

# ADMINISTRATIVE POLICIES AND PROCEDURES

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**SUBJECT:** OAKLAND UNIVERSITY ORDINANCES

**NUMBER:** 640

**AUTHORIZING BODY:** BOARD OF TRUSTEES

**RESPONSIBLE OFFICE:** POLICE CHIEF'S OFFICE

**DATE ISSUED:** APRIL 1970

**LAST UPDATE:** JULY 2003

## **RATIONALE:**

**POLICY:** Revisions Approved by the Board of Trustees on October 1, 1998

Were Effective Upon Publication, October 22, 1998

The Oakland University Ordinances were approved by the Board of Trustees on February 14, 1990. They replaced the Oakland University Public Safety Ordinances which were approved on June 14, 1971, and amended on July 25, 1985. On April 6, 1995, the ordinances were amended to include a civil fine for infraction of handicapper parking. Revisions approved by the Board of Trustees on June 6, 1996, were effective upon publication, September 12, 1996.

Ordinances enacted by the Board of Trustees of Oakland University pursuant to the authority granted by Act 35 of the Public Acts of 1970 of the State of Michigan to provide for the health, safety, welfare, and protection of persons and property at Oakland University, supplementing state statutes and other applicable laws regulating such conduct, and by establishing Oakland University Police and prescribing its powers and duties, and providing penalties for the violation thereof.

The Board of Trustees of Oakland University ordains:

## **Chapter 1. Definitions**

**1.01 Board.** The term "Board" when used herein shall mean the Board of Trustees of Oakland



University.

**1.02 University.** The term "university" when used herein shall mean Oakland University.

**1.03 President.** The term "president" when used herein shall mean the president of Oakland University.

**1.04 Police Officer.** The term "Police Officer" when used herein shall mean the Director of the Oakland University Police and other sworn officers of that Department.

**1.05 Person.** The term "person" when used herein shall mean any individual, association, partnership, corporation, or other legal entity.

**1.06 Campus.** The term "campus" when used herein shall mean the lands, buildings, and property, both real and personal, and wherever situated, which is under the ownership, jurisdiction, or control of the Board of Trustees of Oakland University.

**1.07 Street.** The term "street" when used herein shall mean any road or driveway located upon the campus of Oakland University and used or intended for use by motor vehicles and regardless of whether such road or driveway is private or public.

## **Chapter 2. Oakland University Police**

**2.01 Establishment.** There is hereby established Oakland University Police to consist of a Director to be known as the Director of Oakland University Police and other sworn officers of the department. The Oakland University Police shall be charged with the responsibility for law enforcement and fire control on the campus and shall exercise all powers which may be necessary or incidental to the performance of that responsibility.

**2.02 Arrest and Prosecution.** The Director of Oakland University Police and all Police Officers are authorized to apprehend and arrest persons who violate any law on the campus, to make complaints as to any such violation before a court of competent jurisdiction, and to participate in the prosecution of any such law violator. Offenders may also be referred to the university conduct system.

**2.03 Search and Seizure.** The Director of Oakland University Police and all Police Officers are authorized to conduct lawful searches of persons and property on the campus incidental to the performance of their duties.

**2.04 Peace Officers.** The Director of Oakland University Police and all Police Officers are responsible for maintaining peace and order on the campus and are authorized to issue reasonable directives to any person to cease and desist from any breach of the peace. No person shall interfere with or obstruct any officer maintaining the peace, nor shall any person disobey any such directive.

## **2.05 Traffic Control.**

1. The Director of Oakland University Police and all Police Officers are responsible for the control of traffic on the campus and are authorized to issue reasonable directives to drivers and pedestrians which will assist in the safe and orderly control of traffic and no person shall disobey any such directive.
2. The university, pursuant to the power conferred by MCLA 257.742 (7), as amended, expressly designates the Director of Oakland University Police, in his or her discretion, to authorize and appoint persons other than Police Officers to issue and serve parking violation notices or citations for civil infractions involving the unlawful parking of motor vehicles on campus.
3. Persons appointed pursuant to subsection (2) are hereby authorized and empowered to enforce on campus any university ordinance pertaining to regulating or restricting the parking of motor vehicles by way of the issuance and service of parking violation notices or citations. Such persons shall have no other legal authority to act on behalf of the university in any other capacity as a result of their expressly limited appointments and delegated authority as conferred by this section.

