



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



Date: February 12, 2024

To: Honorable Mayor and Members of Troy City Council

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Subject: Amendments to Chapter 98

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Based on new state legislation concerning criminal offenses charged under municipal ordinances, as well as some decisions in recent cases, the City Attorney’s Office is proposing amendments to Chapter 98 of the City Code – Criminal Code. Although many of these provisions remain on the books, they were not able to be enforced for different reasons. Our office has finally had a chance to complete a comprehensive review of Chapter 98 to incorporate developments since the enactment of the ordinance. We have attached a redlined version showing the proposed amendments we recommend and a clean copy showing Chapter 98 as it would appear if City Council approves it.

**PROVISIONS AFFECTED BY CONSTITUTIONAL LAW RULINGS AND PREVIOUS REPEALS**

**Sections 98.03.03 and 98.14.02**

Sections 98.03.03 and 98.14.02 make it illegal to “utter vile, profane or obscene language in any public place’ and to “use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property.” Both Federal and Michigan court decisions have held that such provisions are unconstitutionally vague because they fail to provide sufficient notice as to what is specifically prohibited. Thus, to strengthen the validity of these provisions, the proposed amendments would make such language or conduct illegal only if it also causes a disturbance of the peace, which is consistent with Michigan case law.

**Section 98.05.16**

Section 98.05.16 previously provided regulations related to fireworks. As a result of the Michigan Fireworks Safety Act, MCL 28.451, the City placed all its fireworks provisions in different sections - 98.15.01 – 03. However, the reference to Section 98.05.16 was not removed. Instead it was amended to read “See Section 98.15.01.” The proposed comprehensive amendment would remove the reference to Section 98.15.01 and then continue to keep the section numbers sequential and renumber the following provisions accordingly.



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### **Section 98.05.17**

This section of Chapter 98 makes it illegal to “beg in public.” This provision should be deleted based on case law. The proposed comprehensive amendment would repeal this provision but keep the section numbers sequential and renumber the following provisions accordingly.

### **Section 98.10.04**

Section 98.10.04 has the heading “Under 21 Refuse PBT” and underneath there is language indicating this section was deleted in November 2009. It was deleted as a result of a Michigan Court of Appeals case that specifically invalidated the City’s ordinance provisions related to minors refusing to take a preliminary breath test (PBT). At that time, the City revised Section 98.10.03(3) to set forth allowable regulations to request minors submit to a PBT. The proposed comprehensive amendment removes the heading and language in Section 98.10.04 but keeps the section numbers sequential and renumbers the following sections accordingly. The proposed amendment also changes the references in the following sections to refer to the appropriate sections based on the renumbering.

## **PROVISIONS AFFECTED BY CHANGES IN MARIHUANA LAWS**

### **Section 98.11.01**

Section 98.11.01 prohibits the use and possession of marihuana and imposes misdemeanor penalties for a violation. The proposed comprehensive amendment revises this section based on the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, (MRTMA) and the Michigan Medical Marihuana Act, MCL 33.26421 *et seq.*, (MMA). As revised, this section no longer prohibits the general use and possession of marihuana by adults. Consistent with state law, the use and possession of marijuana by persons under 21 and the possession of more than 2.5 ounces of marihuana, plus the visible growing of plants are now civil infractions. Consumption of marihuana in a vehicle on a public road or way, and possession or use of marihuana on school grounds is a misdemeanor, consistent with the state statutes. Under MRTMA, there are also more serious sanctions for repeat offenders and for persons possessing larger quantities, but these are not incorporated, since these would likely be prosecuted under state law, rather than city ordinance.

## **PROVISIONS AFFECTED BY CHANGES IN TOBACCO LAWS**

As a result of amendments to the Youth Tobacco Act, MCL 722.642 *et seq.*, the age that a person can legally use tobacco, alternative nicotine products, and vapor products has changed from age 18 to age 21. To be consistent with state law, the proposed comprehensive amendment to Chapter 98 includes the revisions outlined below.

### **Section 98.01.02.1 – Definitions**

The proposed comprehensive amendment adds definitions for “Alternative Nicotine Product,” “Tobacco Product” and “Vapor Product” consistent with the Youth Tobacco Act.



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### **Section 98.12.01**

The proposed amendment to Section 98.12.01 reflects the statutory change prohibiting persons under 21 from possessing and using tobacco. The penalty for a violation remains a misdemeanor subject to a \$50 fine, but as amended, this section authorizes the Court to impose participation in a health program and/or community service as a sanction for a violation.

### **Section 98.12.01a**

The proposed amendment adds a new Section 98.12.01a, specifically identifying vapor and alternative nicotine products as part of the prohibition for persons under 21 years old. Possession or use would be a civil infraction but the Court could also require participation in a health program and/or community service as a sanction for a violation. A third offense would be a misdemeanor subject to a \$50 fine, and possible participation in a health program and/or community service.

### **Section 98.12.02**

The proposed amendment to 98.12.02 would make it a misdemeanor to sell or furnish tobacco, a vapor product, or a nicotine product to a person under the age of 21. The penalty for a first offense would be \$100 and \$500 for a second offense and up to \$2,500 for a third offense, consistent with state law.

## **CHANGES TO FIREARM LAWS**

Our comprehensive review required a look at the firearms laws, which have been recently amended in the state statutes. Pursuant to MCL 132.1102, local units of government are prohibited from imposing, enacting, or enforcing any ordinance regulating the ownership, purchase, sale, transfer, transportation, or possession of pistols, other firearms or pneumatic guns, or ammunition except as provided by federal or state law. Although MCL 132.1103 allows municipalities to adopt ordinances related to firearms, a municipality cannot adopt any firearm regulation that would prohibit any use or possession of a firearm that is permitted under state law. Recent changes include:

### **Licensing of Firearms**

Under current state law, a person may not purchase, carry, or transport a pistol without first obtaining a license from a police department. The license is commonly referred to as a pistol permit. There are exemptions from this requirement for persons who have a concealed pistol license (CPL), for law enforcement and correctional officers, members of the armed forces, federally licensed firearm dealers, and persons who purchase a pistol from a federally licensed firearm dealer who completes a federal criminal background check not more than five days before the purchase. If a police department determines there is probable cause to believe that a pistol license applicant poses a threat to himself/herself or to other individuals, or is likely to commit a criminal offense with a pistol, the permit application should be denied, and the Troy Police Department has established guidelines for carrying out this responsibility. The current provision, where there is no requirement to get a Michigan license or permit for a rifle or shotgun, was modified by Public Acts 18, 19, and 22 of 2023,



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which amends provisions of MCL 28.421 – 28.434(a), MCL 750.232 -233, and MCL 777.11. Now, persons seeking to purchase a rifle or a shotgun must first obtain a license from a police department unless they are exempt from doing so under the new statute. The new law, which takes effect on February 13, 2024, essentially extends the regulations currently applicable to pistol licensing to rifles and shotguns. Under the amended legislation, firearms acquired before February 13, 2024 are exempt. The new law also eliminates the exemption for those purchasing from federally licensed firearms dealers who complete background checks.

### **New Safe Storage Provisions for Firearms**

Public Acts 79 – 82, which also takes effect on February 13, 2024, amends MCL 28.435, MCL 777.11B, and MCL 205.51 - MCL 205.78 by imposing new requirements for the safe storage of firearms if it is known that a minor (under the age of 18) is likely to be on a premise. The new law prohibits a person from leaving a firearm at a property where there are minors unless it is in a locked box or container or kept unloaded and locked with a locking device to make the firearm inoperable by any individual other than the owner or an authorized user. The law also applies to any person who enters the premises of another where a minor may be present. In such case, the law requires the individual to either store the firearm in a locked box or keep it unloaded with a locking device installed, or they must leave the firearm in a locked vehicle. The penalties for violation depend on what the minor does after obtaining a firearm not properly stored. If a minor exhibits the firearm in public, the penalty for the non-compliant firearm owner is up to 93 days in jail and a fine up to \$500. If the minor uses the firearm and causes an injury, the penalty could be up to 10 years in prison and/or a fine of up to \$7,500, and if a minor uses the firearm and causes a death, the penalty is up to 15 years in prison and a fine of up to \$10,000.

The new law also imposes requirements on federally licensed firearm dealers to provide brochures or pamphlets informing all firearm purchasers of the new safe storage laws.

The new legislation also amends the sales and use tax laws to exempt firearm safety devices from the sales and use tax.

### **Extreme Risk Protection Orders (Red Flag Law)**

Public Act 38 of 2023 is new legislation (MCL 691.1805) that allows specified individuals (petitioners) to file an action in circuit court seeking an extreme risk protection order (ERPO) to prohibit any person posing a significant risk of personal injury to himself or herself or others from possessing firearms. This law, which is known as a “red flag” law, is similar to legislation passed in several other states that require a person who is served with such a petition to demonstrate that he or she is not a significant risk to themselves or others if they possess a firearm. A petition seeking an ERPO can be filed by any person who has a familial or dating relationship with the respondent, or a guardian, a mental health professional or a law enforcement officer. If the Court issues an ERPO, the respondent will be required to turn in any firearms he or she owns to a police department and file proof with the court verifying the firearms have been surrendered. Failure to do so would subject the respondent to criminal penalties and penalties for contempt of court. An ERPO expires one year after issuance but



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may be extended upon the request of the petitioner if it is shown that the respondent still poses a significant risk of personal injury to themselves or others.

### **Senate Bill 208**

There is no current state or federal law that would prohibit a person from openly carrying a firearm in a holster outside of his or her clothing. Accordingly, local units of government cannot prohibit the open carry of firearms in public buildings, except as noted below. Pursuant to MCL 28.425o and Administrative Orders of the Michigan Supreme Court, there are some locations where individual(s) are prohibited from concealed and open carry of a firearm. They include:

- 1) Schools or school property.
- 2) Public or private day care facilities.
- 3) Sports arena or stadiums.
- 4) Bars or taverns.
- 5) Property owned or operated by a church, synagogue, mosque, or other place of worship, unless the presiding official allows the firearms to be carried on the premises.
- 6) Entertainment facilities with a seating capacity of 2,500.
- 7) Hospitals.
- 8) A dormitory or classroom of a community college, college, or university.
- 9) Casinos.
- 10) Any courtroom, office, or other space used for official court business.

On March 16, 2023, Senate Bill 208 was introduced in the State Legislature. This proposed law would amend MCL 123.1103 to allow local units of government to pass an ordinance prohibiting firearms on any property owned or leased by the local unit of government. If this bill were to pass and become law, then the City could amend its ordinances to prohibit firearms on City owned property. However, there has been no further action taken on this proposed legislation since its introduction.

### **House Bill 4184**

Under state law, pneumatic guns (BB and pellet guns) are not considered firearms and are not subject to the same regulations. Thus, there is no requirement to obtain a license in order to use and possess a pneumatic gun. Under MCL 123.1103, a local unit of government may regulate the possession of pneumatic guns within the local unit of government by requiring that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, a guardian, or an individual 18 years of age or older. Under the current state law, however, an ordinance cannot regulate possession of a pneumatic gun on or within private property if an individual below the age of 16 is authorized by a parent or guardian or another adult that owns the subject to possess the pneumatic gun. In March 2023, House Bill 4148 was introduced and if enacted, it would prohibit any individual less than 18 years of age from using or possessing a pneumatic gun outside the individual's residence unless accompanied by another individual over 18 years of age. Similar to Senate Bill 208, there has been no further action since the bill's introduction.



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## **Proposed Amendments to Firearm Provisions of Chapter 98**

Following the changes in state law, we recommend the following specific ordinance revisions to remove conflicts with the state law, and also to provide additional protections for the health, safety, and welfare of the community, as allowed under the firearms laws.

### **Section 98.01.02.1 – Definitions**

The proposed amendment would revise the definition section to be consistent with the definitions provided under state law firearm regulations. The amendment would revise the definition of the term “firearm” and provide new definitions for the terms brandish, pistol, and pneumatic gun.

