

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 17-56. Willful and malicious mischief destruction of personal property.

It shall be unlawful for any person to willfully and maliciously destroy or injure the personal property of another, by any means, if the damage resulting from such injury shall be one hundred dollars (\$100.00) or less.

(Code IQSQ, § el sl.11: Ord. ef 7 IQ 91)

State law reference(s)-Malicious and willful mischief and destruction, MCL 750.377 a

Sec. 17-57. Graffiti and defacement of business and public structures.

- (a) For the purposes of this section, the word "nuisance" is hereby defined as the doing of an unlawful act, or omitting to perform a duty, or the suffering or permitting of any condition or thing which either essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of a person's property or the property of others.
- (b) The maintaining, using, placing, depositing, leaving or permitting to be or remain on any business, public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance, provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive: Any drawing, inscription, design, scribbling, motto, picture, photography or design, including those commonly known as graffiti.
- (c) Any graffiti or defacement of structures, as defined herein, shall be removed or obliterated **within** ~~five~~ **seven (7)** days of notification of the same by the ordinance officer or the Ecorse Police Department.
- (d) Any person found guilty of violating the provisions of this article shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for ninety (90) days or both.

Sec. 17-58 . Theft of property.

No person shall steal or appropriate to their own use public or private property belonging to another person if the value is two hundred dollars (\$200.00) or less.

(Code 1950, § 3-4.1; Ord. of 11-14-2023(2))

State law reference(s)- Similar provisions, MCL 750.356.

Sec. 17-59. Theft of services.

A person commits the offense of theft of services if he intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services.

Sec. 17-60. False pretenses under \$200 . Fraudulent schemes.

It shall be unlawful for any person to engage in any fraudulent scheme, device or trick to obtain money or other valuable things or aid or abet in any manner concerned therein make or use false pretenses to do 1 or more of the following:

- (a) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an interest in land; or
- (b) Obtain a person's signature on a forged instrument; or
- (c) Obtain any money or personal property or the use of any instrument, facility, article, or other thing or service.

(Code 1950, § 3-3.30)

State law reference(s)-False pretenses and false representation, MCL 750.217a M CL 750.218 et seq.

Sec. 17-61. Borrowing from students in schools.

It shall be unlawful for any person to borrow or attempt to borrow money or thing of value from any student in any public, private or parochial school or on any public, private or parochial school property in the city during any time any such student is going to or returning from any regularly scheduled session of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval.

(Ord. of 4-4-67, § 3-3.35(f))

Sec. 17-62. Receiving or concealing stolen property.

A person who buys, receives, possesses, conceals or aids in the concealment of stolen, embezzled, or converted money, goods or property knowing the money, goods or property to be stolen, embezzled or converted, if the property purchased, received, possessed or concealed not to exceed the value of five hundred dollars (\$500.00), shall be guilty of a misdemeanor and be subject to a fine of five hundred dollars (\$500.00) or ninety (90) days imprisonment or both.

(Ord. of 8-1-94)

Sec. 17-63. Trespasses.

A person commits the offense of trespass if he enters or remains in or upon premises when he is not licensed, invited or otherwise privileged to do so. A person who enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized persons, or unless notice is given by posting in a conspicuous manner.

"Premises" for the purpose of this section includes any structure or motor vehicle and any real property .

(Ord. of 10-3-00)

Sec. 17 E14. Offenses against property.

Section 1 of Act Je. 24§ of the Public Acts of 1917, as amended by Act No. 341 of Public Acts of 1990, being section 469.421 of the Michigan Code of Laws, is amended to read as follows:

- (1) in the case of a right of way designated as a easement or utility trail in section 1§ of Act Je. 74 of the Public Acts of 1988, being Section 2§7.1§1§ of the Michigan Code of Laws, a person shall not walk, ride, or use, or use along the right of way or yard of a railroad any electric or gas lines within this state, or use or cross the right of way or yard at a place other than a public or private crossing, unless having first obtained a written permission from the owner or electrician, railroad, or its agent or servant.
- (2) in this section, right of way means the track or roadway owned by a railroad and that is adjacent to the track or roadway which is located on either side of its tracks and which is readily recognizable to a person as being railroad property or is reasonably identified as such by fencing, the existence of railroad tracks or appropriate signs.
- (3) A person shall not use, enter, or damage any rights, rolling stock, or equipment of any railway company operating its lines within this state.
- (4) This act shall not apply to any of the following:
 - a. Passengers on trains or employees of a railroad company while engaged in the performance of the duties of their employment.
 - b. An authorized representative of the railroad employees.
 - c. A person going on the right of way or tracks to save his life or to protect property.
 - d. A person going or riding in the station grounds or street of the railroad company as a passenger or for the purpose of transacting business with the railroad company.
 - e. A person, members of his or her family, or his or her employees going on the right of way or tracks for the purpose of crossing from one part to another of a farm he or she may own or lease, where the farm lies on both sides of the right of way.
 - f. A person having written permission to use the right of way or tracks granted by the railroad company, a person using facilities or any other right ways for recreational purposes, the Michigan public service commission, the state transportation department, or the interstate commerce commission.
 - g. A registered land surveyor or his or her employees for the purpose of making land surveys.

