

THE PEOPLE OF THE CITY OF FLINT ENACT:

§ 31-11 DISORDERLY HOUSE — FREQUENTING; WHAT CONSTITUTES; PROOF OF CHARACTER OF HOUSE.

No person shall knowingly attend or frequent a disorderly house, room or place as herein defined.

DISORDERLY HOUSE, ROOM or PLACE. In which any or all of the following occurs:

- (a) One in which unlicensed gaming or gambling is suffered or permitted, or a common gaming or gambling house or room.
- (b) A house of prostitution or ill repute or a house, room or place in which prostitutes resort.
- (c) One in which intoxicating liquors are illegally sold, given or dispensed.
- (d) One in which gaming devices, lottery, policy, pool or numbers slips, papers, memorandums, books of account, apparatus or material for gambling are unlawfully kept or used.
- (e) One in which controlled substances are delivered, used, sold or maintained. CONTROLLED SUBSTANCES, for the purpose of this section, shall have the same meaning as, and shall include the same substances as, the State controlled substances statute, being MCLA §§ 333.7101 et seq, being MSA §§ 14.15(7101) et seq.
(Ord. 1155, passed 1-18-54; Am. Ord. 1437, passed 6-2-58; Am. Ord. 2852, passed 9-13-82)

§ 31-12 DISORDERLY CONDUCT AND DISORDERLY PERSONS.

A person is a disorderly person if the person does any of the following:

- (a) (1) Commits an assault or battery upon any person.
(2) Commits an assault or an assault and battery upon a spouse, former spouse, or a person residing or having resided in the same household as the perpetrator. This subsection shall be enforced in accordance with MCL §§ 750.81, 764.15a and 769.4a.
- (b) Engages in any fight in a public place except when doing so solely in self-defense.
- (c) Remains in any public place after its regular closing hours after being told to leave by one authorized to give such order.
- (d) Conducts himself in any public place, or joins with one or more persons in a public place, if he knows or should know that, singly or together with others with whom he has joined, he is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this subsection is not to be interpreted to conflict with the regulations of the National Labor Relations Board regarding picketing in labor disputes.
- (e) Persists in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is in fact unreasonably causing such a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.
- (f) Persists in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which by its very existence inflicts injury or tends to incite an immediate breach of peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is in fact unreasonably causing such disturbance.
- (g) Knowingly transports any person, for consideration, or the offer of consideration, to a place where the business of prostitution, gambling, or illegal sale of liquor or a controlled substance is carried on, for the purpose of enabling such person to be a customer of any such business.
- (h) Knowingly harasses any other person. HARASS is defined as any repeated nonverbal conduct which is specifically intended to frighten, embarrass, or anger the person who is or persons who are the object of such conduct, or which the person accused has reason to know is likely to produce such reactions or any repeated verbal communication which by its very utterance inflicts injury or incites an immediate breach of peace.
- (i) Urinates or defecates on any public street or sidewalk, or on the floor of that part of any building open to the public or any other place in view of the public not specifically designated for that purpose.
- (j) Throws any object from any moving vehicle, or toward any person or moving vehicle if he knows or should know that damage to person or property, or alarm which may foreseeably produce damage to person or property, is likely to result.
- (k) Knowingly destroys, damages or defaces or removes any public property or other property not his own.
- (l) Summons, without good reason therefor, by telephone or otherwise, the Police or Fire Department, any public or private ambulance, or any other service of any kind, to go to any address where the service call is not needed.
- (m) Knowingly takes possession of and rides or takes away any bicycle, without the express or implied permission of the owner.
- (n) For the purposes of this section, PUBLIC PLACE means any street, alley, park, government- owned or government-controlled building, common hallway or public room of any dwelling greater than two units, or any other place to which the public has lawful access, as well as any motor vehicle used to provide public transportation. Masculine pronouns in this section shall be construed to include both male and female persons.
- (o) Intentionally makes or causes to be made any open exposure of the human male or female genitals, pubic area, buttocks or female breast in any street, alley, park, sidewalk, public building, school or building open to or frequented by the public or any other place that is open to the public view or to which the public has access.
- (p) Loiters, frequents, or remains on or in any public place or private property:
 - (i) for the purpose of unlawfully using, possessing, offering for sale, selling, furnishing or dispensing any controlled substance and/or drug paraphernalia, or
 - (ii) who has knowledge that controlled substances and/or drug paraphernalia are, or recently have been, unlawfully used, possessed, offered for sale, sold, dispensed furnished given away or stored on or near said property.

