

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

CHAPTER LXXII
PUBLIC SAFETY

750.493 Protection of exploration; pits and holes.

Sec. 493. Protection of exploration pits and holes—Any person who shall sink, dig or cause to be sunk or dug, any shaft, pit, hole or trench on any uninclosed or unoccupied land within this state to a depth of 4 feet or more, for the purpose of exploring for minerals or making other discoveries, and shall fail and neglect to fill the same or erect or cause to be erected and maintain or cause to be maintained around the same a good substantial fence or enclosure not less than 4 feet high, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.493.

Former law: See sections 1 and 2 of Act 188 of 1885, being How., §§ 9120a and 9120b; CL 1897, §§ 11527 and 11528; CL 1915, §§ 15266 and 15267; and CL 1929, §§ 16805 and 16806.

750.493a Placing or throwing glass or other debris on beach or public highway.

Sec. 493a. Any person who shall place or throw glass or other dangerous pointed or edged substances in or on any beach or waters adjacent thereto, highway, or walk, or on public property within 50 feet of a public highway, shall be guilty of a misdemeanor.

History: Add. 1949, Act 50, Eff. Sept. 23, 1949.

750.493b Well or cistern; abandoning or failing to keep safely covered or fenced; depth and width.

Sec. 493b. Any person who shall knowingly abandon or fail to keep safely covered or fenced any well or cistern of a depth of 4 feet or more and with a top width of 12 inches or more on property owned or occupied by such person shall be guilty of a misdemeanor.

History: Add. 1949, Act 237, Eff. Sept. 23, 1949.

750.493c Excavation or basement; failure to cover or fence.

Sec. 493c. Any person who shall hereafter dig or cause to be dug an excavation or a partially constructed basement for any building or structure, and who shall fail to cover or safely fence the same within a period of 90 days after such excavation has been commenced shall be deemed guilty of a misdemeanor.

History: Add. 1952, Act 102, Eff. Sept. 18, 1952.

750.493d Icebox or refrigerator; abandoned without removing snaplock or locking device, penalty.

Sec. 493d. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snaplock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

History: Add. 1954, Act 135, Imd. Eff. Apr. 23, 1954;—Am. 1966, Act 68, Imd. Eff. June 9, 1966.

750.493e Jumping or diving from public bridge or overpass as misdemeanor; effective date of section.

Sec. 493e. (1) A person shall not jump or dive from a public bridge or overpass.

(2) A person who violates subsection (1) is guilty of a misdemeanor.

(3) This section shall not take effect until April 1, 1983.

History: Add. 1982, Act 238, Eff. Apr. 1, 1983.

750.494 Repealed. 2002, Act 262, Imd. Eff. May 1, 2002.

Compiler's note: The repealed section pertained to bells on sleighs and cutters in Upper Peninsula.

750.495 Shafting; erection to protect public.

Sec. 495. Shafting to be erected to protect public—All shafting put up for the running of machinery on exhibition in this state, where the public are invited to assemble, shall be so put up as to prevent any person or persons coming in contact with the same.

Any person or persons using shafting as named in this section, who shall refuse or neglect to comply with the same before setting said shafting in motion for exhibition, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.495.

Former law: See sections 1 and 2 of Act 156 of 1885, being How., §§ 2102q and 2102r; CL 1897, §§ 5550 and 5551; CL 1915, §§ 7219 and 7220; and CL 1929, §§ 8890 and 8891.

750.495a Damage to saws or wood manufacturing or processing equipment.

Sec. 495a. (1) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both.

(2) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes injury to a person, is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than \$2,500.00, or both.

(3) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes death to a person, is guilty of a felony, punishable by imprisonment for not more than 15 years, or by a fine of not more than \$7,500.00, or both.

(4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(5) This section does not prohibit a landowner from attaching an alarm system to a tree, or authorizing an individual to attach an alarm system to a tree, on the landowner's property.

History: Add. 1996, Act 100, Eff. May 1, 1996.

750.496 Repealed. 2014, Act 112, Eff. July 9, 2014.

Compiler's note: The repealed section pertained to setting fire to hotel or place of public abode.

750.497 Detouring traffic as public safety measure; notices, posting.

Sec. 497. Detouring traffic as public safety measure—Whenever in the opinion of the state highway commissioner a condition arises or is about to arise upon any of the highways of the state occasioned by the condition of said highway or by any approaching public gathering likely to bring unusual congestion of traffic thereon, and the public safety of persons using or about to use said highway is put in jeopardy, the state highway commissioner is hereby authorized by an appropriate order, to detour the traffic from or upon, provide the direction for any or all traffic, close to any or all traffic, or limit the traffic on said highway to certain classes of vehicles, under such conditions as he may in such order provide on any of the highways of the state of Michigan for such length of time as he may deem necessary.

Whenever the state highway commissioner shall make any order in any way regulating or closing traffic on any highways of this state under the authority of this section, he shall cause to be posted upon said highway in conspicuous places at each terminal of the restricted or closed highway, conspicuous notices of such regulations or closing order.