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A person who violates this section is guilty of misdemeanor and is liable for not more than thirty (30) days, or by a fine of not more than one hundred dollars (\$100.00), or both.

(Or. of a 199)

Editor's note(s) An Ore. of Jan 1, 1999, amended the Code by adding provisions designated as section 17 §a. In order to avoid conflict in section 17.1m9ering, the provisions of said ordinance have been redesignated as section 17 a4 of the code.

Sec. 17-64 . Break ing and ente ring.

No person shall break and enter, or enter without breaking, any dwelling, house, tent, office, store, shop, warehouse, barn, factory or other building, motor vehicle, boat, ship, railroad car, structure used for public or private use, or any private apartment, boat house, garage or outbuilding or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the owner, occupant, agent, or person having immediate control.

Sec. 17 -65 . Embezzlemen t less than \$200.

No person, being the agent, servant or employee of another person, governmental entity within the city, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within the city, or other legal entity shall fraudulently dispose of or convert to their own use, or take or secrete with the intent to convert to their own use without the consent of their principal, any money or other personal property of their principal which shall have come into their possession or that is under their charge or control by virtue of them being an agent, servant, employee, trustee, bailee, or custodian, as recited above, if the value of the money or personal property has a value of less than two hundred dollars (\$200).

Sec. 17-66 I-7-fa. Declaration of nuisance.

- (a) *Declaration of nuisance.* Any tree, shrub, plant, weed, trash, debris, refuse, filth or other noxious material which endangers public property or the health or safety of the public is declared to be a nuisance.
- (b) *Unlawful accumulation.* Every owner, possessor or occupier of land, and every person having charge of any land in the city shall not allow the accumulation of trash, debris or refuse, and shall not allow the non-woody surface vegetation growing thereon to exceed eight (g) six (6) inches in height or yield seed that may spread to adjoining property.
- (c) *Removal required.* Every owner, possessor or occupier of land, and every person having charge of any land in the city, shall remove, destroy or cut or cause to be removed, destroyed or cut, all dead or diseased trees, Canada thistle, milkweed (asclepias cornutus) wild carrot, oxeye daisies or other noxious weeds, shrubs or plants growing thereon in such a manner as will effectively prevent such weeds, shrubs or plants from bearing seed or spreading to adjoining property and as necessary cut or remove non-woody surface vegetation to prevent growth from exceeding eight (g) six (6) inches in height. Every owner, possessor or occupier of land, and person in charge of any land in the city, that allows the unlawful accumulation of materials set forth in subsection (b) to remain, shall cause the same to be removed, destroyed or cut in the manner provided for in this chapter. If the owner, possessor or occupier fails to comply with cutting, destroying or removal as required in this section, the engineer shall cause the work to be done, and the city treasurer shall collect such sums of money as are certified for the cutting thereof.
- (d) *Removal by city; authority.* If any person fails to comply with subsection (c) hereof the engineer or chief of police shall remove such unlawful accumulation from the land of the person failing to comply with this chapter.
- (e) *Right of entry for removal; interference.* The engineer or chief of police or their designated representatives are authorized to enter upon any premises in the city for the purpose of removing or destroying noxious weeds, brush, grass, shrubs, plants, trees, non-woody surface vegetation, debris, refuse, filth or noxious materials under this chapter. No person shall molest or interfere with the engineer or his or her authorized representatives while they are engaged in carrying out the provisions of this chapter.
- (f) Any person convicted of any provisions of this section shall be subject to a fine not to exceed five hundred dollars (\$500.00) or ninety (90) days in jail or both.
- (g) Any person who violates any provisions of this section is also subject to have any unpaid fines or costs placed upon the assessment rolls of the property involved and to be collected as any other real estate tax.

Editor's note(s)- An Ord. of June 1, 1999, amended the Code by adding provisions designated as section 17-57. In order to avoid conflicts in section numbering, the provisions of said ordinance have redesignated as section 17-65 by the editor.

Secs. 17-67 1-7-69-17-75. Reserved.