As used in this section:

- (i) CONTROLLED SUBSTANCE. Defined in the controlled substances act of the state of Michigan, MCLA §§ 333.7101 et seq., being MSA §§ 14.15(7101) et seq., as amended.
- (ii) DRUG PARAPHERNALIA. Any item which is used or intended for use with a controlled substance. USED OR INTENDED FOR USE WITH A CONTROLLED SUBSTANCE means:
 - (1) The item was primarily designed or adapted, because of its objective physical features, for use with a controlled substance; or
 - (2) The item was intended by an individual for use with a controlled substance; or
 - (3) An individual would know, or should have known, that the item was intended for use with a controlled substance.

(Ord. 2641, passed 5-22-78; Am. Ord. 2670, passed 10-23-78; Am. Ord. 2943, passed 2-11-85; Am. Ord. 3011, passed 10-13-86; Am. Ord. 3116, passed 10-9-89; Am. Ord. 3165, passed 4-22-91; Am. Ord. 3192, passed 1-13-92)

§ 31-12.1 HINDERING OR ASSAULTING City EMPLOYEES; INJURY TO City VEHICLES.

- (a) It shall be unlawful for any person to knowingly or willfully obstruct, resist, oppose, assault, beat or wound any employee of the City while the employee is engaged in the lawful performance of his official duties.
- (b) It shall be unlawful for any person to cut, mark, scratch, damage or destroy the body, sides, top or any of the accessories, equipment, appurtenances or attachments of any motor vehicle of the City being used by an employee of the City or City official who is engaged in lawful performance of his official duties.
(Ord. 2718, passed 7-9-79)

§ 31-13 LARCENY.

It shall be unlawful for any person to commit the offense of larceny by taking any property not his own and to which he has no claim or right with the intent of permanently depriving the owner of lawful possession, or to receive or possess any such property knowing the same to be stolen.
(Ord. 2641, passed 5-22-78)

§ 31-14 BEGGING OR PANHANDLING.

It shall be unlawful to go about from person to person or from place to place, soliciting contributions for oneself or others; provided, however, that soliciting of charitable contributions pursuant to a permit issued by the City Clerk is not prohibited.
(Ord. 2849, passed 8-30-82)

§ 31-15 RIOTERS; COLLECTORS OF CROWDS AND THE LIKE.

All persons who shall make, aid or assist in making any riot, disturbance or improper diversion, or who shall aid or assist in collecting a crowd for any unlawful purpose, or who shall commit any breach of the peace, shall be deemed to be disorderly persons.

(Ord. 186, passed 10-14-24)

§ 31-16 PROWLING.

It shall be unlawful for any person to knowingly prowl about premises owned or leased by another in the nighttime, without the express or implied consent of that person.

(Ord. 2641, passed 5-22-78)

§ 31-17 WINDOW PEEPERS.

It shall be unlawful for any person to knowingly go upon the property owned or leased by another and peep through the window of a building on the property of any person, without the express or implied consent of that person.

(Ord. 186, passed 10-14-24; Am. Ord. 1362, passed 1-21-57; Am. Ord. 2641, passed 5-22-78)

§ 31-18 ARREST PROCEDURES.

(a) The Chief of Police or any police officer in the City may, and it shall be the duty of each of them, to arrest without process any person found by them, or by either of them, violating any of the provisions of §§ 31-12 through 31-17 hereof and forthwith bring such person before a Judge or Magistrate in the City to be dealt with according to law, within 24 hours after the arrest, except in case the arrest shall be made in the night or on Sunday, or on a legal holiday, or in case no justice can be found in his office, the officer making the arrest shall convey the person so arrested to the jail of the County or other place of confinement provided by the City, and the keeper thereof shall safely keep such persons therein until taken away by the officer making the arrest, or by some other officer having legal authority to remove such person, or until such person shall have remained in the jail or such place of confinement 24 hours; or in case of arrest was made in the nighttime or on Sunday, or on a legal holiday; then until the hour of 9:00 [a.m.] of the day next thereafter upon which a court may be legally held.

