

Chapter 42

OFFENSES*

Article I. In General

- Sec. 42-1. Applicability in prosecutions.
- Sec. 42-2. Accessorial liability.
- Sec. 42-3. Soliciting to commit crimes.
- Sec. 42-4. Window peeping.
- Secs. 42-5-42-35. Reserved.

Article II. Offenses Against Governmental Functions

- Sec. 42-36. Interference with law enforcement.
- Sec. 42-37. Providing false personal information during criminal investigation.
- Sec. 42-38. False report of crime.
- Sec. 42-39. Escape from custody.
- Sec. 42-40. Drivers eluding police officers.
- Sec. 42-41. Impersonating officers.
- Sec. 42-42. Concealing knowledge of violation.
- Sec. 42-43. Failure to obey command to halt.
- Sec. 42-44. Failure to obey command to leave premises.
- Secs. 42-45-42-75. Reserved.

Article III. Offenses Against Persons

- Sec. 42-76. Assault or battery.
- Sec. 42-77. Stalking.
- Sec. 42-78. Reckless endangerment.
- Secs. 42-79-42-105. Reserved.

Article IV. Offenses Against Property

Division 1. Generally

- Sec. 42-106. Trespassing.
- Sec. 42-107. Prowling.
- Sec. 42-108. Lurking about premises with intent to commit crime.
- Sec. 42-109. Obtaining goods or money by fraud.
- Sec. 42-110. Littering.
- Secs. 42-111-42-135. Reserved.

Division 2. Destruction of Property

- Sec. 42-136. Willfull damage.
- Sec. 42-137. Tampering with other's property.

***Cross reference**-Law enforcement, ch. 38.

State law reference-Michigan Penal Code, MCL 750.1 et seq.

TITTABAWASSEE CODE

- Sec. 42-138. Damaging, polluting drinking fountains or public restrooms.
- Sec. 42-139. Creating hazardous or deleterious conditions.
- Sec. 42-140. Attaching notices to vehicles.
- Secs. 42-141-42-170. Reserved.

Article V. Offenses Against Public Peace

- Sec. 42-171. Loitering.
- Sec. 42-172. Disturbing the peace.
- Sec. 42-173. Disorderly intoxication.
- Sec. 42-174. Language or gestures causing public disorder.
- Sec. 42-175. Disturbing public places.
- Sec. 42-176. Use of premises by disorderly persons.
- Sec. 42-177. Riot, unlawful assembly.
- Sec. 42-178. Firing or shooting dangerous weapons.
- Secs. 42-179-42-205. Reserved.

Article VI. Offenses Against Public Morals

Division 1. Generally

- Sec. 42-206. Indecent exposure.
- Sec. 42-207. Public nudity.
- Sec. 42-208. Prostitution.
- Sec. 42-209. Frequenting places with illegal activity.
- Sec. 42-210. Engaging in illegal business.
- Sec. 42-211. Transporting others to places with illegal activity.
- Sec. 42-212. Keeping premises and items for illegal gambling.
- Sec. 42-213. Use of premises for prostitution.
- Secs. 42-214-42-240. Reserved.

Division 2. Controlled Substances and Other Drugs

- Sec. 42-241. Inhalation or other use.
- Sec. 42-242. Endangering or disturbing the public while under the influence.
- Sec. 42-243. Frequenting places which dispense illegal drugs and paraphernalia.
- Secs. 42-244-42-250. Reserved.

Article VII. Peddler and Solicitor Licensing and Control

Division 1. Generally

- Sec. 42-251. Title.
- Sec. 42-252. Operation or use of vehicles and equipment on streets and other public places between sunset and sunrise.
- Sec. 42-253. Misrepresentations by solicitors.
- Sec. 42-254. Penalties.
- Secs. 42-255-42-264. Reserved.

OFFENSES

Division 2. Hawkers and Peddlers

- Sec. 42-265. Definition.
- Sec. 42-266. License required.
- Sec. 42-267. Application.
- Sec. 42-268. Fee.
- Sec. 42-269. Issuance.
- Sec. 42-270. License to be carried by licensee.
- Sec. 42-271. Alteration of license prohibited.
- Sec. 42-272. Expiration.
- Sec. 42-273. Suspension or revocation.
- Sec. 42-274. Records to be kept.
- Secs. 42-275-42-284. Reserved.