### **Section 98.13.01 – Transport or Possess Firearms in Vehicle**

The proposed amendment specifies how firearms and pneumatic guns may be transported. As revised, this section would be consistent with the state law.

### **Section 98.13.02 – Firearm License Requirement**

The proposed amendment clarifies that any person who possesses a firearm in Troy must have a license as required by the recent amendment to the state law or otherwise be exempt from licensure. Any person who acquired a firearm, other than a pistol, before February 13, 2024 is exempt, as required by state law. The amendment to this section also removes the language related to possessing a firearm in “public” since that language could imply that the City prohibits possession of all firearms in public, which it is not authorized to do.

### **Section 98.13.03 – Person Under 18 – Possess Firearms**

The proposed amendment clarifies that a person under the age of 18 may not carry or possess a firearm in public unless they are under the direct supervision of an individual 18 years or older.

### **Sections 98.13.06 and 98.13.07**

The proposed amendments adding Sections 98.13.06 and 98.13.07 provide regulations for pneumatic guns. The City has authority to prohibit using such guns in a dangerous or threatening manner and to require persons under the age of 16 to only use such guns under the supervision of an adult or within private property as authorized by a parent, guardian or property owner. We recommend adding these provisions since our office has received many inquiries regarding whether pneumatic guns are subject to the same regulations as firearms. These provisions provide notice that even though pneumatic guns are not subject to the same regulations applicable to firearms, there are some limitations on their use.



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## **Sections 98.13.08 and 98.13.09 – Brandishing and Pointing Firearm Without Malice**

The new sections 98.13.08 and 98.13.09 would add provisions prohibiting the brandishing of firearms and intentionally pointing a firearm at a person without malice.

We considered proposing some amendments for safe storage of firearms and ERPO's. However, most of the significant violations of the new safe storage laws are felonies or juvenile cases, brought by the Oakland County prosecutor, rather than the City prosecutor. The ERPO violations are enforced through civil penalties and private actions in circuit court, rather than a district court misdemeanor prosecution. Thus, we do not believe there is any reason to incorporate these state law provisions or the new ERPO law provisions into the City's misdemeanor ordinance.

## **PROVISIONS AFFECTING CONDUCT ON SCHOOL PROPERTY**

Based on some court challenges to the school property provisions in Chapter 98, we propose amendments to those provisions. The proposed amendment also amends the provisions related to tobacco on school property to be consistent with revisions to state law.

## **Proposed Amendments to School Property Provisions of Chapter 98**

### **Section 98.14.02**

Section 98.14.02 prohibited indecent language or conduct on school property. The proposed amendment adds additional language that would only prohibit such language or conduct if it causes a disturbance.

### **Section 98.14.03**

Section 98.14.03 states that anyone on school property violates the ordinance unless the presence is authorized by a school administrator. The proposed amendment clarifies that it is only a violation when an individual is previously notified by a school administrator that they are not allowed on the property, or if they refuse to depart after being requested to leave by a school administrator.

### **Section 98.14.05**

Section 98.14.03 makes it a misdemeanor to use tobacco on school property. The proposed amendment prohibits the use of vapor products (vapes) and alternative nicotine products in addition to tobacco. Persons over 21 years old are still allowed to use tobacco or vapor products or alternative nicotine products on school property at scheduled outdoor events on Saturdays or Sundays or after 6 pm. This is consistent with the state law.

These proposed amendments were included in the February 5, 2024 City Council Regular Meeting Agenda as a report. Since there was limited input, the proposed ordinance revisions are now being recommended for approval.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 98 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 98 of the Code of the City of Troy.

Section 2. Amendment

Sections 98.01.02.1, 98.03.03, 98.10.10, 98.10.11, 98.10.14, 98.11.01, 98.12.01, 98.12.02, 98.13.01, 98.13.02, 98.13.03, 98.13.05, 98.14.02, 98.14.03, 98.14.05 are amended, and Sections 98.12.01a, 98.13.06, 98.13.07, 98.13.08 and 98.13.09 are added, Sections 98.05.16, 98.05.17, 98.10.04 are repealed, and Sections 98.05.18, 98.10.06, 98.10.07, 98.10.08, 98.10.09, 98.10.10, 98.10.11, 98.10.12, 98.10.13, and 98.10.14 are renumbered as follows: (*Red insertion and strikeout denote changes*)

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

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

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“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.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.