(b) The officer so taking a person so arrested by him to the jail or place of confinement shall bring such person, or cause the person to be brought by some officer having like powers, before the District Judge within the time fixed for his detention.

(Ord. 186, passed 10-14-24)

§ 31-19 FALSE REPORTS TO POLICE.

(a) It shall be unlawful for any person to report or cause to be reported any felony or misdemeanor, or give any information relating to any such felony or misdemeanor, to the Department of Police of the City, or to any member of the Police Department by telephone, in writing or by other means of communication, knowing that no such felony or misdemeanor had in fact been committed.

(b) It shall be unlawful for any person to give information or report to the Department of Police of the City, or to any member of such Police Department relating to any felony or misdemeanor, which information or report is false and which information or report such persons know to be false.

(c) It shall be unlawful for any person to give any information, knowing it to be false, to any member of the Department of Police of the City, when such member of the Police Department of the City is in the performance of his official duties.

(Ord. 200, passed 1-10-38; Am. Ord. 1406, passed 11-4-57)

Statutory reference:

Reporting fictitious crimes to peace officers,
see MSA § 28.643(1)

False reports to police radio, see MSA § 28.777

§ 31-19.1 ALARM SYSTEM USER.

Definitions. For the purpose of this section, the following terms shall have the meaning indicated unless their context requires a different meaning:

ALARM SYSTEM. A device or an assembly of equipment or devices arranged to signal the presence of a hazard requiring urgent attention and to which police officers and/or firefighters are expected to respond.

FALSE ALARM. Any alarm condition which is registered at the Police Department, Fire Department, or elsewhere not resulting from the activity for which the alarm was intended.

ALARM USER. Any person on whose premises an alarm system maintained within the city except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such alarm system is an alarm user. Also excluded from this definition and from the coverage of the ordinance are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located, of an attempted unauthorized intrusion or hold-up attempt. If such a system, however, employs an audible signal emitting sounds or flashing lights or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subjected to §§ 31-19.1 through 31-19.6.

(Ord. 3376, passed 7-27-98)

§ 31-19.2 FALSE ALARM FEE.

(a) The alarm user shall be required to pay to the city the sum of \$50.00 for each false alarm in excess of three false alarm occasions within any one year period. No alarm user shall be requested to pay said fee on the first three occasions of a false alarm during any one year period, but the alarm user thereafter shall be advised in writing of said false alarm and of the existence of this §§ 31-19.1 through 31-19.6 by the Flint Police Department.

(b) Alarm conditions caused by the following extenuating circumstances shall not constitute a false alarm, and no false alarm fee shall be charged by the city:

(1) Alarm conditions being activated by persons working on the alarm system with prior notification to the Police or Fire Department of the city.

(2) Alarm conditions being activated by severe weather or other violent conditions beyond the control of the alarm user.

(3) Alarm conditions activated by disruption or disturbance of telephone or other communication systems.

(Ord. 3376, passed 7-27-98)

§ 31-19.3 INTERFERENCE WITH TELEPHONE COMMUNICATIONS SYSTEMS.

No person shall sell, install, operate, adjust, arrange for, or contract to provide a device or combination of devices that will upon activation, either mechanically, electronically, or by other means initiate the automatic intrastate calling, dialing, or connection to any telephone number assigned to any subscriber thereof by a public telephone company, for the purposes of delivering a recorded message without the proper written consent of such subscriber.

(Ord. 3376, passed 7-27-98)

§ 31-19.4 AUDIBLE OR VISUAL SIGNALS.

No person shall use, install, or direct to be installed any alarm system which emits a sound and/or visual signal for a period of longer than 30 minutes from the time of the initial signaling of the devices.

(Ord. 3376, passed 7-27-98)

§ 31-19.5 PENALTY.

Any person, corporation, partnership or any other legal entity who shall violate or fail to comply with any of the provisions of §§ 31-19.1 through 31-19.6 or any of the regulations adopted pursuant thereto, shall be guilty of a misdemeanor and upon conviction thereof, may be fined not more than \$500.00 or in prison not more than 90 days, or both, in the discretion of the court.

(Ord. 3376, passed 7-27-98)

§ 31-19.6 SEVERABILITY.

If any portion of §§ 31-19.1 through 31-19.6 shall be determined invalid or unconstitutional by court, the remainder shall be considered severable and shall remain in full force and effect.