Division 3. Charitable and Religious Solicitations

- Sec. 42-285. Definitions.
- Sec. 42-286. Solicitor's credentials.
- Sec. 42-287. Records of donations and disbursements.
- Sec. 42-288. Permit.
- Sec. 42-289. Application generally.
- Sec. 42-290. Investigation of application and applicant.
- Sec. 42-291. Fee.
- Sec. 42-292. Issuance.
- Sec. 42-293. Duration.
- Sec. 42-294. Copy to be carried by solicitors and displayed upon request.
- Sec. 42-295. Nontransferable; return upon expiration.
- Sec. 42-296. Suspension and revocation.

ARTICLE I. IN GENERAL**Sec. 42-1. Applicability in prosecutions.**

The following general provisions shall apply in all prosecutions for offenses provided for in this chapter:

Public place, as used in this chapter, means any street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public, or any portion thereof, and any other place or portion thereof which is open to public view or to which the public has access.

(Ord. No. 99-08, § 2, 8-10-1999)

Sec. 42-2. Accessorial liability.

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

(Ord. No. 99-08, § 2(C), 8-10-1999)

State law reference-Similar provisions, MCL 767.39.

Sec. 42-3. Soliciting to commit crimes.

No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Ord. No. 99-08, § 9(D), 8-10-1999)

Sec. 42-4. Window peeping.

It shall be unlawful for any person within the township to look into the windows or doors of any house, apartment or other residence in the township in such a manner that would be likely to interfere with the occupant's reasonable expectation of privacy and without the occupant's express or implied consent.

(Ord. No. 99-08, § 7(A), 8-10-1999)

State law reference-Such person defined as a disorderly person, MCL 750.167(1)(c).

Secs. 42-5-42-35. Reserved.**ARTICLE II. OFFENSES AGAINST GOVERNMENTAL FUNCTIONS****Sec. 42-36. Interference with law enforcement.**

No person shall hinder, oppose, obstruct or resist any law enforcement officer or other official or employee of the township in the performance of his or her official duties.

(Ord. No. 99-08, § 6(A), 8-10-1999)

State law reference-Obstruction of police officer, MCL 750.479.

Sec. 42-37. Providing false personal information during criminal investigation.

No person shall knowingly furnish, to any law enforcement officer or other official or employee of the township, a false name, address, age or date of birth in connection with the investigation of the commission of any violation of this chapter or any other local, state or federal law.

(Ord. No. 99-08, § 6(B), 8-10-1999)

Sec. 42-38. False report of crime.

No person shall knowingly make or furnish to any law enforcement officer or other official or employee of the township, while the officer, official or employee is acting in his or her official capacity, a false or fictitious report of the purported commission of any violation of this chapter or of any other local, state or federal law.

(Ord. No. 99-08, § 6(C), 8-10-1999)

State law reference-False report on crime, MCL 750.411a.

Sec. 42-39. Escape from custody.

No person shall escape or attempt to escape while lawfully confined by or in the custody of any law enforcement officer acting on behalf of the township. (Ord. No. 99-08, § 6(D), 8-10-1999)

State law reference-Escapes, rescues, jail and prison breaking, MCL 750.183 et seq.

Sec. 42-40. Drivers eluding police officers.

(a) No person who is driving a motor vehicle or motorized vehicle and who is given, by hand, voice, emergency light or siren, a visual or audible signal by a police officer, acting in the lawful performance of his duty, directing the driver to bring his motor vehicle to a stop, shall increase his speed, extinguish his lights or otherwise attempt to flee or elude the officer.

(b) This section does not apply unless the officer giving the signal is in uniform and the officer's vehicle is identified as an official police vehicle.

(Ord. No. 99-08, § 6(E), 8-10-1999)

State law reference-Similar provisions, MCL 750.479a.

Sec. 42-41. Impersonating officers.

No person shall impersonate, attempt to impersonate, falsely pretend to be, or hold himself out without due authority as a law enforcement officer or other officer or employee of the township.

(Ord. No. 99-08, § 6(F), 8-10-1999)

State law reference-Impersonating an officer, MCL 750.215.