Any person violating any of the provisions of said order, or using said highway in any manner prohibited in said order after and during the time that notices of said order shall be properly posted as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than 10 dollars or by imprisonment in the county jail for not more than 10 days, or by both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 221, Eff. Oct. 29, 1937;—CL 1948, 750.497.

Former law: See sections 1 to 3 of Act 302 of 1929, being CL 1929, §§ 4629 to 4631.

750.498 Erection of traffic signals by township boards on trunk lines.

Sec. 498. Erection of traffic control signals by township boards on state trunk line highways—Upon request of any township board, county road commission, or the officials of any incorporated city or village, or upon their own initiative, the state highway commissioner and the commissioner of public safety, acting jointly may investigate or cause to be investigated the traffic conditions on any state trunk line highway within this state, and, if upon such investigation they shall find it in the interest of public safety and convenience, they may direct the said state highway commissioner, township board, county road commission, city or village officials, to erect and maintain, take down, regulate or control such parking, speed and traffic

control signs, signals or devices as the said state highway commissioner and commissioner of public safety shall designate, and in default thereof, said state highway commissioner and commissioner of public safety shall be authorized to cause such designated signs, signals and devices to be erected and maintained, taken down, regulated or controlled, in the manner previously directed, and pay for same out of the highway fund designated. A public record of any and all such traffic signs, signals or devices so authorized shall be kept in the office of the state highway commissioner. Any person who shall, on any state trunk line highway in any township, city or village, fail to observe any parking, speed or traffic signs, signals or devices authorized as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than 100 dollars or by imprisonment in the county jail for not more than 10 days or by both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 221, Eff. Oct. 29, 1937;—CL 1948, 750.498.

Former law: See section 1 of Act 85 of 1929, being CL 1929, § 4466.

750.498a Repealed. 1949, Act 300, Eff. Sept. 23, 1949.

Compiler's note: The repealed section provided for parking, speed, and traffic signs.

750.498b Marine safety device; tampering with, taking, or removing prohibited; violation; penalty; definitions.

Sec. 498b. (1) Except as provided in subsection (2), a person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(2) A person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device, and thereby renders the device unavailable or unusable for rescue when needed is guilty of a crime as follows:

(a) If the violation is the proximate cause of serious impairment of a body function of another person, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both imprisonment and a fine.

(b) If the violation is the proximate cause of the death of another person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both imprisonment and a fine.

(3) As used in this section:

(a) "Marine safety device" means a device designed or intended to be used to rescue individuals in marine emergency situations, including, but not limited to, life preservers, safety harnesses, ladders, lines, and throw rings.

(b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

History: Add. 2006, Act 233, Eff. July 1, 2006.

750.499, 750.500 Repealed. 1949, Act 300, Eff. Sept. 23, 1949.

Compiler's note: The repealed sections pertained to vehicles on highways to display lights from 1 hour after sunset to 1 hour before sunrise and school buses carrying school children to stop at railroad crossings.

***** 750.501 THIS SECTION IS REPEALED BY ACT 210 OF 2015 EFFECTIVE MARCH 14, 2016 *****

750.501 Gasoline filling stations and public automobile garages.

Sec. 501. Gasoline filling stations and public automobile garages—Any person who shall build or construct, in any city having a population of more than 50,000 inhabitants and less than 100,000 inhabitants, on any site where 80 per cent of the buildings within a radius of 400 feet of the proposed site are used exclusively for residential purposes, any building for use as a public gasoline filling station for the sale of gasoline and oil, or either of them, to supply motor vehicles, or any public automobile garage, without filing with the clerk of said city the written consent of 60 per cent of the property owners according to total frontage on any public street within a radius of 400 feet of the proposed site of said building, shall be guilty of a misdemeanor: Provided, however, In the event any city has a building ordinance or regulates and restricts the location of trades and industries and the location of buildings under Act No. 207 of the Public Acts of 1921 and acts and parts of acts amendatory thereof, being sections 2633 to 2641 inclusive of the Compiled Laws of 1929, this section shall not apply to such city.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.501.

Compiler's note: For provisions of Act 207 of 1921, referred to in this section, see MCL 125.581 et seq.

Former law: See sections 1 and 3 of Act 358 of 1925, being CL 1929, §§ 2652 and 2654.

750.502 Repealed. 2002, Act 252, Imd. Eff. May 1, 2002.

Compiler's note: The repealed section pertained to handling of gasoline, benzene, and naphtha.

750.502a Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

Compiler's note: The repealed section prohibited reckless operation of motorboats or operation while under influence of intoxicating liquor or narcotic drugs.

750.502b Sale or attempted sale of kerosene with flash point of less than 100 degrees Fahrenheit as misdemeanor; penalty.

