passed 10-7-96; amended by Codification Ordinance) Penalty, see § 50.399

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§ 50.316 MINORS 14 AND UNDER.

No minor the age of 14 years or under shall loiter, idle, congregate or be in or on any public street, highway, alley, park or other public place between the hours of 11:00 p.m. and 6:00 a.m., subject to the exceptions of § 50.320.

(Ord. 286, passed 10-7-96; amended by Codification Ordinance) Penalty, see § 50.399

§ 50.317 MINORS UNDER 18.

No minor under the age of 18 years shall loiter, idle, congregate or be in or on any public street, highway, alley, park or other public place between the hours of midnight and 6:00 a.m., immediately following, subject to the exceptions of § 50.320.

(Ord. 286, passed 10-7-96; amended by Codification Ordinance) Penalty, see § 50.399

§ 50.318 FAILURE OF PARENT OR GUARDIAN TO COLLECT MINOR.

Any parent of a minor child who is notified that his or her minor child has been taken into custody for a violation of the city code and who thereafter fails or refuses to collect said minor child from the authorities or make provisions therefor within a period of three hours after notification shall be responsible for a municipal civil infraction. Upon conviction of a violation of this section, a parent shall be subject to a fine in the amount of the actual cost to the Police Department in arresting and detaining the minor child.

(Ord. 286, passed 10-7-96; amended by Codification Ordinance) Penalty, see § 50.399

§ 50.319 PERSONS 18 OR OVER ABIDING OR ABETTING VIOLATIONS.

Any person 18 years of age or older, who assists, aids or abets, allows, permits or encourages any minor under the age of 18 years to violate the city ordinances, shall be guilty of a misdemeanor.

(Ord. 286, passed 10-7-96) Penalty, see § 50.399

§ 50.320 EXCEPTIONS.

This subarticle (§§ 50.315 *et seq.*) does not apply to a minor who is:

(A) Accompanied by a parent, guardian, or custodian;

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(B) Accompanied by an adult specified by a parent, guardian, or custodian;

(C) Carrying out an errand or other lawful activity directed by a parent, guardian, or custodian; or

(D) Occupying the sidewalk of the place where the minor has permission from his or her parent or guardian to be, or the sidewalk of a next-door neighbor not communicating an objection to a police officer; or

(E) Participating in, going to, or returning from: a lawful athletic, educational, entertainment, religious, or social event; or interstate travel.

(Codification Ordinance)

§ 50.399 PENALTY.

(A) Any person in violation of §§ 50.304, 50.305 or 50.319 shall be guilty of a misdemeanor, and upon conviction shall be ordered to perform 16 hours of community service and, in addition shall be subject to a fine not to exceed \$500 or 90 days in jail, or both fine and jail in the discretion of the court.

(B) Any person in violation of §§ 50.315, 50.316, 50.317 or 50.318 shall be guilty of a municipal civil infraction, and upon conviction shall be subject to a fine not to exceed \$500.

(Ord. 286, passed 10-7-96; amended by Codification Ordinance)

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ARTICLE IV: OFFENSES AGAINST PROPERTY

Section

General Provisions

- 50.401 Retail fraud
- 50.402 Larceny under \$100; receiving and concealing
- 50.403 Damage to school buildings

Breaking and Entering

- 50.415 Purpose
- 50.416 Offenses

- 50.499 Penalty

GENERAL PROVISIONS

§ 50.401 RETAIL FRAUD.

A person who does any of the following, in a store or in its immediate vicinity, is guilty of retail fraud in the second degree and shall be guilty of a misdemeanor:

(A) While a store is open to the public, alters, transfers, removes or replaces, conceals or otherwise misrepresents 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, steals property of the store that is offered for sale.

(C) With intent to defraud, obtains or attempts 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.

(D) To request and obtain gasoline, oil or other merchandise at a gasoline station in the city and flees without paying for the same, with the intention to defraud the owner of the business.

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(E) To order and consume any food and/or drink without making full payment for the same.
(Ord. 241, passed 5-4-92) Penalty, see § 50.499

§ 50.402 LARCENY UNDER \$100; RECEIVING AND CONCEALING.