**2.06 Traffic Engineer.** The Director of Oakland University Police, or the person serving in that capacity, is hereby appointed to serve the university as Traffic Engineer. The Traffic Engineer shall exercise the powers and duties as provided in the Uniform Traffic Code, Michigan Administrative Code, 1979, with amendments, Sections R28.1001 et seq., in a manner which is consistent with prevailing traffic engineering and safety practices and which is in the best interests of the university. The Traffic Engineer shall issue traffic-control orders which shall specify the rules and regulations adopted or established. Such traffic-control orders shall comply in all respects with the requirements of R28.1153 (Section 2.53), of the Uniform Traffic Code.

**2.07 Fire Protection.** The Director Of Oakland University Police and all Police Officers are responsible for the control of fires on campus and for the establishment of reasonable rules and regulations to minimize the hazards of fire. No person shall interfere with or obstruct any such officer engaged in fire control activities, nor shall any person disobey the fire protection rules so established.

**2.08 Lost Property.** The Director Of Oakland University Police is responsible for the collection and disposition of abandoned, lost and found, or stolen and recovered property on the campus. The Director shall maintain accounting records for such property, and shall establish regulations and procedures for the identification of the owners and for the return to them of such property and for the orderly disposition of unclaimed or perishable property in accordance with university policies and the law. The Director is authorized to conduct periodic public auctions of unclaimed property and the net proceeds of any such sale shall accrue to the general fund of the university. The Director of Oakland University Police may also hold lost goods which are found on the campus as the agent of the finder for return to the lawful owner and may return such goods which are unclaimed to the finder in accordance with established university policies and the law.

**2.09 Trespassers.** The Director of Oakland University Police and all Police Officers are expressly authorized to eject or bar trespassers from the campus or any part thereof, and no person shall disobey any order of any such officer which may be issued pursuant to this authority.

**2.10 Mentally-Ill Persons.** The Director of Oakland University Police and all Police Officers are authorized to take into protective custody any persons appearing to be mentally ill and a danger to themselves, other persons or property. The Oakland University Police may hold any such persons until they can be placed in the care of the University Health Center, the University Counseling Center, or released to an appropriate public or private authority or a responsible family member.

**2.11 Protection of Civil Rights.** The Director of Oakland University Police and all Police Officers shall provide assistance to all persons in the protection and preservation of their constitutionally guaranteed civil rights.

**2.12 Requirement of Identification.** The Director of Oakland University Police and all Police Officers are responsible for providing security to persons and property on the campus from unlawful acts by persons who are on the campus without authority or reason. In the exercise of that responsibility the Director of Oakland University Police and all Police Officers may act to establish the identity of persons found in areas of the campus outside of the customary hours of use of such areas or in circumstances that reasonably warrant alarm for the safety of persons or property. The Director of Oakland University Police and all Police Officers are authorized to eject from the campus any persons unable to identify themselves and explain their presence and conduct and show that there is no reason to believe that their presence constitutes a threat to persons or property on the campus.

**2.13 Impoundment of Vehicles.** The Oakland University Police are authorized to provide impoundment of motor vehicles from Oakland University. The university incorporates by reference the provisions of Mich. Admin. Code R. 28.1105 (1981) as amended, which shall have the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the office of Oakland University Police.

**2.14 Abandoned Vehicles.** The Oakland University Police are hereby authorized to provide for the appropriate disposition of abandoned vehicles. The university incorporates by reference the provisions of 1949 Mich. Pub. Acts 300, section 252a as amended, which shall be of the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the office of Oakland University Police.