(Ord. 3376, passed 7-27-98)

§ 31-19.7 RULES AND REGULATIONS FOR IMPLEMENTATION.

(a) The Chief of Police shall establish written rules and regulations to implement the provisions of this §§ 31-19.1 through 31-19.6. The rules and regulations shall provide for implementation of these provisions including tracking of alarms, notification of false alarms and the appeals procedure and criteria for removing an alarm response from the false alarm category.

(b) All rules and regulations promulgated by the Chief of Police pursuant to this section, shall be submitted to an approved by the City Council before becoming effective. Following approval a copy of such rules shall be provided to the City Clerk and be made available to the public.

(Ord. 3383, passed 9-14-98)

§ 31-20 FIREARMS — HANDLING, FIRING AND THE LIKE.

(a) Definition. The word FIREARM except as otherwise specifically defined in this code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

(b) It shall be unlawful for any person, except an officer in the discharge of his duties, to draw, flourish or fire any firearm in the City, except as authorized by law; provided, that nothing contained herein shall prohibit the drawing, flourishing or firing of air guns or firearms in duly licensed firing ranges or shooting galleries.

(c) It shall be unlawful for any person to transport or to have in possession in or upon any vehicle a firearm unless the same is unloaded in both barrel and magazine and carried in the luggage compartment of the vehicle. It shall be unlawful to carry a firearm on any public street or in any public place unless it is unloaded and in a case, except as authorized by law.

(d) Any person observed doing any of those things prohibited by this section shall be required to represent to any peace officer, forthwith, evidence of authorization that the person is exempt from the provisions thereof.

(Ord. 146, passed 10-5-15; Am. Ord. 1846, passed 9-9-65; Am. Ord. 2161, passed 9-29-69)

§ 31-20.1 SAME — MINORS POSSESSING.

It shall be unlawful for any person 17 years of age or under to possess, carry or transport any firearm as defined by MCLA § 750.222, being MSA § 28.419, within the City, unless such minor is in possession of a valid hunting license issued by the state and such rifle or shotgun is being transported in the manner prescribed by state law.

(Ord. 2822, passed 2-8-82)

§ 31-20.2 ACCESS TO FIREARMS BY MINORS.

(a) Definition. For the purposes of this section the following terms shall have the meanings indicated unless their context requires a different meaning:

AMMUNITION. Any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in any firearm.

FIREARM. A pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm, except for an inoperable antique firearm.

MINOR. Any person under the age of 18.

(b) Except as provided in this section, a person shall not leave a loaded firearm, or an unloaded firearm in close proximity to ammunition, in any location where the person knows, or reasonably should know, that an unsupervised minor may gain access to the firearm.

(c) This section shall not apply where:

(1) A minor's access to a firearm is supervised by a person 21 years of age or older;

(2) A firearm is in a locked gun cabinet or similar locked location, or is secured with a trigger lock or other similar device which prevents the firearm from discharging ammunition;

(3) A minor's access to a firearm was obtained as a result of an unlawful entry to the premises; or

(4) A firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties.

(d) (1) When selling any firearm, a licensed firearms dealer shall explicitly offer to sell or give to the purchaser a trigger lock or similar device to prevent the firearm from discharging ammunition.

(2) At every purchase counter in every store, shop or sales outlet where firearms are sold, the following warning in block letters not less than one inch in height shall be conspicuously posted: "It is unlawful to leave a loaded firearm, or an unloaded firearm in close proximity to ammunition, where a minor can obtain access to the firearm."

(e) Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to \$500 or imprisonment for 90 days, or both.

(Ord. 3216, passed 9-23-93; Am. Ord. passed - -)

§ 31-20.3 FIREWORKS.

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

CLASS B FIREWORKS. Toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

CLASS C FIREWORKS. Toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms, and other similar devices.

FIREWORKS. A device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. FIREWORKS includes Class B fireworks and Class C fireworks.

(b) Sale, possession, transportation, use, prohibited. Except as provided in divisions (c)(2) through (c)(4), a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following:

(1) A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used;

(2) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;

(3) Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction;

(4) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

(c) Exceptions. A permit is not required for the following:

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps as described in division (c)(1) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion;

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler;

(4) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains;

(5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices;

(6) Possession, transportation, sale, or use of signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in division (b) used by railroads for emergency signal purposes;

(7) The sale of fireworks, provided they are to be shipped directly out of state pursuant to regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water;

(8) Nothing contained in the exceptions listed in division (c) shall be construed to alter an individual's or businesses obligation to obtain a license to sell fireworks pursuant to § 12-250.