(A) A person who shall take any property not his own or to which he has no legal right or claim from another person, a building or a vehicle, having a value of \$100 or less, shall be guilty of the misdemeanor offense of larceny.

(B) A person who shall receive or possess any property of another having a value of \$100 or less, knowing the same to be stolen, shall be guilty of a misdemeanor.

(C) As used in this section, **PROPERTY** shall include but not be limited to the following: money, goods or chattels, bank note or bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, book of accounts, for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record.
(Ord. 242, passed 5-4-92) Penalty, see § 50.499

§ 50.403 DAMAGE TO SCHOOL BUILDINGS.

(A) No person shall mark with any substance, or in any other manner deface or do damage to any building owned, occupied, or otherwise used as a school within the city.

(B) No person shall mark with any substance, or in any other manner deface or do damage to any fence, tree, lawn or other fixture situated on lands owned, occupied, or otherwise used by a school within the city.

(C) No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall wilfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

(D) No person while on public or private lands adjacent to any building or lands owned, occupied or otherwise used by a school within the city, in or on which any gathering or function is in progress, whether in the day or nighttime, shall wilfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

(E) No person, who is not a student required to be in attendance at that school, a teacher, administrator, custodian or employee of the school, shall, during school hours, remain within the school or upon school grounds without securing the permission of the principal or person in charge of said school.

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(F) No person, student or otherwise, at any time, shall operate any vehicle, to include motorcycles and snowmobiles, upon school grounds within the city except when on legitimate school business.

(G) No person, student or otherwise, shall remain upon school grounds or within a school owned, occupied or used by any school within the city, after being ordered to leave by any teacher or administrator of the school or other person given such authority by the Board of Education administering the school.

(Ord. 134, passed 1-21-74) Penalty, see § 50.499

BREAKING AND ENTERING

§ 50.415 PURPOSE.

To provide for penalties, upon conviction, for anyone who would enter, without breaking, any dwelling or structure, used or kept for public or private use, without first obtaining permission to enter from the owner or occupant.

(Ord. 266, passed 4-5-93)

§ 50.416 OFFENSES.

(A) Any person who shall 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 other out-building 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, shall be guilty of a misdemeanor; provided, that this section shall not apply to entering without, breaking any place which, at the time of such entry was open to the public, unless such entry has been expressly denied.

(B) This section shall not apply in cases where the breaking and entering or entering without breaking was committed by a peace officer or someone under his direction in the lawful performance of his duties as such peace officer.

(Ord. 266, passed 4-5-93) Penalty, see § 50.499

§ 50.499 PENALTY.

A person who shall violate any provision of this article shall, upon conviction thereof, be punished

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by a fine not exceeding \$500 and cost of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. (Ord. 266, passed 4-5-93)

ARTICLE V: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

- 50.501 Definitions
- 50.502 Disorderly persons
- 50.503 Arrests without warrants for domestic assault and assault and battery
- 50.504 Noise disturbances; prohibited acts; exemptions

- 50.599 Penalty

§ 50.501 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever any words and phrases used herein are not defined but are defined in the State Penal Code, any such definition therein shall be deemed to apply to such words and phrases used herein.

COMMERCIAL AREA. A parcel of land zoned for or legally used for commercial purposes.

CONSTRUCTION. Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

CONTINUOUS NOISE. Any noise whose level continues for a period of at least five minutes.

DAYTIME. Unless otherwise specifically noted, means the hours from 7:00 a.m. to 9:00 p.m.

DEMOLITION. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma, property damage which demands immediate action.

IMPULSIVE NOISE. A short burst of sound not exceeding ten seconds in duration.

INDUSTRIAL AREA. A parcel of land zoned for or used for industrial purposes.

INTERMITTENT NOISE. Any noise whose level remains constant which goes on and off during a course of measurement of at least ten seconds, or goes on and off during a period of at least five minutes, but which exceeds ten seconds in duration each time it is on.

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NIGHTTIME. Unless otherwise specifically noted, means the hours from 9:00 p.m. to 7:00 a.m.

NOISE. Any sound occurring on either a perpetual, continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration and sub-audible frequencies.

NOISE DISTURBANCE. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensibilities; or
- (3) Endangers or injures personal or real property.

PERPETUAL NOISE. Any noise whose level continues for a period of at least 30 minutes.

PERSON. Any individual, association, partnership or corporation, and includes the city and other governmental entities.

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

REAL PROPERTY BOUNDARY. Any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

RECEIVING LAND USE. The (commercial, industrial or residential) use of the land on or at which a noise is received.

RESIDENTIAL AREA. A parcel of land zoned for or legally used for residential purposes.

WEEKDAY. Any day Monday through Friday which is not a legal holiday.
(Ord. 105, passed 5-18-70; amended by Ord. 379, passed 2-6-06)

§ 50.502 DISORDERLY PERSONS.

(A) No person shall be disorderly in the city.

(B) For the purposes of this article, a **DISORDERLY PERSON** shall be any person who shall engage in any act or practice hereinafter enumerated and any person who shall aid or abet such person to do such act or to engage in such practice:

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- (1) Commit an assault, or an assault and battery on any person or be engaged in or aid in any fight, quarrel, or other disturbance;
- (2) Be intoxicated in a public place and endanger directly the safety of another person or of property or act in a manner that causes a public disturbance;
- (3) Consume or offer any alcoholic liquor to any person in any automobile while parked or being driven on any public street or highway, or consume or offer any alcoholic liquor or beverage in any public place not licensed as a place of sale or consumption of alcohol;
- (4) Engage in any indecent or insulting language or conduct in any public place which is expected or intended to arouse the person addressed to anger or which is likely to invite a breach of the peace;
- (5) Fire, discharge, display, or possess any firearms, air rifle, air pistol, bow and arrow, sling shot, or other dangerous weapon within or into the city except as the same may be licensed or required by law;
- (6) Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by the Penal Code of the State of Michigan and the Code of the City of Clio;
- (7) Engage in the peeping in of windows of any inhabited place;
- (8) Beg in any public place in a manner which causes alarm or apprehension in any person;
- (9) Swim or bathe in any public place without wearing apparel that conforms to commonly accepted standards so as to prevent any indecent exposure of the person;
- (10) Employ loud or boisterous language in any public place so as to cause physical inconvenience, annoyance or alarm to the public, or laugh, talk, or otherwise disturb any school, meeting, or congregation lawfully assembled, whether for purposes religious, political, or otherwise;
- (11) Intentionally expose the genitalia of his or her body, including the exposure by a woman of her breasts in any public place or a place open to view of the public at large, or engage in any public masturbation, urination or similar conduct;
- (12) Print, publish, show, sell, offer for sale, exhibit, or distribute, or process any indecent or obscene pictures, drawings, engravings, paper, card, book, or pamphlet, image, representation, matter or thing in any public place;
- (13) Wilfully destroy, take, damage, alter, or in any manner deface any property of another or that which is not his own, or remove same from the building or place where it may be kept, placed or

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stored, without property authority, or mark or post hand bills on, or in any manner mark the walls of any public building, fence, tree, or pole within the city or destroy, take, disconnect, tamper, or meddle with any city water meter or any other property belonging to the city;

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Offenses Against Public Peace and Safety

(14) Insult, flirt, fondle, accost, molest, or otherwise annoy, either by mouth, sign, motion or any act, any person in any public place in a manner which is intended or expected to arouse or incite apprehension or anger in the person addressed;

(15) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds whose common object, with or without prior concert, is to commit an unlawful act, or a lawful act by unlawful means;

(16) Jostle or roughly crowd persons in any public place;

(17) Loiter, stand, sit or lie in or upon any public street or sidewalk or in any park or public building so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon; after first having been warned by a police officer, or where a "no loitering" sign or signs have been posted;

(18) Engage in any act of prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal act;

(19) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal business or occupation is permitted or conducted;

(20) Any person who shall willfully enter, upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or occupant, 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, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom or who violates a posted sign which forbids trespassing;

(21) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal act;

(22) Keep or maintain, or permit the use of, a gambling room, table, or equipment, or any policy or pool tickets to be used for gambling on any premises occupied, or controlled by him; or place, receive or transmit any bet on the outcome of any race, contest, or game of any kind whatsoever;

(23) Disturb the public peace and quiet by loud or boisterous conduct;

(24) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons;

(25) Make, aid, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to be a breach of the peace;

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(26) Obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of his duties as such, or direct insulting or offensive words to a police officer in a threatening manner;

(27) Prowl about any alley or the private premises of any other person, either by day or night, without authority or the permission of the owner of such premises;

(28) Turn in, or encourage to be turned in, a false alarm of fire or a false report or complaint to any city or school official;

(29) Knowingly sell, give or furnish liquor, wine, beer or other alcoholic beverages to any person under the age of 21 years, or to a drunken or intoxicated person, or to any disorderly person, or to any habitual drunkard;

(30) Wrongfully throw or propel any snowball, missile, or object from any moving vehicle;

(31) Wrongfully throw or propel any snowball, missile, or object toward any person or vehicle;

(32) No person shall beat, kick, injure, or torture or cruelly strike any dumb animal nor shall any person aid or assist another in so doing;

(33) Commit the offense of larceny, by stealing, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, release or defeasance or any writ, process or public record of the value of \$100 or less.

(Ord. 105, passed 5-18-70; amended by Ord. 122, passed 3-20-72; amended by Ord. 165, passed 2-6-78)
Penalty, see § 50.599

§ 50.503 ARRESTS WITHOUT WARRANTS FOR DOMESTIC ASSAULT AND ASSAULT AND BATTERY.

(A) A police officer who has reasonable cause to believe that an assault or an assault and battery has taken place or is taking place and that the person who committed or who is committing the violation has had a child in common with the victim, resides or has resided in the same household as the victim, or is a spouse or former spouse of the victim, may arrest the violator without a warrant for that violation, irrespective of whether the violation was committed in the presence of the police officer.

(B) Any person arrested pursuant to this section shall not be released on an interim bond or on his or her own recognizance, but shall be held until he or she can be brought before a magistrate for arraignment. If a magistrate is not available, or trial cannot be held, within 24 hours of arrest, the

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person shall be held for 20 hours, after which the person may be released on an interim bond or on his or her own recognizance.

(C) After investigating or intervening in a domestic dispute as described in this section, a peace officer shall provide the victim with a copy of the notice in this section. The notice shall be written and shall include all of the following:

- (1) The name and telephone number of the responding police agency.
- (2) The name and badge number of the responding peace officer.
- (3) The following statement:
 - A. You may obtain copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.
 - B. The domestic violence shelter program and other resources in your area are (a list of available shelters will be provided by the Police Department).
 - C. Information about emergency shelter, counseling services, and the legal rights of domestic violence victims are available from these resources.
 - D. Your legal rights include the right to go to court and file a petition requesting an injunctive order to protect you or other members of your household from domestic abuse which could include the following:
 1. An order restraining or enjoining the abuser from entering onto premises.
 2. An order restraining or enjoining the abuser from assaulting, beating, molesting, or wounding you.
 3. An order restraining or enjoining the abuser from threatening to kill or physically injure you or another person.
 4. An order restraining or enjoining the abuser from removing minor children from you, except as otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction.
 5. An order restraining or enjoining the abuser from engaging in stalking behavior.

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6. In those instances where an arrest is made pursuant to this section, the incident report prepared by the police officer shall be sent by facsimile transmission to the domestic shelter service provided in Subsection 4 above.”

(Ord. 278, passed 6-5-95; amended by Codification Ordinance)

§ 50.504 NOISE DISTURBANCES; PROHIBITED ACTS; EXEMPTIONS.

(A) It shall be unlawful for any person to unreasonably make, continue, or cause to be made or continued any noise disturbance.

(B) The following acts, and the causing thereof are declared to be in violation of this section:

(1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, boom box, or similar device which produces, reproduces, or amplifies sound:

(a) In such a manner to create a noise disturbance across a real property boundary;

(b) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.