Sec. 42-42. Concealing knowledge of violation.

No person shall conceal knowledge of the actual commission of a violation of this chapter from a court or from a law enforcement officer investigating the violation. This section shall not be interpreted to conflict with the right of any person not to be a witness against himself.

(Ord. No. 99-08, § 6(G), 8-10-1999)

Sec. 42-43. Failure to obey command to halt.

No person shall willfully fail to obey the command of any law enforcement officer to stop or halt; provided that the officer identifies himself as a law enforcement officer and provides or offers to provide identification as such; and provided that a law enforcement officer is attempting to apprehend such person for a violation of any local, state or federal law.

(Ord. No. 99-08, § 6(H), 8-10-1999)

Sec. 42-44. Failure to obey command to leave premises.

No person shall willfully fail to obey the command of any law enforcement officer or other authorized representative of the township to leave a public park, playground, boulevard, swimming pool or recreation area when ordered to do so by the officer or representative.

(Ord. No. 99-08, § 6(I), 8-10-1999)

Sees. 42-45-42-75. Reserved.**ARTICLE III. OFFENSES AGAINST PERSONS****Sec. 42-76. Assault or battery.**

No person shall commit an assault or battery upon another person. (Ord. No. 99-08, § 3(A), 8-10-1999)

State law reference-Assaults, MCL 750.81 et seq.

Sec. 42-77. Stalking.

(a) As used in this section:

Course of conduct means a pattern of conduct composed of a series of two or more separate noncontinuous acts evidencing a continuity of purpose.

Emotional distress means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

Harassment means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

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.

Unconsented contact means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- (1) Following or appearing within the sight of that individual.
- (2) Approaching or confronting that individual in a public place or on private property.
- (3) Appearing at the individual's workplace or residence.
- (4) Entering onto or remaining on property owned, leased, or occupies by that individual.
- (5) Contacting that individual by telephone.
- (6) Sending mail or electronic communications to that individual.
- (7) Placing an object on, or delivering an object to, property owned, leased or occupies by that individual.

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

(b) An individual who engages in stalking is guilty of a crime.
(Ord. No. 99-08, § 3(B), 8-10-1999)

Cross reference-Definitions generally, § 1-2.

State law reference-Similar provisions, MCL 750.411h.

Sec. 42-78. Reckless endangerment.

No person shall recklessly endanger the life, health or well-being of any person.
(Ord. No. 99-08, § 3(D), 8-10-1999)

Secs. 42-79-42-105. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

DIVISION 1. GENERALLY

Sec. 42-106. Trespassing.

No person shall willfully enter upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, agent, or servant of the owner or occupant, and,

upon being notified to depart therefrom by the owner or occupant, agent, or servant of either, shall not without lawful authority neglect or refuse to depart therefrom.

(Ord. No. 99-08, § 4(A), 8-10-1999)

State law reference-Similar provisions, MCL 750.552.

Sec. 42-107. Prowling.

No person shall prowl about the premises of any other person in the nighttime without authority or the permission of the owner of such premises.

(Ord. No. 99-08, § 4(B), 8-10-1999)

Sec. 42-108. Lurking about premises with intent to commit crime.

No person shall lurk, lie in wait, or be concealed in any business, yard or other premises with intent to commit any crime or offense.

(Ord. No. 99-08, § 4(C), 8-10-1999)

Sec. 42-109. Obtaining goods or money by fraud.

No person shall take, obtain or remove, or attempt to take, obtain or remove, goods or money by fraud, trick, or under false pretenses.

(Ord. No. 99-08, § 4(E), (F), 8-10-1999)

Sec. 42-110. Littering.

(a) It is unlawful for any person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or waters other than property designated and set aside for such purposes.

(b) No person shall remove a vehicle that is wrecked or damaged in an accident on a highway, road, or street without failing to remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

(Ord. No. 99-08, § 4(C), 8-10-1999)

Cross reference-Solid waste, ch. 54.

State law reference-Similar provisions, MCL 324.8902.

Secs. 42-111-42-135. Reserved.

DIVISION 2. DESTRUCTION OF PROPERTY*

Sec. 42-136. Willfull damage.

No person shall willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person.

(Ord. No. 99-08, § 4(D), 8-10-1999)

Sec. 42-137. Tampering with other's property.

No person shall meddle with, tamper with, interfere with, move, damage or disconnect any property not his or her own.

(Ord. No. 99-08, § 4(G), 8-10-1999)

Sec. 42-138. Damaging, polluting drinking fountains or public restrooms.

No person shall destroy, damage, or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any water fountain for drinking, or in any manner pollute the water therein.

(Ord. No. 99-08, § 4(H), 8-10-1999)

Sec. 42-139. Creating hazardous or deleterious conditions.

No person shall expectorate, urinate, defecate or perform any other act which creates a hazardous or deleterious condition in any public place or upon the property of any other person. This section shall not apply to public restroom facilities when used in their intended manner.

(Ord. No. 99-08, § 4(I), 8-10-1999)

Sec. 42-140.. Attaching notices to vehicles.

No person shall affix, paste or otherwise attach, to any vehicle owned by another person, any notice, poster, leaflet, broadside, or other item or device which interferes with the vision of the driver or causes, or tends to cause, damage to the vehicle. This section shall not apply to parking violation notices placed on motor vehicles by duly authorized representatives of the township or by law enforcement officers when acting in the course of their official duties.

(Ord. No. 99-08, § 4(J), 8-10-1999)

Sees. 42-141-42-170. Reserved.

*State law reference-Malicious and willful mischief and destruction, MCL 750.377 et seq.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE**Sec. 42-171. Loitering.**

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

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and 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 other 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, loaf, wander, stand or remain idle, 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.

(Ord. No. 99-08, §§ 3(E), 7(G), 8-10-1999)

Cross reference-Streets, sidewalks and other public places, ch. 58.

State law reference-Certain loiterers defined as disorderly persons, MCL 750.167.

Sec. 42-172. Disturbing the peace.

No person shall:

- (1) Create or engage in any disturbance, fight or quarrel in a public place.
- (2) Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.

(3) Disturb the public peace and quiet by loud or boisterous conduct.
(Ord. No. 99-08, § 8(A)-(C), 8-10-1999)

Sec. 42-173. Disorderly intoxication.

No person shall be in a state of intoxication in a public place so as to directly endanger the safety of another person or property or act in a manner that causes a public disturbance.

(Ord. No. 99-08, § 5(A), (B), 8-10-1999)

Cross reference-Alcoholic liquor, ch. 6.

State law reference-Such person defined as a disorderly person, MCL 750.167(1)(e).

Sec. 42-174. Language or gestures causing public disorder.

A person shall be deemed guilty of a misdemeanor if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, such person willfully uses abusive or obscene language or makes an obscene gesture to any other person when such words, by their very utterance, inflict injury or tend to incite an immediate breach of the peace and invade the right of others to pursue their lawful activities.

(Ord. No. 99-08, § 8(G), 8-10-1999)

State law references-Cursing and swearing, MCL 750.103; indecent language in presence of woman or child, MCL 750.337.

Sec. 42-175. Disturbing public places.

No person shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place, or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

(Ord. No. 99-08, § 8(D), 8-10-1999)

Cross reference-Streets, sidewalks and other public places, ch. 58.

State law reference-Similar provisions, MCL 750.170.

Sec. 42-176. Use of premises by disorderly persons.

No person shall:

(1) Permit or allow any premises owned, occupied or controlled by him to be used or occupied by noisy, boisterous or disorderly persons.

(2) Permit or allow any loud or boisterous noise, or any fight, quarrel or disturbance, on any premises owned, occupied or controlled by him.

(Ord. No. 99-08, § 10(B), (C), 8-10-1999)

Sec. 42-177. Riot, unlawful assembly.

(a) It is unlawful and constitutes the crime of riot for five or more persons, acting in concert, to wrongfully engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

(b) It is unlawful and constitutes incitement to riot for a person, intending to cause or to aid or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, firefighter or a member of the state national guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.

(c) It is unlawful and constitutes an unlawful assembly for a person to assemble or act in concert with four 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 thereat with intent to advance such purpose.

(Ord. No. 99-08, § 8(E), 8-10-1999)

State law reference-Similar provisions, MCL 752.541-752.543.

Sec. 42-178. Firing or shooting dangerous weapons.

No person shall fire or shoot any air gun, spring gun, bow and arrow, slingshot, or other dangerous weapon or instrument in any street, avenue, alley, public place or in any place in such a manner as to endanger or be likely to endanger any person or property.

(Ord. No. 99-08, § 7(F), 8-10-1999)

State law references-Reckless use of firearm, MCL 752.a863; reckless use of bow and arrow, MCL 752.882.

Secs. 42-179-42-205. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS*

DIVISION 1. GENERALLY

Sec. 42-206. Indecent exposure.

It shall be unlawful for any person to knowingly make any open or indecent exposure of his person or of the person of another.

(Ord. No. 99-08, § 7(B), 8-10-1999)

State law reference-Similar provisions, MCL 750.335a.

Sec. 42-207. Public nudity.

(a) As used in this section, the term "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque

***State law references**-Michigan liquor control code, MCL 436.1101 et seq.; gambling, MCL 750.301 et seq.; prostitution generally, MCL 750.448 et seq.

covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman's breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

(b) Public nudity by any person is hereby prohibited.

(Ord. No. 99-08, § 7(C), 8-10-1999)

State law reference-Similar provisions, MCL 41.181(4).

Sec. 42-208. Prostitution.

No person shall engage in any act of prostitution. (Ord. No. 99-08, § 9(A), 8-10-1999) State law references-Common prostitute deemed a disorderly person, MCL 7 50.167(1)(b); prostitution generally, MCL 750.448 et seq.

Sec. 42-209. Frequenting places with illegal activity.

No person shall knowingly attend, frequent, operate, or be an occupant or inmate of any place where prostitution, illegal gambling, the illegal sale of alcoholic liquor, or any other illegal business or occupation is permitted or conducted.

(Ord. No. 99-08, § 9(B), 8-10-1999)

Sec. 42-210. Engaging in illegal business.

No person shall engage in prostitution, illegal gambling, the illegal sale of alcoholic liquor, or any other illegal business or occupation.

(Ord. No. 99-08, § 9(C), 8-10-1999)

Sec. 42-211. Transporting others to places with illegal activity.

No person shall transport any person to a place where he knows prostitution, illegal gambling or other illegal activity is practiced, encouraged or allowed for the purpose of enabling the person transported to engage in illegal gambling, prostitution or any other illegal activity.

(Ord. No. 99-08, § 9(E), 8-10-1999)

Sec. 42-212. Keeping premises and items for illegal gambling.

No person shall keep or maintain a gaming room, gaming tables or any policy or pool tickets used for illegal gambling, or knowingly suffer or allow a gaming room, gaming tables or any policy or pool tickets used for illegal gambling to be kept, maintained, placed or sold on any premises occupied or controlled by him.

(Ord. No. 99-08, § 9(F), 8-10-1999)

Sec. 42-213. Use of premises for prostitution.

No person shall permit or allow any premises owned, occupied or controlled by him to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity.

(Ord. No. 99-08, § 10(A), 8-10-1999)

State law reference-Keeping house of ill fame, MCL 750.452.

Secs. 42-214-42-240. Reserved.

DIVISION 2. CONTROLLED SUBSTANCES AND OTHER DRUGS*

Sec. 42-241. Inhalation or other use.

No person shall intentionally ingest, inhale the fumes of, or otherwise introduce into his body, any chemical agent or substance releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses; or to possess, buy or use any such chemical agent or substance for the purpose of violating, aiding or abetting another person to violate this section. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

(Ord. No. 99-08, § 5(C), 8-10-1999)

State law reference-Similar provisions, MCL 752.272.

Sec. 42-242. Endangering or disturbing the public while under the influence.

No person shall be under the influence in any public place of any exhilarating or stupefying chemical agent or substance, or combination thereof, so as to directly endanger the safety of another person or property or in a manner that causes a public disturbance.

(Ord. No. 99-08, § 5(D), 8-10-1999)

Cross reference-Alcoholic liquor, ch. 6.

Sec. 42-243. Frequenting places which dispense illegal drugs and paraphernalia.

(a) No person shall knowingly attend, loiter about, frequent or remain in or upon any building, house, vacant lot, street, curb, lawn, parkway, alley, yard, apartment, store, automobile, boat, boathouse, or other place of any description whatsoever where any illegal controlled substance or any drug paraphernalia is sold, dispensed, furnished, given away or stored.

***State law reference**-Controlled substances, MCL 333.7101 et seq.

(b) As used in this section, the term "controlled substance" shall be defined as provided for in the controlled substance act, article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.). As used in this section, the term "drug paraphernalia" shall be defined as provided for in Public Act No. 139 of 1988 (MCL 333.7451 et seq.).

(c) This section shall not apply to persons licensed or permitted by the state to engage in the activity otherwise prohibited herein nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under state and federal law. The application of the exception provided by this paragraph shall constitute an affirmative defense which must be raised by the accused.

(Ord. No. 99-08, § 9(G), 8-10-1999)

Sees. 42-244-42-250. Reserved.

ARTICLE VII. PEDDLER AND SOLICITOR LICENSING AND CONTROL

DIVISION 1. GENERALLY

Sec. 42-251. Title.

This article shall be known and cited as the "Tittabawassee Township Peddler and Solicitor Licensing and Control Ordinance".

(Ord. No. 04-05, § 1.1, 5-11-2004)

Sec. 42-252. Operation or use of vehicles and equipment on streets and other public places between sunset and sunrise.

No vehicle or other equipment shall be operated, propelled, located, or otherwise used on the public streets, sidewalks, parks or other public ways or places between the hours of sunset and sunrise, by any person licensed under this article, for the purpose of carrying on the licensed activity; provided, however, that the police department may authorize the use of equipment for street vending within such hours, where the occasion, location and circumstances are such that there is no danger to the public or the operator, and on such terms and conditions as the department finds necessary as to the time, location, equipment, and mode of operation to protect the public and operator from hazard; and provided further, that motor vehicles, licensed under the state statutes and meeting their requirements, may be operated as authorized thereby.

(Ord. No. 04-05, § 1.2, 5-11-2004)

Sec. 42-253. Misrepresentations by solicitors.

No person shall, directly or indirectly, solicit contributions for any purpose, by misrepresentation of his name, occupation, financial condition, social condition or residence, and no persons shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation or any contribution for any purpose in the township.

(Ord. No. 04-05, § 1.3, 5-11-2004)

Sec. 42-254. Penalties.

Any person, firm, or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and each such person shall be guilty of a separate offense for each occurrence thereof, and upon conviction of such violation such person shall be punished by a fine of not more than \$300.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Ord. No. 04-05, § 4.3, 5-11-2004; Ord. No. 04-06, 6-8-2004)

Secs. 42-255-42-264. Reserved.

DIVISION 2. HAWKERS AND PEDDLERS

Sec. 42-265. Definition.

The term "hawker" or "peddler" as used in this article, shall be construed to mean any person who travels from house to house or place to place, or who, on the streets or alleys or open places, or in public grounds or places, sells or offers for sale, or exposes for sale, any goods, wares, merchandise or services to any person not a dealer therein, or who takes orders for the purchase of goods, wares or merchandise by samples, lists, or catalog, or subscription for magazines and books from any person not a dealer therein. The term "hawker" or "peddler," as used in this article, shall not be applicable to any party selling the products of his own farm, orchard or garden.

(Ord. No. 04-05, § 2.1, 5-11-2004)

Sec. 42-266. License required.

No person shall conduct the business or occupation of a hawker or peddler within the limits of the township, unless he shall have obtained a license in accord with this article. No person shall act as a helper or assistant to a licensed peddler, unless he has a license issued by the township police department.

(Ord. No. 04-05, § 2.2, 5-11-2004)

Sec. 42-267. Application.

Any person desirous of obtaining a license as a hawker or peddler shall apply to the township police department upon proper forms to be furnished by the department and signed by such applicant, and stating the person's name, address, date of birth, social security number, drivers license number, physical description, the type of business, the goods or services being sold, and the manner the person intends to travel and trade or conduct business. The person shall also provide to the department a photograph of the applicant and the applicant's fingerprints.

(Ord. No. 04-05, § 2.3, 5-11-2004)

Sec. 42-268. Fee.

Licenses issued under this article shall be charged and paid for at the time the application is filed at a fee to be determined, from time to time, by resolution of the township board.

(Ord. No. 04-05, § 2.4, 5-11-2004)

Sec. 42-269. Issuance.

The township police department is authorized to issue licenses to those who have complied with the provisions of this article, unless otherwise directed by the township board.

(Ord. No. 04-05, § 2.5, 5-11-2004)

Sec. 42-270. License to be carried by licensee.

All licensees shall carry with them, at all times while peddling, the license issued by the township.

(Ord. No. 04-05, § 2.6, 5-11-2004)

Sec. 42-271. Alteration of license prohibited.

No licensee under this section shall alter, remove or obliterate any entry made on the license.

(Ord. No. 04-05, § 2.7, 5-11-2004)

Sec. 42-272. Expiration.

All licenses issued under the provision of this article shall expire within seven days from date of issue unless a prior date is fixed therein.

(Ord. No. 04-05, § 2.8, 5-11-2004)

Sec. 42-273. Suspension or revocation.

The township police department shall have the power to suspend any license issued under this article for violation of a township ordinance or any condition or regulation under which the license was granted, or for undesirable business practices. The township police department shall report all suspensions to the township board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

(Ord. No. 04-05, § 2.9, 5-11-2004)

Sec. 42-274. Records to be kept.

A full, complete record of each license issued under this article, including renewals, suspensions, or revocation thereof, and serious complaints and charges against the licensee, together with his photograph, shall be kept on file by the township police department.

(Ord. No. 04-05, § 2.10, 5-11-2004)

Secs. 42-275-42-284. Reserved.

DIVISION 3. CHARITABLE AND RELIGIOUS SOLICITATIONS

Sec. 42-285. Definitions.

For purposes of this article, the following definitions shall apply, unless a different meaning is clearly indicated by the context:

Charitable. The word "charitable" shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

Contribution. The word "contribution" shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

Person. The word "person" shall mean any individual firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

Promote. The word "promoter" shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise, or organize a campaign of solicitation.

Religious and religion. As used in this article, the words "religious" and "religion" shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.

Solicit and solicitation. The terms "solicit" and "solicitation" shall mean the request, directly or indirectly, of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable or religious purpose by means of going from door to door.

(Ord. No. 04-05, § 3.1, 5-11-2004)

Sec. 42-286. Solicitor's credentials.

All persons to whom permits have been issued under this article shall furnish proper credentials to their solicitors for such solicitation. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's charitable or religious activity, a description of the purpose of the solicitation, the signature of the permit holder or of the holder's chief executive officer, and the name, address, age, sex, and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. A copy of such credentials must be filed with the township police department at the time the application for a permit is filed under this article and must be approved by the department as conforming to the requirements of this

section. No person shall solicit under any permit granted under this article, unless the person has such credentials in the person's immediate possession, and the same shall be shown upon the request of any person solicited or any police officer of the township.

(Ord. No. 04-05, § 3.2, 5-11-2004)

Sec. 42-287. Records of donations and disbursements.

No person shall solicit any contributions for any charitable or religious purpose for which a permit is required by this article, without maintaining a system or accounting whereby all donations and all disbursements are entered upon the books or records of such person's treasurer or other financial officer.

(Ord. No. 04-05, § 3.3, 5-11-2004)

Sec. 42-288. Permit.

(a) It shall be unlawful for any person, or for any agent, member, or representative thereof, directly or indirectly to solicit money, donations of money, property or financial assistance of any kind, or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds or any part thereof, is for a charitable or religious purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place or personal solicitation unless such person shall have a permit issued in accord with this article.

(b) The provisions of this section shall not apply to any established society, association or corporation that is organized and operated exclusively for religious, philanthropic, benevolent, fraternal, charitable or reformatory purposes, and not operated for pecuniary profit, where no part of the net earnings of which benefits any person, private shareholder or individual, and where the solicitation of such organization is conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation, or where such solicitation is in the form of collection or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order of fraternity or similar organizations, or of any branch thereof.

(Ord. No. 04-05, § 3.4, 5-11-2004)

Sec. 42-289. Application generally.

(a) An application for a permit required by this article shall be made to the township police department upon forms provided by the township. Such application shall contain the following information or, in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

(1) The name, address or headquarters of the person applying for the permit.

- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of the applicant's records.
 - (3) The purpose and use for which such solicitation is to be made.
 - (4) The name and address of the person who will be in direct charge of conducting the solicitation, and the names of all promoters connected or to be connected with the proposed solicitation.
 - (5) An outline of the method or methods to be used in conducting the solicitation.
 - (6) The time when such solicitation shall be made, giving the preferred dates for the beginning and ending of such solicitation.
 - (7) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitation, and the names and addresses of all such persons.
 - (8) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the township or by any department or officer thereof.
 - (9) Such other information as may be reasonably required by the township in order for the township to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.
 - (10) The person's name, address, date of birth, social security number, and driver's license number.
- (b) The person shall furnish a photograph and fingerprints of the person to the department.
 - (c) If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the township police department in writing thereof within 24 hours after such change.
 - (d) No person shall, directly or indirectly, make or perpetrate any misstatement, deception, or fraud in connection with any application or report filed under this section.
(Ord. No. 04-05, § 3.5, 5-11-2004)

Sec. 42-290. Investigation of application and applicant.

- (a) The township police department shall examine all applications filed under this article and shall make or cause to be made such further investigation of the application and the applicant as the township police department shall deem necessary.
- (b) The township police department shall not issue a permit required by this article, unless the department finds:
 - (1) That all of the statements made in the application are true.

- (2) That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual person, that every member or co-partner, managing officer or agent of the applicant has a good character and reputation for honesty and integrity.
 - (3) That the control and supervision of the solicitation will be under responsible and reliable persons.
 - (4) That the applicant has not engaged in any fraudulent transaction or enterprise.
 - (5) That the solicitation will not be a fraud on the public.
 - (6) That the solicitation is prompted solely by a desire to finance the charitable or religious cause described in the application and will not be conducted primarily for private profit.
 - (7) That the cost of raising the funds will be reasonable. Any such cost in excess of 25 percent of the amount collected shall be considered to be unreasonable unless special facts are presented showing that peculiar reasons make a cost higher than 25 percent reasonable in the particular case.
- (Ord. No. 04-05, § 3.6, 5-11-2004)

Sec. 42-291. Fee.

Permits issued under this article shall be charged and paid for at the time the application is filed at a fee to be determined, from time to time, by resolution of the township board.

(Ord. No. 04-05, § 3.7, 5-11-2004)

Sec. 42-292. Issuance.

A permit required by this article shall be issued by the township police department when all of the provisions of this article have been complied with and when such issuance has been approved by the department; provided that such permit shall not be issued until the credentials of the applicant's solicitors have been approved.

(Ord. No. 04-05, § 3.8, 5-11-2004)

Sec. 42-293. Duration.

All permits issued under the provisions of this article shall expire within seven days from issue, unless a prior date is fixed therein.

(Ord. No. 04-05, § 3.9, 5-11-2004)

Sec. 42-294. Copy to be carried by solicitors and displayed upon request.

No person shall solicit under a permit issued pursuant to this article, unless he has in his immediate possession, a facsimile copy of such permit, which copy must be shown upon the request of any person solicited or any police officer of the township.

(Ord. No. 04-05, § 3.10, 5-11-2004)

Sec. 42-295. Nontransferable; return upon expiration.

Any permit issued under this article shall be nontransferable and shall be returned to the township police department within two days after its date of expiration, together with all facsimile copies thereof.

(Ord. No. 04-05, § 3.11, 5-11-2004)

Sec. 42-296. Suspension and revocation.

Whenever it shall be shown or whenever the township police department has knowledge that any person to whom a permit has been issued under this article has violated any of the provisions of this article or has misrepresented the purpose of the solicitation, the department may revoke the license by mailing a notice of revocation by certified mail to the licensee. The licensee shall have the right to appeal to the township board at their next regular meeting.

(Ord. No. 04-05, § 3.12, 5-11-2004)

Chapters 43-45

RESERVED

CD43:1