Sec. 502b. A person who knowingly sells or attempts to sell to any person in this state, for use in atmospheric pressure wick-feed illuminating apparatus or atmospheric pressure wick-feed heating stoves or in gravity-feed cook stoves, any kerosene, whether manufactured in this state or not, that has a flash point of less than 100 degrees Fahrenheit as determined by an appropriate closed cup tester method specified in the American standards of testing materials standard for kerosene, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00, or both.

History: Add. 1952, Act 47, Eff. Sept. 18, 1952;—Am. 1991, Act 44, Imd. Eff. June 27, 1991;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

750.502c Public accommodation; requirements; violation as misdemeanor; definitions.

Sec. 502c. (1) Except as otherwise provided in subsection (2), a public accommodation shall modify its policies, practices, and procedures to permit the use of a service animal by a person with a disability. If the service animal is a miniature horse, a public accommodation may use the following assessment factors to determine whether the miniature horse can be accommodated in its facility:

(a) The type, size, and weight of the miniature horse and whether the facility can accommodate these features.

(b) Whether the handler has sufficient control of the miniature horse.

(c) Whether the miniature horse is housebroken.

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

(2) A public accommodation shall not ask a person with a disability to remove a service animal from the premises due to allergies or fear of the animal. A public accommodation may only ask a person with a disability to remove his or her service animal from the premises if either of the following applies:

(a) The service animal is out of control and its handler does not take effective action to control it.

(b) The service animal is not housebroken.

(3) If a public accommodation properly excludes a service animal under subsection (2), it shall give the person with a disability the opportunity to obtain goods, services, or accommodations without having the service animal on the premises.

(4) A service animal shall be under the control of its handler, and shall have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether or the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks, in which case the service animal shall be otherwise under the handler's control. As used in this subsection, "otherwise under the handler's control" includes, but is not limited to, voice control or signals.

(5) A public accommodation is not responsible for the care or supervision of a service animal.

(6) If it is not obvious what service a service animal provides, staff of a public accommodation shall not ask about a person with a disability's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform work or a task. Subject to subsection (7), staff may make the following 2 inquiries to determine whether an animal qualifies as a service animal:

(a) Whether the service animal is required because of a disability.

(b) What work or task the service animal has been trained to perform.

(7) A public accommodation shall not do either of the following:

(a) Require documentation when making an inquiry under subsection (6).

(b) Make an inquiry under subsection (6) if it is readily apparent that the service animal is trained to do work or perform tasks for an individual with a disability.

(8) A person with a disability shall be permitted to be accompanied by his or her service animal in all areas

of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees are permitted to go, including public areas of establishments that sell or prepare food, even if state or local health codes prohibit animals on the premises. A public accommodation may exclude a service animal from a facility if the service animal's presence interferes with legitimate safety requirements of the facility such as a surgery or burn unit in a hospital in which a sterile field is required.

(9) A public accommodation shall not isolate a person with a disability accompanied by his or her service animal, treat a person with a disability accompanied by his or her service animal less favorably than other patrons, or charge a fee to a person with a disability accompanied by his or her service animal that is not charged to other patrons without service animals. A public accommodation shall not ask or require a person with a disability to pay a surcharge, regardless of whether people accompanied by pets are required to pay a surcharge, or to comply with other requirements that are not applicable to people without pets. If a public accommodation normally charges people for damage caused, the public accommodation may charge a person with a disability for damage caused by his or her service animal.

(10) A public accommodation that violates subsections (1), (3), or (6) to (9) is guilty of a misdemeanor.

(11) As used in this section:

(a) "Facility" means that term as defined in 28 CFR 36.104.

(b) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

(c) As used in subdivision (b), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

(ii) Traumatic brain injury.

(iii) Other service-related disabilities.

(d) "Place of public accommodation" means that term as defined in 28 CFR 36.104.

(e) "Public accommodation" means that term as defined in section 12181 of the Americans with disabilities act of 1990, 42 USC 12181, and 28 CFR 36.104.

(f) "Service animal" means all of the following:

(i) That term as defined in 28 CFR 36.104.

(ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(g) "Veteran" means any of the following:

(i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) A person discharged or released from military service because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

History: Add. 1953, Act 185, Eff. Oct. 2, 1953;—Am. 1980, Act 317, Eff. Mar. 31, 1981;—Am. 1984, Act 110, Eff. Oct. 1, 1984;—Am. 1995, Act 114, Eff. Jan. 1, 1996;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998;—Am. 2015, Act 144, Eff. Jan. 18, 2016.

Compiler's note: Section 3 of Act 110 of 1984 provides: "This amendatory act shall take effect October 1, 1984."

750.502d Transporting or possessing anhydrous ammonia; "container approved by law" defined.

Sec. 502d. (1) A person who transports or possesses anhydrous ammonia in a container other than a container approved by law, or who unlawfully tampers with a container approved by law, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(2) As used in this section, "container approved by law" means a container that was manufactured to satisfy the requirements for the storage and handling of anhydrous ammonia pursuant to R 408.17801 of the Michigan administrative code or its successor rule.

History: Add. 2003, Act 312, Eff. Apr. 1, 2004.