

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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Section

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5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6. Dilutants and adulterants, such as quinine hydrochloride mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separation gins and sitters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances in the human body; and

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

§ 130.01 DRUG PARAPHERNALIA.

(A) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of state or local law. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting any species or plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances;

- c. Carburetion tubes and devices;
- d. Smoking carburetion masks;
- e. Roach clips: objects used to hold burning materials, such as a marijuana cigarette, that have become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bong; and
- m. Ice pipes or chillers.

(2) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
- (c) The proximity of the object, in time and space, to a direct violation of state law;
- (d) The proximity of the object to controlled substances;
- (e) The existence of any residue of controlled substances on the object;
- (f) 1. Direct or circumstantial evidence of the intent of an owner, or of anyone in

control of the object, to deliver it to persons whom he or she knows intends to use the object to facilitate a violation of state or local law.

2. The innocence of an owner, or of anyone in control of the object, as to a direct violation of state law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

(g) Instruction, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community; and

(n) Expert testimony concerning its use.

(B) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state or local law.

(C) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or

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manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, concert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law.

(D) It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(E) This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

(F) Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this section shall be seized and forfeited to the City.

(G) This section shall take effect 21 days after 5-13-1996.

(1997 Code, § 3133) Penalty, see § 130.99

§ 130.02 CURFEW FOR MINORS.

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

IN LOCO PARENTIS. A person who is at least 21 years or older, who is acting in the place of a parent, and who is charged with a parent's rights, duties, and responsibilities.

LEGAL CUSTODIAN. Any adult who has, by court order, the care and control of a minor.

MINOR. Any person under the age of 17 years.

(B) *Violation by minors.*

(1) It shall be unlawful for any minor to loiter, idle, or congregate upon any public street, highway, alley, park, or in any public place in the City between the hours of 10:00 p.m. and 5:00 a.m., unless:

(a) The person is accompanied by his or her parent, guardian, or legal custodian;

(b) The minor is upon an errand or other legitimate business directed by his or her parent, guardian, or legal custodian;

(c) The minor's performance of some lawful employment makes it necessary that the minor be upon the street, highway, alley, park, or public place between the specified hours; or

(d) The minor is traveling to or from a supervised church function, school function, or recreational function; provided, however that the minor who attends the function shall not be upon the street, highway, alley, park, or public place for more than ½ hour after the function has ended.

(2) It shall be unlawful for any minor to be present in a public establishment that serves alcoholic beverages by the glass between the hours of 10:00 p.m. and 5:00 a.m., unless:

(a) Accompanied by a parent or guardian; or

(b) Supervised by a person acting in loco parentis.

(C) *Duties of parent/guardian/legal custodian.* It shall be unlawful for any parent, guardian, or legal custodian to assist, aid, abet, allow, permit, or encourage any minor to violate division (B) above.

(D) *Notification; record of notification.*

(1) The parent, guardian, or legal custodian of a minor who violates this section shall

be immediately notified by the Police Department, advising the parent, guardian, or legal custodian of the violation, the reason therefor, and his or her responsibility under this section.

(2) A record of the notification shall be kept by the Police Department.
(1997 Code, § 4203A) (Am. Ord. passed 6-26-2000) Penalty, see § 130.99

§ 130.03 CRIMINAL TRESPASS.

(A) It shall be unlawful for any person to enter the premises of another, except:

- (1) As an invitee;
- (2) In the usual course of business; or
- (3) To conduct business with the owner or occupier of the premises.

(B) Any person who enters the premises of another when they know, or should have reasonably known, the owner or occupier of the premises is not present or the business premises are closed, and the person does not have the permission of the owner or occupier of the property to enter thereupon, shall be in violation of this code.

(C) Any person who enters the City Park, or other public property or public buildings, after they are closed, and there is a sign indicating they are closed, or there are hours posted showing the times when they are open for business or use, shall be in violation of this code.
(1997 Code, § 4701) Penalty, see § 130.99

§ 130.04 DISORDERLY CONDUCT.

Any person who shall do any of the following acts in the City shall be guilty of disorderly conduct:

(A) Incite, encourage, participate in any manner, or be connected with any row, riot, unlawful assemblage, or disorder, or make or assist in making any noise or disturbance which shall tend to destroy peace and good order.

(B) Disturb or be instrumental in disturbing any school, meeting, or congregation, lawfully assembled, whether religious, political, or otherwise.

(C) Jostle or roughly crowd or push any person unnecessarily in any street, alley, or other public place.

(D) Engage in any fray, or commit any assault or assault and battery upon another or commit any act whatsoever amounting to a breach of the peace.

(E) Be under the influence of intoxicating liquor or narcotic drugs upon any public street or in any public place.

(F) Engage in any indecent, insulting, or obscene conduct in any public street, alley, or other public place.

(G) Utter any profanity, indecent or improper language in any public street, alley or other public place.

(H) Engage in any window peeping.

(I) Discharge any firearm or six gun.

(J) Explode any fireworks or firecrackers except by written permission of the Chief of Police.

(K) Maliciously or willfully destroy, deface, damage, or injure any public property or any private property owned by another.

(L) Beg in any street, alley or other public place.

(M) Insult, accost, molest, or otherwise annoy either by word of mouth or by sign or motion, any person in any street, alley or other public place.

(N) Misrepresent or falsify his or her age, or the age of another, for the purpose of obtaining beer, wine, liquor, or other intoxicating beverage for any minor under the age of 21 years.

(O) Obstruct, resist, injure, or fail to comply with any lawful order or direction of a police officer. Penalty, see § 130.99

§ 130.05 PROSTITUTION.

The City adopts Public Act 328 of 1931 being MCL 750.448 through 750.462 by reference.

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no penalty is prescribed shall be subject to § 10.99.

(B) (1) (a) Any person who shall be convicted of violating any of the provisions of § 130.01, except as specified in division (B)(2) below, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed \$500, or by imprisonment not to exceed 90 days, or both, in the discretion of the court.

(b) Each day a violation continues shall be considered a separate offense and may be punished accordingly.

(2) An individual 18 years of age or over who violates § 130.01(C) by delivering or selling, to an individual under 18 years of age, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$250 nor more than \$500, and by imprisonment of not less than 3 days nor more than 90 days, in the discretion of the court.

(1997 Code, § 3133)

(C) (1) Any parent, guardian, or legal custodian who violates § 130.02 is guilty of a civil infraction.

(2) Any minor who violates § 130.02 may be prosecuted pursuant to the provisions of the Michigan Probate Code, MCL 712A.1 *et seq.*

(1997 Code, § 4203A)