

ARTICLE I. IN GENERAL

Secs. 46-1—46-30. Reserved.

ARTICLE II. OFFENSES INVOLVING CONTROLLED SUBSTANCES**Sec. 46-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a substance as defined in MCL 333.7105, MSA 14.15(7105).

Drug paraphernalia means any item used or intended for use with a controlled substance.

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around."

Public place means any place to which the general public has access and a right of resort for business, entertainment or other lawful purposes, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front and immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, areas or parks.

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;
- (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. eff. 8-10-1992, § 2(38.000))

Cross reference—Definitions generally, § 1-2.

Sec. 46-32. Loitering where controlled substances are sold, furnished, etc., prohibited; obstructions and interference with traffic and businesses.

(a) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such a manner so as to:

- (1) Obstruct any public street, public highway, public sidewalk, or any other public place or building hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
- (2) Commit in or upon any public street, public highway, public sidewalk or any public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or

upon or facing or fronting on any such public street, public highway, public sidewalk, public place or building, all of which prevents the free and uninterrupted ingress, egress and regress in, on, and to such place; or

(3) Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

(b) No person shall loiter in or about any police station, police headquarters building, or any other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances.

(c) No person shall knowingly loiter about in any place or area open to the public where controlled substances or drug paraphernalia are being illegally sold, dispensed, furnished, given away or stored. This subsection shall not apply to persons inside pharmacies or drugstores or to persons licensed by the state to sell or dispense controlled substances, nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under law.

(d) When any person causes or commits any of the conditions in this section, a police officer or any law enforcement official shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this article.

(Ord. eff. 8-10-1992, § 3(38.000))

Sec. 46-33. Penalties.

Any person who shall violate the provisions of this article shall, upon conviction, be punished in accordance with section 1-11.

(Ord. eff. 8-10-1992, § 4(38.000))

Secs. 46-34—46-55. Reserved.

ARTICLE III. OFFENSES AGAINST MORALS

DIVISION 1. GENERALLY

Secs. 46-56—46-75. Reserved.

DIVISION 2. PUBLIC NUDITY

Sec. 46-76. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of