

TOWNSHIP ORDINANCE XXIX
PUBLIC MORALS AND CONDUCT

Purpose Clause. An ordinance to secure the public health, safety and general welfare of the residents and property owners of Gerrish Township, Roscommon County, Michigan by the regulation of disorderly conduct within said Township and to prescribe penalties for the violation thereof.

THE TOWNSHIP BOARD OF GERRISH TOWNSHIP, ROSCOMMON COUNTY,
MICHIGAN ORDAINS:

ARTICLE I. TITLE

Section 101. This ordinance shall be known and cited as the Township Disorderly Conduct Ordinance.

ARTICLE II. DISORDERLY CONDUCT

Section 201. Definitions.

201.1 "Public Place" as used in the Chapter means a place to which the public or a substantial group of persons has access. Among places included are any:

- (a) Highway, street, road, alley, sidewalk, park, parking lot, river, public water, wharf, dock, waterfront, publicly owned or controlled open ground;
- (b) Publicly owned or controlled building, excluding any interior portion thereof being used as a dwelling.
- (c) Place of business;
- (d) Place of amusement, entertainment, recreation or education open to the general public.
- (e) Place where services are rendered to the public or a substantial group of persons.
- (f) Transport facility;
- (g) Public conveyance;
- (h) Place of religious worship;
- (i) Place of manufacturing;
- (j) Railroad right-of-way;
- (k) Hospital;
- (l) Cemetery;
- (m) Common area of any hotel or apartment building;
- (n) Private meeting place when a privately employed special-duty police officer, special-duty deputy sheriff or deputy sheriff is on duty there;
- (o) Grounds appurtenant to any of the above designated;
- (p) Parking facility used in connection with any of the above designated.

The foregoing enumeration shall be deemed partial and shall not operate to exclude other places which are within the general

terms of this definition.

201.2 "Loitering" as used in this Chapter means:

- (a) To stand or lounge around or move slowly about, to spend time idly, to saunter or to linger; or
- (b) To repeatedly pass the same place without any apparent reason.

201.3 "Alcoholic beverage" as used in this Chapter shall mean "alcoholic liquor" as that term is defined in Act 8, Public Acts of Michigan, 1933 Extra Session, as amended.

Section 202. