

**HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET**

98.01.01 Section Headings and Ordinance Titles. Section headings and ordinance titles provided in bold are not part of this Chapter and are not to be used in the interpretation of this ordinance.

98.01.02.1 Definitions. The following definitions are to be used in this Chapter:

“Alcoholic liquor” includes any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

(Rev. 04-08-2002)

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

(Rev. 04-08-2002)

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

“Hunt” includes seeking, provoking, pursuing or taking any animal.

“Normal average retail price” is that price at which similar merchandise was sold during the ninety (90) days immediately preceding a declared emergency, or at a mark-up which is a larger percentage over wholesale cost than was added to wholesale cost prior to a declared emergency.

“Person” includes any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

“Picket” or picketing” includes, standing, sitting, lying, walking, running, or otherwise moving, on a public right-of-way, to convey an opinion or message. These terms also include posting a person at a particular place to communicate to the public vocally or by any other means an opinion or message.

“Public place” includes any street, alley, park, 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.

“Principal” is a person who commits an offense punishable by this code.

"School property" includes any public, private, or parochial school building or any building owned, occupied, or otherwise utilized by any public, private, or parochial school, and expressly includes the grounds, outbuildings, fences, trees, shrubbery, equipment, personal property, or other appurtenances, fixtures, or improvements, attached or in any way belonging thereto.

“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

“Trap” includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.

98.01.03 Penalties. In addition to the penalties provided in each section of Chapter 98, the court may impose any sanction or remedial measure provided in state law for misdemeanor offenses.

98.01.04 Aid and Abet. A person who aids, abets, counsels, commands, or procures the commission of a violation of this code shall be punished as if that person were the principal.

## **ASSAULTS**

98.02.01 Domestic Assault and Battery. No person shall commit a domestic assault or domestic assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

(Rev. 04-08-2002)

98.02.02 Assault and Battery. No person shall commit an assault or an assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

(Rev. 04-08-2002)

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98.02.03 Assault and Battery on a Police Officer. No person shall commit an assault and battery on any police officer, animal control officer, police service aide or peace officer in the performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

### INDECENT CONDUCT

98.03.01 Indecent Exposure. No person shall make any indecent exhibition or exposure of his or her person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.03.02 Indecent Conduct. No person shall engage in any indecent or obscene conduct in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.03.04 Urinate in Public Place. No person shall urinate in any public place other than a designated lavatory. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.03.05 Window Peeping. No person shall peep in the windows of any inhabited place without the consent of the occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.03.06 Prostitution. No person shall engage in prostitution. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.03.07 Maintain Gaming Room. No person shall keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

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- 98.03.08 Permit Gaming Room on Premises. No person shall knowingly permit a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.03.09 Engage in Illegal Business. No person shall engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.10 Transport to Place of Illegal Acts. No person shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling a person to engage in gambling, prostitution, or any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.11 Frequent Place of Illegal Business. No person shall knowingly attend, frequent, operate or be an occupant or resident of any place where any illegal business or occupation is permitted or conducted by the owner or occupant of the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.12 Solicit Illegal Acts. No person shall solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

### **DESTRUCTION OF PROPERTY**

- 98.04.01 Malicious Destruction of Property. No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his or her own. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.04.02 Tamper With Water Meter. No person shall disturb, tamper with, disconnect or damage any City water meter without proper authority. A person who violates this section is guilty of a misdemeanor punishable by

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imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.04.03 Tamper With Drinking Fountain. No person shall disconnect or deface any drinking fountain. Nor shall a person deposit any harmful substance in a drinking fountain or pollute the water in the basin of any fountain. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.04 Malicious Destruction of Turf and Shrubs. No person shall maliciously, destroy, or injure any tree, shrub, grass, turf, plant, crop, or soil of another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both

98.04.05 Malicious Interference with Closed Circuit Television Cameras. Except when permitted by proper authority, no person shall knowingly touch, alter, damage, obstruct, or otherwise interrupt the normal operation of any closed circuit television camera. This shall include placing any object over the lens or altering the direction of the camera. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.06 Tamper Or Meddle With Motor Vehicle. Except where authorized by the owner, no person shall:

- a) Enter any motor vehicle or open any door, trunk, hood or window of a motor vehicle.
- b) Start the motor of any vehicle or shift or change the starting device or gears of any motor vehicle.
- c) Release the brake of any motor vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

### **DISORDERLY CONDUCT**

98.05.01 Trespass by Willful Entry. No person 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. A person who violates this section is guilty of a misdemeanor

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punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.02 Trespass by Refusing to Depart. No person, except a person with lawful authority, shall neglect or refuse to depart from the land or premises of another, after having been notified to depart by the owner or occupant, or agent or servant of either. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.03 Enter Without Permission. No person shall enter an occupied dwelling or garage, whether attached or unattached, without permission of the owner, owner's agent or occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.04 Fight in Public. No person shall engage in any disturbance or fight in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.05 Loud Conduct. No person shall disturb the peace and quiet by loud, boisterous or vulgar conduct. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.06 Permit or Allow Loud Conduct. No person shall permit or allow any noisy, boisterous, or disorderly persons to be in any place occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.07 Furnish or Provide Location for Illegal Purposes. No person shall furnish or provide any location for another person with reason to know that the location may be used to commit an illegal act, including but not limited to the illegal use or possession of a controlled substance or alcohol. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.08 Congregate for Illegal Purpose. No person shall collect or stand in a crowd or encourage others to stand or collect in a crowd for an illegal purpose in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

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- 98.05.09     Roughly Crowd Another Person. No person shall intentionally push or bump or roughly crowd another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.10     Obstruct Passage of Another Person. No person shall intentionally obstruct the free and uninterrupted passage of another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.11     Obstruct Traffic. No person shall play any game or congregate on any public street or sidewalk so as to interfere with the regular flow of traffic. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.12     Throw Object From Vehicle. No person shall throw or propel any snowball, missile or object from any moving motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.13     Throw Object at Vehicle. No person shall throw or propel any snowball, missile or object at a motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.14     Spit in Public. No person shall spit on any floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.15     Contribute to Delinquency of Minor. No person shall by act, or word, encourage, contribute to, cause or tend to cause, any person under the age of 17 years to become neglected or delinquent. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.16     See Section 98.15.01 (Rev. 06-17-13)
- 98.05.17     Beg in Public. No person shall beg in any public place. A person who violates this section is guilty of a misdemeanor punishable by

imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.05.18 Targeted Residential Picketing. The City Council declares that:

- a. The protection and preservation of the home is fundamental to democratic government.
- b. The public health, safety and welfare and good order of the community require that residents of the City be able to enjoy a feeling of well-being, peacefulness, tranquility, safety, and privacy in their homes, and when absent from their homes carry with them the sense of security inherent to the assurance that they may return to the enjoyment of their homes.
- c. Protecting the safety of the occupants of each home and their guests as they enter their home is of paramount importance.
- d. The practice of picketing in front of or about residences causes emotional disturbance and distress to the occupants and guests, as well as to the occupants of adjacent residences, and obstructs and interferes with the free use of public sidewalks and that such practice destroys the well being, peacefulness, tranquility, safety, and privacy associated with the home and neighborhood.
- e. The picketing of residences has as its object the harassing of occupants, and without resort to picketing of residences full opportunity exists under the terms and provisions of this ordinance, for the exercise of freedom of speech and other constitutional rights.
- f. The practice of picketing directed or focused at a particular residence, has by its nature as its true objective the harassing of occupants, which is not consistent with a citizen's right to privacy or the government's interest in ensuring peaceful and safe residential neighborhoods.

No person shall engage in picketing in front of, about or adjacent to a residence. Nothing in this section shall prohibit picketing, to the extent that such activity is protected under the Michigan or United States Constitutions. Nothing in this section shall prohibit a person from proceeding in a residential area along a defined route provided the person does not stop at or repeatedly pass any particular residence. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.



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98.05.19 Price Gouging During Declared Emergency. No person, during an emergency declared by City Council or the City Manager, shall charge more than the normal average retail price for any merchandise sold. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

### **HINDER, OBSTRUCT, RESIST POLICE**

98.06.01 Hinder, Obstruct or Resist Police. No person shall willfully obstruct, resist, hinder or oppose any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.06.02 Hinder Police by False Identification. No person shall make misrepresentations as to his or her identity, whether by statement, through the use of false, forged or altered identification or the use or presentation of identification of another, with intent to hinder or obstruct any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.06.03 False Statement or Report to Police. No person shall willfully make any false statement or report, to any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties, with the intent to mislead the peace officer or obstruct an investigation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.06.04 Falsely Summon Public Services. No person shall summon the police department, fire department or any public or private ambulance without good reason. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.06.05 Injure Police Dog. No person shall willfully or knowingly torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a

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misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

### **HUNTING**

98.07.01 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. Police Officers and Animal Control Officers and any other individuals given written authorization by the Police Chief or his/her designee who are in compliance with the City's policy are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.

98.07.02 Trapping. No persons shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions: This section shall not apply to the following:

- a. Persons may trap small rodents such as mice, rats and moles with any type of trap.
- b. Persons licensed by the State to trap may trap subject to the following:
  1. Only live traps that cannot kill or injure animals or persons may be used.
  2. All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
  3. All traps must be checked at least every 24 hours.
- c. Persons authorized by State law or regulation may trap animals.
- d. Police Officers and Animal Control Officers are authorized to use traps to capture wild or domestic birds or animals that are running at large or have become a public nuisance.

