

**§ 96.04 NUISANCE GATHERING.**

(A) Purpose. The City Commission finds that there are parties or gatherings on premises in the city that are unsafe or are a public nuisance. These gatherings can involve alcoholic beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These gatherings can result in excessive noise and traffic, excessive consumption of alcohol, overcrowding of the premises, and other ordinance and state law violations. The City Commission desires to protect the public from such public nuisances.

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

*NUISANCE GATHERING.* A gathering, party or meeting that is conducted on or within any premises located within the city and which, by reason of the conduct of persons hosting or attending, results in one or more of the following conditions or occurrences:

(a) The drinking or possession of alcohol in public or intoxication that would warrant involuntary commitment under M.C.L.A. § 330.1276, as amended;

(b) The use or possession of any controlled substance, drug, or immediate precursor enumerated in schedule 1-5 of §§ 7201 to 7231 of the Public Health Code, 1978 PA 368, as amended, M.C.L.A. §§ 333.7201 et seq., except as provided in (c) below with respect to marihuana;

(c) The use or possession of one ounce or more of marihuana, except as permitted by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, as amended, M.C.L.A. §§ 333.26421 et seq.;

(d) Indecent exposure or public nudity in violation of M.C.L.A. § 750.335a, as amended, or § 96.11 of this code;

(e) Public urination or defecation;

(f) The unlawful sale, furnishing, possession or consumption of alcoholic or intoxicating beverages in violation M.C.L.A. § 436.1703, as amended, or § 132.03 of this code;

(g) The unlawful dumping, placing or depositing of trash or litter on public or private property in violation of M.C.L.A. § 750.552a, as amended, or §§ 96.06 or 96.07 of this code;

(h) The damage or destruction of public or private property;

(i) The generation of pedestrian or vehicular traffic which obstructs the free flow of traffic within the public rights-of-way or interferes with the ability to render police or other emergency services;

(j) The generation of noise or violations that are audible at a distance beyond 50 feet from the property line of the premises or from inside a neighboring building, structure or dwelling unit;

(k) Public disturbances, brawls, fights, quarrels or similar disturbances of the peace in violation of § 131.02 of this code; and

(l) Violation of the fire code, building code or zoning ordinance due to the over-occupancy or overcrowding of a building, structure or dwelling unit, or any adjacent deck or patio, or the obstruction of stairway or entries to a building, structure or dwelling unit.

PREMISES. Any building, structure or dwelling unit, either commercial or residential, including adjacent exterior property, common areas, yards, and parking lots. The term PREMISES does not include an establishment operating with a liquor license issued by the Michigan Liquor Control Commission, or a successor agency.

(C) Nuisance gathering prohibited.

(1) Nuisance gatherings are declared to be public nuisances and are prohibited in the city.

(2) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a nuisance gathering at such premises, shall commit a violation of this code, and upon conviction shall be subject to the penalties as provided by § 96.99. In any prosecution for a violation of this section, proof of specific of intent shall not be required as a necessary element.

(3) Any person in attendance at a nuisance gathering, whether or not such person has any possessory control over the premises, shall commit a violation of this section and, upon conviction, shall be punished as provided in § 96.99 of this code.

(Ord. 619, passed 10-1-84; Am. Ord. 738, passed 4-13-92; Am. Ord. 852, passed 3-26-01; Am. Ord. 981, passed 7-22-13; Am. Ord. 995, passed 6-22-15) Penalty, see § 96.99

**§ 96.99 PENALTY.**

(A) (1) Municipal civil infraction. Any person violating the following designated provisions of this chapter shall be held responsible for a municipal civil infraction and prosecuted in accordance with the Municipal Civil Infractions Ordinance:

§ 96.05 Lawn Maintenance; Height; Removal of Noxious Weeds

§ 96.09 Inoperative motor vehicles

§ 96.10 Pigeon lofts and carrier pigeons

§ 96.13 Lighting Standards

The fine for violation of a municipal civil infraction under this chapter shall be \$50; the second violation, \$100; and the third or any subsequent violation within any one calendar year, \$250. In addition, for a violation of § 96.10, the city shall be reimbursed for any costs incurred by the city in causing any work to be performed which the respondent has failed to perform. Each day that a violation is permitted to exist shall constitute a separate offense.

(2) Criminal misdemeanor. In addition to any penalty or remedy prescribed by this chapter, any person violating any provision of this chapter, with the exception of those specifically set forth in division (1) above or division (B) below, shall be guilty of a misdemeanor and shall be punished as provided in § 10.99.

(Ord. 776, passed 10-9-95; Ord. 785, passed 5-13-96; Am. Ord. 902, passed 9-13-04; Am. Ord. 977, passed 1-28-13)

(B) Violations of § 96.11 shall be a misdemeanor, subject to penalties, including fines of \$500 or imprisonment up to 90 days, or both fines and imprisonment for each offense, as well as costs and/or probation. (Ord. 783, passed 3-11-96)

Cross-reference:

Municipal civil infractions, see Chapter 36

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