(c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(2) Loudspeakers/public address systems.

(a) Using or operating for noncommercial purposes any loudspeaker, public address system, or similar device during the nighttime, so that the sound therefrom creates a noise disturbance across a residential real or property boundary.

(b) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device so that:

1. The sound therefrom creates a noise disturbance across a real property boundary;

or

2. During a nighttime or on a public right-of-way or public space.

(c) Using or operating for any noncommercial purpose any loudspeaker attached to a motor vehicle outside of the cab of the vehicle and which amplifies radio broadcast or recorded sound.

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(3) Exemptions. The provisions of this section shall not apply to the following:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(b) The emission of sound in the performance of emergency work.

(c) Motor vehicles and equipment for which noise levels are regulated by Act No. 73 of the Public Acts of Michigan of 1978 (M.C.L. 257.707a et seq., MSA 9.2407(1) et seq.), as amended and/or the City Traffic Code.

(d) Aircraft and trains.

(e) The erections (including excavating), demolition, alteration or repair of any building:

1. Between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday; or

2. At any other time if a permit has been secured from the Building Inspection Department. Such permit may be issued if the Building Inspection Department finds the following facts to exist:

a. Issuance of the permit is in the interest of public health or safety.

b. The public health and safety will not be impaired.

c. The permit is necessary to avoid substantial loss or inconvenience to an interested party.

(f) The operation of domestic tools such as lawnmowers, snow blowers, edgers, and the like, when such tools are operated in a manner and frequency that is normal and customary in the community.

(g) Public functions for which a request has been made may be given specific exemption by the City Commission or its designee.

(h) Sanctioned school functions.

(C) Street sales. Offering for sale or selling anything by shouting, or outcry within any residential or commercial area of the city except with a permit or license issued pursuant to any other provision of the City Code.

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(D) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary.

(E) Loading or unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects during the nighttime in such a manner as to cause a noise disturbance across a residential real property boundary.

(F) Vehicle or motorboat repairs and testing, Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(G) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than 100 dB(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating: "Warning: Sound Levels Within May Cause Permanent Hearing Impairment."

(H) Explosives, firearms, and similar devices, the use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in an public space or right-of-way.

(I) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoor in residential areas during the nighttime so as to cause a noise disturbance across a residential real property boundary, except in an emergency.

(Ord. 379, passed 2-6-06)

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§ 50.599 PENALTY.

(A) Any person violating § 50.502(B)(1); Assault and Battery, and or § 50.503; Domestic Assault and Battery, of this article shall upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 93 days, or both such fines and imprisonment in the discretion of the court.

(B) Any person violating any of the other provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court.

(C) A citizen will not be required to sign a complaint for a violation of § 50.504 if such complaint can be validly signed by the enforcing officer.

(Ord. 105, passed 5-18-70; amended by Ord. 263, passed 12-7-92; amended by Ord. 379, passed 2-6-06; amended by Ord. 425, passed 12-20-10)

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ARTICLE VI: OFFENSES AGAINST PUBLIC MORALS

Section

50.601 Display of offensive material

50.699 Penalty

§ 50.601 DISPLAY OF OFFENSIVE MATERIAL.

(A) It shall be unlawful for any person acting in a managerial capacity or being the owner, proprietor, operator or manager of a business to knowingly place offensive sexually explicit material upon public display, for purposes of sale, entertainment or distribution or fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence. The prohibition of this section shall not apply to broadcasts or telecasts through facilities licensed under the Federal Communications Act.

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

OFFENSIVE. The work in which the representation appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays the prohibited sexually explicit material in a manner which, taken as a whole, lacks serious literary, artistic, political or scientific value.

PUBLIC DISPLAY. In the context of films or motion pictures, means the projection of said films or motion pictures on any viewing screen outside a completely enclosed building or theater. In the context of photographs, drawings, sculptures or other visual representations, **PUBLIC DISPLAY** shall mean the placing of materials within the definition of the preceding definitions on or in a newsstand, display rack, window, showcase, display case or similar place so that said material is easily visible from a public thoroughfare, from the property of others, from a common walk or mall, or from that portion of the interior of place of business generally open to the public at the time of such placing.