### **THEFT AND FRAUD OFFENSES**

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98.08.01 Larceny. No person shall commit the offense of larceny by stealing the personal property of another. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.02 Retail Fraud. No person shall commit the offense of retail fraud. A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud:

- a. While a store is open to the public, alters, transfers, removes and 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.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.03 Receive and Conceal Stolen Property. No person shall buy, receive, conceal, aid in the concealing, possess or transport, any money, goods, or property of another, knowing the same to have been stolen, embezzled or converted. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.04 Fail to Pay for Goods or Services. No person shall, with the intent to defraud, procure services, goods, accommodations, or entertainment from another person or establishment without paying such person or establishment. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.08.05 Obtain Goods or Services by Fraud. No person shall obtain money, property or services by fraud or false pretense. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

**TELECOMMUNICATIONS DEVICES**

- 98.09.01 Illegal Use of Telecommunications Devices. No person shall use any electronic telecommunications device with the intent to:
- a. Terrorize, frighten, intimidate, threaten physical harm or damage to property, harass or disturb the peace and quiet of any other person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
  - b. Falsely and deliberately report that any person has been injured, taken ill, died, been the victim of a crime, or in an accident. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
  - c. Communicate any vulgar, indecent, obscene or offensive language or suggest any lewd or lascivious act to a person who has not consented to the communication. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

**ALCOHOL**

- 98.10.01 Public Intoxication. No person shall be intoxicated in a public place and endanger another person or property or act in a manner that causes a public disturbance. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.02 Consume Alcohol in Public. No alcoholic liquor shall be consumed in a public place, unless the public place possesses a Michigan Liquor Control Commission license for the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.03 (1) Under 21 – Purchase, Consume or Possess Alcohol. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content. A person who violates this section is responsible for a civil infraction or guilty

of a misdemeanor as follows:

- a. For the first violation, the person is responsible for a civil infraction and shall be fined not more than \$100.00, and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes. A person may be found responsible or admit responsibility only once under this subsection.
- b. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 1 prior judgment, the person is guilty of a misdemeanor and shall be fined not more than \$200.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.
- c. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 2 or more prior judgments, the person is guilty of a misdemeanor and shall be fined not more than \$500.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.

(2) "Prior judgment" as used in this section means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- a. This section or a local ordinance or state law which substantially corresponds to this section, MCL 436.1701 or 436.1707.
- b. Section 624a, 625b or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.
- c. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.
- d. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

(3) A police officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary

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chemical breath analysis. If a person under 21 years of age does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a police officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a civil infraction proceeding or criminal prosecution to determine whether the person has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(4) A police officer who witnesses a violation of this ordinance may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor, and issuing an appearance ticket.

(5) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor where permitted by state law.

(Revised 12-18-2017; Effective 01-01-2018)

98.10.04 Under 21 - PBT Refusal.

(Deleted: 11-23-2009)

98.10.05 Person Under 21 - Transport Alcohol in Motor Vehicle. A person under 21 years of age shall not knowingly transport or possess alcoholic liquor, in a motor vehicle, unless authorized by law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

98.10.06 Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. Except as set forth in Section 98.10.14, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

(Rev. 08-11-2008)

98.10.07 Furnish False ID. No person shall furnish identification to any person under the age of 21 where the person knows or should know that the identification is to be used for fraudulent purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

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- 98.10.08 Use of False ID. No person shall use fraudulent identification to purchase or attempt to purchase alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.09 Purchase Alcohol by Intoxicated Person. No person who is intoxicated or impaired by alcohol or drugs shall purchase or solicit any other person to purchase alcoholic liquor on his or her behalf. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.10 Sell Alcohol to Intoxicated Person. No person employed by, or any agent or owner of, any business or establishment that sells, serves, distributes, or gives away alcoholic liquor, shall sell, serve, furnish, or give away alcoholic liquor to any visibly intoxicated person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.11 Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. Except as set forth in Section 98.10.14, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- (Rev. 08-11-2008)
- 98.10.12 Bring Alcohol into Licensed Liquor Establishment. No person, other than the owner, licensee or agent of a licensed liquor establishment, shall bring any alcoholic liquor into any establishment licensed to sell alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.13 Display of Alcohol. No person shall display spirits, containing an alcoholic content of over 21 percent by volume, in an area that is open to persons under the age of 21. Such displays shall be behind a counter or similar fixture. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.14 Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action. If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic

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liquor by the Michigan Liquor Control Commission violates either Section 98.10.06 or 98.10.11, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action, then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

(08-11-2008)

### **DRUGS**

98.11.01 Possession or Use of Marijuana. No person shall knowingly or intentionally possess or use marijuana except as authorized by state law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.