### **Chapter 3. Traffic Regulations**

**3.01 Careless Driving.** No person shall operate any motor vehicle on campus at a speed or in a careless or negligent manner likely to endanger persons or property.

**3.02 Speed.** No person shall operate any motor vehicle on campus at a speed in excess of twenty-five (25) miles per hour, except as otherwise posted.

**3.03 Roadways, Parking Lots.** No person shall operate any motor vehicle including but not limited to motorcycles on campus except on streets or parking areas established for that purpose, and within driving lanes marked for that purpose, unless otherwise authorized by the Director of Oakland University Police or a designee.

**3.04 State Law or Ordinance.** No person shall operate any motor vehicle on campus in any manner or under any conditions which would be contrary to state or other applicable law or the provisions of any applicable university ordinance.

**3.05 Parking Signs, Directives.** No person shall park any motor vehicle on campus outside of designated parking spaces or in any location or manner prohibited by any sign posted by authority of the president or a designee, or contrary to the express direction of any Police Officer.

**Handicapper Parking.** No person shall park any motor vehicle on campus in a parking space clearly identified by an official sign as being reserved for use by handicappers unless the person is a handicapper, as described by state law, MCLA 257.19a, incorporated herein by reference, or unless the person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following:

1. A certificate of identification issued under state law to a handicapper on the lower left corner of the front windshield, or a similar certificate issued by another state.
2. A special registration plate issued under state law to a handicapper, or a similar registration plate issued by another state.
3. A special registration plate to which a handicapper tab is attached.

**3.06 Traffic Control Devices, Signs.** No person shall operate a motor vehicle on the campus contrary to the regulations indicated by any sign or traffic control device posted or placed by authority of the president or a designee, or contrary to the express direction of any Police Officer.

**3.07 Blocking Roadways, Intersections.** No person shall drive a motor vehicle into an intersection or onto a marked pedestrian crosswalk unless there is sufficient space on the street ahead so that the motor vehicle can be driven clear of the intersection or crosswalk without the necessity of stopping in the intersection or upon the crosswalk.

**3.08 Vehicular Sales, Repairs.** No person shall park a motor vehicle on the campus for the purpose of displaying or advertising the vehicle for sale or for the purpose of washing, polishing, lubricating, or repairing the vehicle; provided, however, that this prohibition shall not be applicable to emergency repairs, or to displaying, advertising, or selling merchandise from a vehicle as authorized by the president or a designee. This section shall not be applicable to the Meadow Brook subdivision and non-student university residences except as otherwise determined by the president or a designee.

**3.09 Presumption of Ownership.** In a civil infraction action for the violation of any of these ordinances relating to the parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance together with proof that the Defendant named in the complaint was either the registered owner according to the vehicle registration records of the Secretary of State or the lessee from the registered owner or that the Defendant was the person to whom any university permit affixed to the vehicle was issued shall create in evidence a presumption that the registered owner of the vehicle or the lessee of the registered owner or the person to whom a university permit was issued was the person who parked or placed the vehicle at the time and place where the violation occurred.

**3.10 Mobile Homes, Boats.** No person shall park or store any mobile home, trailer, boat, or similar vehicle or property on the campus except in areas designated and posted for such purposes. This section shall not be applicable to the Meadow Brook subdivision and non-student university residences except as otherwise determined by the president or a designee.

**3.11 Right-of-Way, Pedestrians.** Where traffic control signals are not in place or in operation, the driver of a motor vehicle shall yield the right-of-way, stopping if need be to so yield, to a pedestrian crossing the street within any marked crosswalk or at any intersection.

**3.12 Right-of-Way, Vehicles.** A pedestrian crossing a street at any point other than within a marked crosswalk or at an intersection shall yield the right-of-way to vehicles on the street.

**3.13 Applicability to Bicycles.** Except as otherwise provided, the operator of any bicycle upon any street shall be subject to all provisions of these ordinances which are applicable to the operators of motor vehicles and shall be entitled to the rights of motor vehicle operators as provided hereunder to the extent that the provisions of these ordinances can apply to the operation of bicycles.

**3.14 Snowmobiles, Off-Road Vehicles.** No person shall operate a snowmobile or off-road vehicle (ORV) on campus, except as otherwise authorized by the president or a designee.

**3.15 Towing of Vehicles.** The department of Oakland University Police is authorized to provide for the towing of any vehicle parked or stored in violation of these ordinances consistent with the provisions of 1949 Mich. Pub. Acts 300, section 252d, which is hereby incorporated. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the office of Oakland University Police.

**3.16 Civil Infractions, University Ordinances.** A person who violates the provisions of ordinances 3.01, 3.02, 3.03, 3.05, 3.06, 3.07, 3.08, 3.10, 3.11, 3.12, 3.13, 3.14 , 3.18, 3.19 is responsible for a civil infraction as defined in 1949 Mich. Pub. Acts 300 as amended.

**3.17 Penalties for Violation of Traffic Regulations.** Any provision of this chapter which describes an act or omission which constitutes a civil infraction under the terms of this chapter or the Michigan Vehicle Code, being 1949 Mich. Pub. Acts 300 as amended, shall be processed as

a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$25 and costs or other amount as determined by law. However, in the case of a civil infraction of the handicapper parking provision, the civil fine shall be not less than \$50.00 or more than \$100.00 or other amount as determined by law.

Violation of any other provision of this chapter not constituting a civil infraction, as herein provided, is a misdemeanor and shall be punishable by a fine of not more than \$25 or other amount as determined by law.

**3.18 Metered Parking Zones.** When a parking meter is erected adjacent to a space marked for parking, such space shall be a metered parking zone, and a person shall not stop a vehicle in any such zone for a period of time longer than that designed on the parking meter after depositing a coin of United States currency of a denomination designed on the meter on the days and during the time the regulations on the meter are in force.

**3.19 Drivers to Park Within Metered Parking Spaces.** Every vehicle shall be parked wholly within the metered parking space for which the meter shows a parking privilege has been granted, except that a vehicle which is too large to be parked within a single designed parking meter zone shall be permitted to occupy 2 adjoining parking meter spaces if coins are deposited in the parking meter for each space occupied, as required in this code for the parking of other vehicles in such space.

## **Chapter 4. Campus Regulations**

**4.01 Aircraft.** No person shall land or take off in any airplane, helicopter, hot air balloon, or other aircraft on the campus except with the express prior permission of the president or a designee.

**4.02 Assaults.** No person shall threaten with physical harm, assault, strike or jeopardize the safety or well-being of any person engaged in lawful activities on the campus.

**4.03 Athletics.** No person shall engage in athletic events or activities or use sports or athletic equipment on the campus except in areas specifically designated for such use; however, this provision shall not apply to the Meadow Brook subdivision and non-student university residences. No person shall engage in athletic events or activities in such manner as to disturb or endanger other persons engaged in the lawful use of the campus.

**4.04 Bicycles.** No person shall take or use a bicycle without the permission of the owner or operate a bicycle in such manner as to endanger persons or property on the campus.

**4.05 Boating.** No person shall operate a boat on any body of water on the campus except as otherwise authorized by the president or a designee.

**4.06 Buildings.** The president or a designee is empowered to establish such rules, regulations or orders permitting, restricting, or prohibiting the use of campus buildings as may be supportive of the purposes, programs, and policies of the university and for the protection of persons and

property on the campus and no person shall violate any such rule, regulation or order.

**4.07 Camping.** No person shall construct, erect, or occupy any tent, trailer, lean-to, or other temporary shelter on the campus except with the express authorization of the president or a designee. This section shall not apply to the Meadow Brook subdivision and non-student University residences, except as otherwise determined by the president or a designee.

**4.08 Computers and Other Equipment.** No person shall intentionally and without proper authorization gain access to, alter, damage, or destroy a computer system or computer network or the software program or data contained in a computer, computer system or computer network. No person is authorized to utilize in any manner university computer equipment and software and other university equipment, whether owned or leased by the university: when such use would be for personal financial gain and unrelated to any legitimate academic pursuit, unless the use is pursuant to a contractual arrangement in advance of use providing for appropriate compensation to the university; or when such use would be in violation of any university contractual arrangement with equipment or software vendors or lessors, or computer network organizations. No person without proper authorization may utilize computer equipment or programs to gain access to, copy, or obtain for personal use or information, records or information owned or possessed by the university.

**4.09 Destruction of Property.** No person shall willfully destroy, deface, or damage any university property or property of any other person on the campus.

**4.10 Dumping and Littering.** No person shall dump or otherwise dispose of any refuse, litter, dirt, or waste materials of any kind on the campus except in receptacles placed and designated for such use by the university or at locations specified by the university. Use of university receptacles is designated for the disposal of university generated waste materials only. Disposal of personal waste materials (e.g., household waste, furnishings, appliances, or building materials) in university receptacles or anywhere on campus is expressly prohibited. Commercial vendors, suppliers, and contractors shall use only those waste receptacles which are expressly assigned for their use by the university. No person shall operate a truck or other vehicle for transporting goods or materials on campus from which all or any part of the contents are blowing, dropping, falling or otherwise escaping or which is otherwise causing dirt or litter to be deposited on the campus.

**4.11a Fires.** No person shall cause or allow open burning on the campus except under the supervision of or with authorization by the Director of Police or a designee.

**4.11b Fire Alarms and Emergency Equipment.** No person shall sound an alarm for fire or other emergency except upon reasonable information and belief that there is a fire or other emergency which necessitates an alarm. No person shall tamper with, damage or circumvent an alarm system or other emergency equipment.

**4.12 Forgery.** No person shall make, forge, manufacture, print, reproduce, copy, alter, or forge the signature of another on any official university record, document or identification form with the



intent to use any such document, record or identification form for an improper or unlawful purpose. No person shall knowingly possess or use any such forged or altered document.

**4.13 Gambling.** No person shall engage in unlawful gambling activities under conditions which are contrary to the provisions of state law or any applicable university policy.

**4.14 Horses.** No person shall ride any horse or other animal on campus except with the express authorization of the president or a designee. This section shall not apply to the Meadow Brook Subdivision and non-student university residences, except as otherwise determined by the president or a designee.

**4.15 Locks.** No person shall possess, duplicate, make, or cause to be made or duplicated any key, card, or unlocking device to operate any lock or locking mechanism used or maintained by the university except with the authorization of the president or a designee.

**4.16 Misrepresentation.** No person shall misrepresent himself or herself to any other person as a student or employee of the university. No person shall misrepresent his or her identity for an improper or unlawful purpose.

**4.17 Pets.** No person owning or controlling any dog, cat, or other pet animal shall permit such animal to be on the campus without a restraining leash or unless confined within a cage or other enclosure which will assure the protection of persons lawfully on the campus from contact with such animal, provided, however, that this section shall not apply to the deer herd living on the campus or other wild life programs established on the campus with the authorization of the president or a designee. It shall be unlawful for any person in control of any animal upon the campus in developed or landscaped areas to fail to pick up, remove and properly discard of such animal's feces, manure or solid waste. This section shall not apply to the Meadow Brook Subdivision and non-student University residences, except as otherwise determined by the president or a designee.

**4.18 Picnics.** No person shall picnic on the campus except in locations designated as picnic areas or as otherwise authorized by the president or a designee. This section shall not apply to the Meadow Brook subdivision and non-student university residences, except as otherwise authorized by the president or a designee.

**4.19 Plants.** No person shall break, cut, pick, or mutilate any tree, shrub or herbaceous plant or remove there from any identification sign or tag, except in accordance with duly established landscaping, forestation or capital improvement, or approved research or teaching programs of the university or except as otherwise authorized by the president or a designee. This section shall not apply to the Meadow Brook subdivision and non-student university residences, except as otherwise authorized by the president or a designee.

**4.20 Selling and Advertising.** No person shall sell or advertise for sale any goods, wares, merchandise, or services, or take orders or make contracts for such sales on the campus except as authorized by the president or a designee. Identifying information contained in such material,

such as the name of a person, business entity, or organization, shall create a rebuttable presumption that the person, business entity or organization is responsible for distribution on campus.

**4.21 Signs.** No person shall erect, place or post any sign, poster, or advertisement except on bulletin boards or at other locations authorized for such use by the university and in accordance with university procedures. Identifying information contained in such material, such as the name of a person, business entity, or organization, shall create a rebuttable presumption that the person, business entity or organization is responsible for distribution on campus.

**4.22 Smoking.** No person shall smoke in an area where it is prohibited by signs posted in accordance with university policy and state law or in areas where it would be hazardous to smoke.

**4.23 Swimming.** No person shall swim in any waters on the campus except in designated swimming pools or as expressly authorized by the president or a designee.

**4.24 Telephones.** No person shall use any telephone or other communications device to harass, offend, or disturb any other person, nor shall any person use threatening, obscene, immoral, or insulting language over any telephone or other communications device. No person shall use any telephone or other communications device to summon emergency service of any type as a prank or otherwise when such service is not needed.

**4.25 Theft.** No person shall use, take or carry away, without permission, any property of another person or any university property.

**4.26 Trespassing.** No person shall enter or remain on the campus without proper authorization or lawful invitation nor shall any person remain on the campus after being lawfully requested to leave. The provisions of 1970 Mich. Pub. Acts 26 are incorporated by reference and shall have the same effect as if set out in full herein. The full text is available for inspection in the office of the Secretary to the Board of Trustees and in the office of Oakland University Police.

**4.27 Wildlife.** The campus is deemed to constitute a sanctuary for all forms of wildlife and no person shall kill or capture any wild animal, bird, or fish on the campus, except as otherwise authorized by the president or a designee.

## **Chapter 5. Alcoholic Beverages**

**5.01 Unlawful Use of Alcoholic Beverages.** The following provisions govern the general possession, consumption, and distribution of alcoholic beverages on the campus. Additional rules and regulations which are not inconsistent with these provisions may be promulgated by the president or a designee, or the president may restrict the use of alcoholic beverages on campus as the president deems to be in the best interest of the safety and welfare of the university community.

1. A person who is less than 21 years of age shall not possess or consume any alcoholic beverage on the campus.
2. No person shall provide any alcoholic beverage to another person on campus who is less than 21 years of age.
3. No person shall consume, possess, or distribute any alcoholic beverage on the campus except as established by this section. The lawful possession and lawful and responsible use of alcoholic beverages shall be permitted:
  - a. in private homes and leaseholds on campus;
  - b. in private areas of University housing facilities including rooms, suites, apartments, and the private lounge provided to Meadow Brook Theatre actors as part of their residence arrangement;
  - c. during scheduled and university approved activities at campus facilities that are regularly licensed for alcoholic beverage use, under the rules applicable to those facilities;
  - d. during activities at another location when the President or the President's designee specifically approves in writing alcoholic beverage use at the activity, and when a special liquor license is in effect at the location.

The use of alcoholic beverages shall not be deemed to be responsible if it causes material impairment of the senses, judgment or physical abilities of the user or if it causes the user to create a disturbance which interferes with the normal and uninterrupted use of the campus.

4. It shall be a misdemeanor for a person to be intoxicated on the campus and acting in a manner that endangers directly the health or safety of another person or property or causes a disturbance which interferes with the normal and uninterrupted use of the campus.