(d) Permit for use or sale of fireworks; application; purpose of use; age limitation.

(1) The Fire Marshal, upon application in writing, on forms provided by the Fire Department, may grant a permit for the use of fireworks otherwise prohibited by division (b), within the corporate limits, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city, if the applicable provisions of this section are complied with. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this division shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) The Fire Marshal, upon application in writing, may grant a permit, on forms provided by the Fire Department, to a resident wholesale dealer or jobber to have in his or her possession within the corporate limits, fireworks otherwise prohibited by division (b), for sale only to holders of permits as provided in this section. A permit granted under this division is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation making application therefore shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the Fire Marshal to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, character, and form the Fire Marshal determines necessary for the protection of the public.

(4) A permit shall not be issued to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his or her legal representative upon whom all process in an action or proceeding against him or her may be served.

(5) The Fire Marshal shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the displays before granting permits.

(e) Storage of fireworks; wholesalers, dealers and jobbers. The storage of fireworks at the site of a wholesaler, dealer, or jobber, except for a retailer who has goods on hand for sale to the public in a supervised display area, shall be as follows:

(1) In a one story, noncombustible building without a basement, which building is weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(2) The location of the storage building shall be approved by the Fire Marshal, and shall be located not less than the distances, set forth in MCLA § 750.243d(b), from inhabited buildings, passenger railroads, and public highways according to the number of pounds of fireworks stored, rounded to the nearest pound.

(3) A person shall not cause or allow smoking, matches, open flames, spark producing devices, or firearms inside of or within 50 feet of a building used for the storage of fireworks. A person shall not store combustible materials within 50 feet of a building used for the storage of fireworks.

(4) The interior of a building used for the storage of fireworks shall be kept clean and free from debris and empty containers. A person shall not use a building used for the storage of fireworks for the storage of any metal tools or any commodity other than fireworks.

(5) A person shall not provide a building used for the storage of fireworks with heat or lights, except that if lights are necessary, an electric safety flashlight or safety lantern shall be used.

(6) A building used for the storage of fireworks shall bear lettering on each side and top in letters not less than four inches high, the words "EXPLOSIVES – KEEP FIRE AWAY."

(7) A building used for the storage of fireworks shall be under the supervision of a competent person, who shall be not less than 18 years of age.

(8) In addition to the requirements of MCLA § 750.243d(b), salutes that do not qualify as Class C Fireworks shall be considered to be hazardous material and shall be stored in accordance with rules for the storage and handling of hazardous material promulgated under Section 3c of Public Act 207 of 1941, as amended, being MCLA § 29.3c.

(f) Penalty; misdemeanor.

(1) Any person, firm, copartnership or corporation, who violates any of the provisions of divisions (a) to (c) or who violates the terms of any permit issued thereunder, is guilty of a misdemeanor punishable by 90 days in jail and/or a \$500 fine. Nothing in this section shall preclude additional penalties for violations of the Michigan Fireworks Act that are also violations of this article.

(2) Any member of the Police Department or Fire Marshal may confiscate any fireworks found within the city in violation of federal or state law, or in violation of the City Code (including any quantity of otherwise lawful fireworks in excess of ten pounds gross weight or 100 pounds gross weight in the case of a licensed retail dealer).

(Ord. 3472, passed 5-29-01)

Statutory references:

See MCLA § 750.243a, § 750.243b, § 750.243d, § 750.243e

§ 31-21 FIXTURES AND THE LIKE FOR LIGHTING PUBLIC PLACES — DAMAGING OR DESTROYING.

It shall be unlawful for any person to damage or destroy any lighting fixture, bulb, cable, wire, insulator, transformer, or any other equipment designed for the illumination of any public street, park, playground or other public place, or any equipment designed for the production or transmission of electrical current for such illumination.

(Ord. 2020, passed 12-11-67)

§ 31-22 GAMBLING HOUSE — KEEPING.

No person shall keep any house, building, room, shed, yard, garden or dependency thereof, to be used or occupied for gambling or gaming, and no person, being the owner of any such house, building, room, shed, yard or garden, shall rent or lease the same to be used or occupied for gambling or gaming.

(Ord. 144, passed 3-10-02)

Cross-reference:

Gambling at airport, see § 5-15

Games of skill or chance at carnivals and the like, see § 8-53

Mechanical amusement device with automatic

payoff prohibited, see § 12-36

Statutory reference:

Gambling, MSA §§ 28.533 et seq.

§ 31-23 SAME — PERMITTING HOUSE TO BE USED FOR GAMBLING.

If any person being the owner, lessee or manager of any house, building, room, shed, yard or garden shall know that any gambling or gaming table, implement or apparatus for room, shed, yard or garden for winning or gaining money or other valuable thing, and shall not forthwith cause a complaint to be made against the person so keeping or using such house, building, room, shed, yard or garden, such person shall be taken, held and considered to have knowingly permitted the same to be used and occupied for gaming or gambling.

(Ord. 144, passed 3-10-02)

§ 31-24 SAME — FREQUENTING.

No person shall resort to any house, building, room, shed, yard, garden or other place within the City, for the purpose of gaming or gambling, or aiding or abetting therein, and no person shall, while in saloon, or in or at any other place whatsoever in the City, engage in gaming or gambling, or aid or abet therein, by advising or assisting the principals, or by buying any check, slip, card or ticket to represent money to be used in betting on the result of any game.

(Ord. 144, passed 3-10-02)

§ 31-25 SAME — RIGHT OF ENTRY OF POLICE; SEIZURE AND DISPOSITION OF GAMBLING DEVICES.

The Chief of Police or any member of the Police Department of the City may enter any house, building, room, shed, yard, garden or other place where they have good reason to believe and do believe any gaming or gambling is going on, or any gaming instrument or device or thing used for the purpose of gaming instrument or device or thing used for the purpose of gaming on or with, by which money or other valuable thing may be lost or won is used, kept or concealed, and no person shall in any manner refuse to admit such officers, when admittance is demanded by them, or in any manner hinder or delay them from entering upon demand. Such officer may seize or direct to be seized any such instrument, device or thing used for the purpose of gaming on or with by which money or other valuable thing may be lost or won, and all such instruments, devices and things may be demolished or destroyed under the direction of the Chief of Police in case the person or persons in whose possession the same were found shall be convicted of gambling. If such articles are not found in the immediate possession of any

person, they shall be kept for a claimant, any person claiming to have been the owner thereof at the time of the taking of the same as aforesaid shall be as aforesaid upon giving sufficient surety to keep the peace, entitled to a return of such articles, if not convicted.
(Ord. 144, passed 3-10-02)

§§ 31-26 GLUE, MARIHUANA, CONTROLLED SUBSTANCES AND OTHER TOXIC SUBSTANCES - DEFINITIONS OF CERTAIN TERMS

For the purpose of §§ 31-27 through 31-31 hereof, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MODEL AIRPLANE. Any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles, containing toluene, acetone, methyl ethyl ketone, ethylene, dichloride, benzene, carbon tetrachloride, chloroform and other ketones, esters, alcohols, or other solvents or chemicals having the property of releasing toxic vapors.

OTHER TOXIC SUBSTANCE. Naphtha, methanol, toxic esters, ethanol, ester, methyl cellulose acetate or other volatile substances containing naphtha, methanol or ethanol as active ingredients.
(Ord. 1899, passed 4-18-66)

§ 31-27 SAME - PURCHASE, SALE, AND THE LIKE.

No person, shall for the purpose of violating or aiding another to violate any provision of §§ 31-27.1 through 31-31, intentionally possess, buy, sell, transfer possession or receive possession of any model airplane glue, marihuana or other toxic substances.
(Ord. 1899, passed 4-18-66; Am. Ord 2982, passed 3-10-86)

§ 31-27.1 SAME - UNLAWFUL DELIVERY OF AND UNLAWFUL POSSESSION WITH INTENT TO DELIVER

(a) Definitions for the purpose of this section

DELIVER or DELIVERY. The actual, constructive or attempted transfer from one person to another of marihuana, whether or not there is an agency relationship, whether or not there is an exchange for money or any other thing of value.