“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360ff-7.

## **INDECENT CONDUCT**

98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place **if doing so disturbs the public peace and quiet**. A person who violates this section is guilty of a misdemeanor

## **DISORDERLY CONDUCT**

~~98.05.16 See Section 98.15.01~~

~~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.~~

98.05.16 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.

98.05.17 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.

## ALCOHOL

~~98.10.04 Under 21 - PBT Refusal.~~

98.10.04 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.

98.10.05 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 98.10.13, 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.

98.10.06 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.

98.10.07 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.

98.10.08 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.

98.10.09 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.

98.10.10 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 98.10.13, 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.

98.10.11 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.

98.10.12 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.

98.10.13 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 liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, 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.

## **DRUGS**

98.11.01 Possession or Use of Marijuana **Marihuana. The following provisions are applicable to the possession and/or use of marihuana;**

- a) **No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of**

Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*

- b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
- c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.
- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be 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.

- 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.

## **TOBACCO**

98.12.01 Person Under 21 - Possess or Purchase Tobacco. No person under the age of 21 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. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.02 Person Under 21- Possess or Purchase a Vapor Product or Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. 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 individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service. \_

- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.03 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine as follows: ~~of not more than \$50.00 for each offense.~~ not more than \$100.00 for a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

## **FIREARMS**

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior 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.

98.13.02      Firearm License Requirement. Except as permitted by state or federal law\_a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law\_or is otherwise permitted to purchase, carry or possess the firearm under state or federal 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.

98.13.03      Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. 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 a pistol or any other 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.

98.13.06      Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. 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.

98.13.07      Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08      Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. 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.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or 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.

## **SCHOOL PROPERTY**

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 **if doing so causes a 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.

98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority **after having been forbidden to do so by a school administrator or after being notified to depart by 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.

98.14.05 Tobacco, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, **vapor product, or alternative nicotine 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 **individuals who are 21 years or older who are on** ~~these~~ 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.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ethan Baker, Mayor

\_\_\_\_\_  
Aileen Dickson, City Clerk

## **Chapter 98 – Criminal Code**

### **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 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.

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“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.

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with 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.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“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.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“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.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.

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

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

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.

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.

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 if doing so disturbs the public peace and quiet. 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. 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.

- 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 persons 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 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 when 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 have 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 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.

- 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 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.

- 98.05.17 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 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**

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 Chapter 98 – Criminal Code 98-14 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.

98.10.04 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.

98.10.05 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 98.10.13, 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.

- 98.10.06 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.
- 98.10.07 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.
- 98.10.08 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.
- 98.10.09 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.
- 98.10.10 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 98.10.13, 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.
- 98.10.11 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.
- 98.10.12 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.

- 98.10.13 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 liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, 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.

## **DRUGS**

- 98.11.01 Possession or Use of Marihuana. The following provisions are applicable to the possession and/or use of marihuana;
- a) No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
  - b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
  - c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.

- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be 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.

98.11.02 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, chiropodists, 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 breathe, 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 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 21 - Possess or Purchase Tobacco. No person under the age of 21 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. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.01a Person Under 21- Possess or Purchase a Vapor Product of Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. 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 individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service.
- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.02 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine as follows: not more than \$100.00 for

a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

## **FIREARMS**

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior 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.

98.13.02 Firearm License Requirement. Except as permitted by state or federal law a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law or is otherwise permitted to purchase, carry or possess the firearm under state or federal 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.

98.13.03 Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. 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 a pistol or any other 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.

98.13.06 Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. 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.

98.13.07 Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08 Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. 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.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is



guilty of a misdemeanor punishable by imprisonment for not more than 93 days or 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.

## **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 if doing so causes a 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.
- 98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority after having been forbidden to do so by a school administrator or after being notified to depart by 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 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, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, vapor product, or alternative nicotine 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 individuals who are 21 years or older who are on 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.

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 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.

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.

**EFFECTIVE DATE**

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