**5.02 Operation of a Motor Vehicle.** No person shall operate a motor vehicle while under the influence of intoxicating liquor or a controlled substance when, due to consumption or use of intoxicating liquor or a controlled substance, the person's ability to operate a motor vehicle is visibly impaired. The provisions of 1949 Mich. Pub. Acts 300, sections 625a through 625h, as amended, are incorporated by reference and shall be of the same effect as if set out in full herein. The full text is available for inspection by the public in the office of the Secretary to the Board of Trustees and in the office of Oakland University Police.

### **5.03 Expenses of Emergency Response.**

1. Purposes: The university finds that a significant number of traffic arrests and traffic accidents on campus involve drivers who were operating a motor vehicle while under the

influence of alcoholic beverages and/or a controlled substance. In addition, the university finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and/or financial burden is placed upon the Oakland University Police by persons who are operating motor vehicles while under the influence of alcoholic beverages and/or a controlled substance.

2. Definitions. As used in this chapter:

a. "Emergency response" means:

- i. The providing, sending and/or utilizing of services by the Oakland University Police to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance; or
  - ii. The making of a traffic stop and arrest by a police officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance.
- b. "Expense of emergency response" means the costs associated with the occurrence of an emergency response as set forth in paragraph (a)(i) or (ii) hereof, whichever is applicable. The expenses of making an emergency response, as set forth in paragraph (a) (ii) hereof, shall include the costs connected with the administration, provision and analysis of chemical tests and the videotaping of the driver, if applicable.

3. Liability; Presumption

- a. Any person who, while under the influence of an alcoholic beverage or any controlled substance, or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle, which operation results in an emergency response, shall be responsible and/or liable for the expenses of the emergency response.
- b. For purposes of this chapter, it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood, urine or breath indicates that the amount of alcohol in the driver's blood was in excess of 0.07 percent.

## Chapter 6. Disorderly Conduct

**6.01 Unlawful Assemblies.** No person shall assemble with others on the campus in any manner which causes or constitutes a disturbance, noise, riot, obstruction, or disruption which obstructs or interferes with the free, normal, and uninterrupted use of the campus for educational

programs, business activities, and related residential food service, and recreational activities.

**6.02 Unlawful Individual Activities.** No person shall engage in any activity, individually or in concert with others, which causes or constitutes a disturbance, noise, riot, obstruction, or disruption which obstructs or interferes with the free movement of persons about the campus or which interferes with the free, normal, and uninterrupted use of the campus for educational programs, business activities, and related residential, food service, and recreational activities, nor shall any person in any way intimidate, harass, threaten, or assault any person engaged in lawful activities on the campus.

**6.03 Conduct at Performances.** No person shall disrupt or interfere with any authorized performance before an audience on the campus, including concerts, plays, lectures, scientific demonstrations, athletic contests, and similar activities, by making of noise, display of signs, engaging in demonstrations, throwing or dropping projectiles, entering upon the stage, playing field, or other performance area, or by any other means.

**6.04 Public Events.** No person shall enter or attempt to enter into any concert, theatrical performance, lecture, dance, athletic contest or other event contrary to the rules or qualification for eligibility for entry as established by the sponsors, or without a ticket, where required.

**6.05 Loitering or Prowling.** No person shall loiter or prowl on the campus at a time or in a manner that is not usual for law abiding individuals and under circumstances that reasonably warrant alarm for the safety of persons or property. Among the circumstances that may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a Police Officer, refuses to identify him/herself, or manifestly endeavors to conceal him/herself or any object. Unless flight by the person or other circumstances make it impracticable, a Police Officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting identification and an explanation for the person's presence and conduct.

## **Chapter 7. Drugs and Weapons**

**7.01 Drugs.** No person shall possess, use, distribute, sell, or manufacture illegal drugs, narcotics or controlled substances on the campus, except as permitted by law.