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98.11.02 Possession of Drug Paraphernalia. No person shall possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of narcotic or dangerous drugs. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions. This section does not apply to the following:

- a. Possession where authorization was issued by a licensed physician within a period of one (1) year.
- b. Manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession.

98.11.03 Loiter with Intent to Use or Sell Drugs. No person shall loiter, frequent or live in any place with the intent to use, sell, dispense, furnish, give away, store or keep illegal drugs, hypodermic syringes, needles, empty gelatin capsules or narcotic paraphernalia. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.04 Unlawful Possession of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to breath, inhale, or ingest for the purpose of causing a condition of intoxication, elations, euphoria, dizziness, or dulling of the senses or for the purpose of changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the possession of a chemical agent, including nitrous oxide, for the purpose of administering anesthesia for medical or dental purposes by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.05 Unlawful Use of Chemical Agent. No person shall intentionally breath, inhale or ingest any chemical agent, including nitrous oxide, for the purpose of causing a condition of intoxication, elations, euphoria, dizziness or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the inhalation of any anesthesia for medical or dental purposes administered by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by

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imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.11.06 Unlawful Delivery of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to deliver to another person knowing or having reason to know that the other person will use the chemical agent in violation of Section 98.11.04 or 98.11.05. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

### TOBACCO

- 98.12.01 Person Under 18 - Possess or Purchase Tobacco. No person under the age of 18 shall purchase, attempt to purchase, possess or use tobacco in any form or any product that is used for the formation of a smoking device. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.

- 98.12.02 Sell or Furnish Tobacco to Person Under 18. No person shall sell, furnish, give or deliver tobacco in any form or any product that is used for the formation of a smoking device to any person under the age of 18. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.

### FIREARMS

- 98.13.01 Transport or Possess Firearms. No person shall transport or possess a firearm in a vehicle unless the firearm is unloaded in both barrel and magazine and carried in the luggage compartment of the vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons authorized by federal or state law to transport or possess firearms.

- 98.13.02 Firearms in Public. No person shall carry a firearm in any public place unless it is unloaded in both barrel and magazine and in a case. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons authorized by federal or state law to carry firearms.

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- 98.13.03 Person Under 18 - Purchase Firearms. No person under 18 years of age shall purchase, carry or transport a firearm in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.13.04 Sell Firearms to Person Under 18. No person shall sell a firearm to any person under 18 years of age. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.13.05 Discharge of Firearms. No person shall discharge any firearm or bow and arrow in the City. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter, or at an established range that has been approved by the Troy City Council.

### **SCHOOL PROPERTY**

- 98.14.01 Cause Disturbance on School Property. No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace and quiet or good order of any class, gathering or other function in any school building is disturbed. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.02 Profane Language on School Property. No person shall use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property for any purpose other than a purpose related to school business and activities, unless authorized by law or a school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.04 Use or Possession of Alcohol on School Property. No person shall use or possess alcoholic liquor on school property unless authorized by law or a

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school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.14.05 Tobacco Products on School Property. No person shall use any tobacco product on school property. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

Exception. This section does not apply to those parts of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

- a. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.
- b. After 6 p.m. on days during which there are regularly scheduled school hours.

- 98.15.01 Fireworks. An individual shall not fire, discharge, display, or possess any fireworks, except as permitted by state law and this ordinance. There shall be no ignition, discharge or use of consumer fireworks on all days except for the following days:

- December 31 until 1 am on January 1
- The Saturday and Sunday immediately preceding Memorial Day
- June 29 to July 4
- July 5, if that date is a Friday or a Saturday
- The Saturday and Sunday immediately preceding Labor Day

On these dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 11:00 am to 11:45 pm, except as set forth above, in accordance with state and local law. A person who ignites, uses or discharges a consumer firework at any time except as set forth above is responsible for a municipal civil infraction, which is punishable by a fine of up to \$1000, with \$500 required to be remitted to the Troy agency enforcing the ordinance. A person who violates any other portion of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine or not more than \$500, or both.

(Rev. 06-06-2019; Effective 06/13/2019)

- 98.15.02 Ignition, Use, Discharge of Fireworks While Under Influence of Alcohol or Controlled Substances. An individual shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic

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liquor and a controlled substance, which are defined under the Michigan vehicle code, 1949 PA 300 and any amendments. A person who ignites, uses, or discharges fireworks in violation of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

(Rev. 06-17-13)

98.15.03 Discharge of Fireworks on Public Property. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who ignites, uses or discharges fireworks in violation of this section is guilty of a municipal civil infraction, punishable by a fine of up to \$500.

(Rev. 06-17-13)

### **EFFECTIVE DATE**

98.16.01 Effective Date. This Chapter shall become effective at 12:01 a.m. on February 1, 2001.