MANUFACTURE. The preparation, compounding, conversion, planting, cultivating, growing, harvesting or processing of marihuana either directly or indirectly by extraction and chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance.

MARIHUANA. All parts of the plant Cannabis Sativa L. whether growing or not; the seeds thereof; the resin extracted from any part of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cakes made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therein from fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

PERSON. An individual, corporation, government or governmental subdivision or agency, business trust, estate trust, partnership or association, or any other legal entity.

POSSESSION. Knowingly or intentionally to exercise dominion or control over a controlled substance.

(b) Except as authorized by Act 368 of the Public Acts of 1978, known as the Public Health Code, being MCLA §§ 333.1101 et seq. And MSA 14.15(1101) et seq., it is unlawful for any person to manufacture, deliver, or possess with intent to deliver marihuana.

(c) Except as authorized by Act 368 of the Public Acts of 1978, known as the Public Health Code, being MCLA §§ 333.1101 et seq. And MSA 14.15(1101) et seq., it is unlawful for any person to possess marihuana.
(Ord. 2677, passed 11-13-78; Am. Ord. 2715, passed 6-25-79; Am. Ord 2982, passed 3-10-86)

§ 31-27.1.1 MEDICAL EXEMPTION FOR POSSESSION AND USE OF MARIHUANA AND MARIHUANA PARAPHERNALIA

The provisions of §31-11(e), §31-12(p), §31-26, §31-27, §§31-27.1, §§31-27.2, §§31-27.3 and §§31-27.3.1 shall not apply to those persons who use or possess marihuana or marihuana paraphernalia for medical purposes, under the recommendation and direction of a physician, and who possess written proof of same, and shall not apply to caregivers who possess marihuana or marijuana paraphernalia for delivery to such persons. "Caregiver" shall be construed to mean such a person or persons who bears or bear substantial responsibilities for meeting the medical needs of a person who possesses or uses marihuana or marihuana paraphernalia under the recommendation and direction of a physician.

§31-27.1.2 RESERVED.

§31-27.2 DEFINITIONS RELATIVE TO CONTROLLED SUBSTANCES

For the purpose of §§31-26 through 31-30 hereof, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

CONTROLLED SUBSTANCE. Any drug, substance or immediate precursor enumerated in Sections 7210 - 7220, Act 368 of the Public Acts of 1978, as amended, commonly known as the Health Code, being MCLA §§ 333.1101 et seq. And MSA 14.15(1101) et seq.

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

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

PERSON. Any individual, corporation, government or governmental subdivision or agency, trust, business trust, estate, partnership or association.
(Ord. 2981, passed 2-24-86)

§ 31-27.3 USE OF PARAPHERNALIA FOR CONTROLLED SUBSTANCES; EXCEPTIONS.

(a) It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marihuana pipe, hashish pipe, or other instrument, implement or device that is primarily adapted or designed for the administration or use of any controlled substance as enumerated in Sections 7210 - 7220, Act 368 of the Public Acts of 1978, as amended, commonly known as the Health Code, being MCLA §§ 333.1101 et seq. And MSA 14.15(1101) et seq.

(b) The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal, lawful course of their respective businesses or professions, nor to common carriers or warehouses or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or other medical condition requiring self-injections.
(Ord. 2981, passed 2-24-86)

§ 31-27.3.1 NOTICE OF VIOLATION OF § 31-27.3.

Before a person can be arrested or charged with a violation of §31-27.3 hereof, the Chief Legal Officer for the City of Flint shall notify the person in writing, not less than two days before the person is to be arrested or charged, that the person is in possession of a specific material that has been determined by the Chief Legal Officer to be unlawful under the terms of § 31-27.3 hereof. This notice shall request that the person refrain from offering the material for sale and shall state that no arrest will be made or charges filed in the event that a person complies with the notice. Compliance shall be complete defense to prosecution under §31-27.3 so long as compliance continues.
(Ord. 3097, passed 4-24-89)

§ 31-27.4 PENALTY FOR VIOLATIONS OF §§ 31-27.2 AND 31-27.3.

A person who violates any provision or provisions of §§ 31-27.2 and 31-27.3, upon conviction, shall be punished with a fine not exceeding \$500.00 or imprisonment for a period not to exceed 90 days, or both, in the discretion of the court. Each day of the violation shall be considered a separate offense.
(Ord. 2981, passed 2-24-86)