**7.02 Weapons and Explosives.** No person shall possess a pistol or any other firearm, dangerous weapon, weapon, explosive or incendiary device on the campus provided, however, that the occupants of single family residences in the Meadow Brook subdivision and non-student University residences may possess firearms as permitted by law. A weapon is any object designed to cause physical injury or any other object capable of causing physical injury or death. A dangerous weapon is any weapon designed to be dangerous and capable of causing death or serious bodily harm, or any other object capable of causing death or serious bodily harm that is used as a weapon. Items presumed to be dangerous weapons include, but are not limited to, daggers, dirks, stilettos, blackjacks, billies, metallic knuckles, bludgeons, ninja stars, and pocket knives opened by mechanical device. This section shall not be applicable to the authorized

display of fireworks or cannon fire at events approved by the President or a designee.

**7.03 Toy Weapons.** No person shall possess a toy weapon on the campus with the intention or effect of using such toy weapon to threaten, assault, intimidate or otherwise injure any other person.

**7.04 Chemical or Gas Ejecting Device.** No person shall possess any unlawful chemical or gas ejecting device or dangerous chemical, biological or radiological substance on the campus with the intention of using or threatening to use such substance to injure, assault or coerce any other person. This section shall not operate to prohibit the lawful use of a CS (chemical substance) device as described and provided in 1980 Mich. Pub. Acts 346.

**7.05 Confiscation.** All Police Officers are authorized and directed to confiscate any object or substance which may be located on the campus or in the possession of any person in violation of this chapter.

**7.06 Possession by Police Officers.** The provisions of this chapter shall not be deemed to prohibit Police Officers or other law enforcement officers from bearing arms or law enforcement equipment on the campus.

## **Chapter 8. Promulgation of Procedures, Rules and Regulations**

**8.01 Standards for Regulations.** Any and all procedures, rules and regulations which may be promulgated by the president or a designee or by the Director of Oakland University Police pursuant to the authority delegated by these ordinances shall conform to the following prescribed standards:

1. such rules and regulations shall be reasonably related to the health, safety, and welfare of persons and property on the campus;
2. such rules and regulations shall be nondiscriminatory in their nature and application and shall not be arbitrary or capricious;
3. such rules and regulations shall be supportive of the programs conducted at the university and consistent with the orderly conduct of the business of the university;
4. no such rule or regulation shall deprive any person of any constitutionally guaranteed civil right except in those cases provided by law for the welfare and safety of the community.

**8.02 Procedure for Adoption.** Procedures, rules and regulations of general application may be promulgated by the president or a designee or by the Director of Oakland University Police pursuant to the authority delegated by these ordinances. Those rules and regulations shall be written, posted at one or more public places on the campus at the time of adoption, and a compilation of all such rules and regulations shall be maintained at the office of the Secretary of the Board of Trustees and the office of Oakland University Police.

**8.03 Ad Hoc Rules and Regulations.** Any rule or regulation which is established by the president or a designee or by the Director of Oakland University Police pursuant to the authority delegated by these ordinances and which is directly communicated by the president or a designee or by the Director of Oakland University Police to any person orally or in writing shall be deemed to be in effect as to such person.

## **Chapter 9. Penalty for Violations**

**9.01 Penalty.** Except as provided in Chapter 3 of these ordinances (traffic regulations), any violation of these ordinances shall be a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or both, or as otherwise determined by law.

**9.02 University Judicial System.** Any violation of these ordinances by a student may also be referred to the Dean of Students for adjudication through the University's Judicial System.

**9.03 Employee Discipline.** Any violation of these ordinances by an employee may also be referred to the appropriate office for employee discipline.

**9.04 Denial of Access to Campus.** Any individual who violates these ordinances and whose actions pose a threat to the health and/or safety of the university community, or to university property, or whose actions constitute trespass may also be referred to the university administrator designated by the president for a hearing which may result in an order denying the offending individual access to the campus for a specified period of time.

### **SCOPE AND APPLICABILITY:**

### **DEFINITIONS:**

### **PROCEDURES:**

### **RELATED POLICIES AND FORMS:**

### **APPENDIX:**