SEXUALLY EXPLICIT MATERIAL. Any picture, photograph, drawing, sculpture, motion picture, film or other visual representation or image depicting uncovered, or less than opaquely covered, post pubertal human genitals or pubic areas in a lewd fashion, or depicting human sexual intercourse, human or animal masturbation, bestiality, oral intercourse, anal intercourse, human-animal intercourse, excretory functions, homosexual acts, direct physical stimulation or touching of unclothed genitals or pubic areas of the human male or female, flagellation or torture by or upon a person who is nude or clad in revealing or bizarre costumes in the context of a sexual relationship or sexual stimulation. The

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material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of these terms. Works of art or of anthropological significance are not included within this definition. (Ord. 180, passed 6-2-81) Penalty, see § 50.699

§ 50.699 PENALTY.

Every person who violates or refuses to comply with any section of this article shall be guilty of a misdemeanor, and upon conviction thereof, he shall be punished by a fine not to exceed \$500 or by imprisonment for not more than 90 days in the County Jail, or by both such fine and imprisonment in the discretion of the court. Each day during which a violation continues shall be deemed a separate offense. In addition to the criminal sanctions herein provided, the city may institute injunctive proceedings, or other appropriate civil proceedings to prevent, enjoin, abate or remove any violation of this article.

(Ord. 180, passed 6-2-81)

ARTICLE VII: FALSE REPORTS

Section

- 50.701 Filing a false report
- 50.702 Providing false identification
- 50.703 Raising a false alarm

- 50.799 Penalty

§ 50.701 FALSE REPORTS.

No person shall willfully and knowingly make to any law enforcement agency in the city a fictitious report of the commission of any crime including, but not limited to, crimes relating to a bombing, attempted bombing or threat to bomb knowing the same to be false.
(Ord. 335, passed 3-18-02) Penalty, see § 50.799

§ 50.702 FALSE IDENTIFICATION.

No person shall willfully and knowingly interfere with any law enforcement officer by supplying false identification to such officer to avoid detection of, apprehension or prosecution for any criminal offense.
(Ord. 335, passed 3-18-02) Penalty, see § 50.799

§ 50.703 FALSE ALARMS.

No person shall willfully and knowingly raise a false alarm of fire, ring any bell or apparatus for the purpose of creating a false alarm of fire or raise a false alarm of fire orally, by telephone or in person.
(Ord. 335, passed 3-18-02) Penalty, see § 50.799

§ 50.799 PENALTY.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not exceeding \$500 and cost of prosecution, or by

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imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both, such fine and imprisonment in the discretion of Court.

(Ord. 335, passed 3-18-02)

ARTICLE VIII: ENFORCEMENT PROCEDURES

Section

50.801 Fingerprinting of persons arrested

50.899 Penalty

§ 50.801 FINGERPRINTING OF PERSONS ARRESTED.

(A) The Chief of Police or his or her designee is hereby authorized to take any person's fingerprints, who has been arrested for a misdemeanor, as soon as is practical after an arrest.

(B) If the individual accused, is thereafter released without a charge made against him or her, or the charge is dismissed and no other charge arising out of that transaction or occurrence is made, or is found not guilty of the offense charged, or a lesser included offense, the official taking or holding of such individual's fingerprinting information shall, pursuant to state law, being M.C.L.A. § 28.243, return such fingerprint information to the individual.

(C) The provisions of division (B) above shall not apply where a person arrested has a prior conviction, except a misdemeanor traffic offense, unless a judge of a court of record, except Probate Court, by express order entered of record, orders the return.
(Ord. 396, passed 7-2-07)

§ 50.899 PENALTY.

Any person whose fingerprints may be taken, as authorized by § 50.801, and who refuses to allow or resists the taking of his or her fingerprints, after such person has been advised that his or her refusal constitutes a misdemeanor, shall be guilty of a misdemeanor.
(Ord. 396, passed 7-2-07)

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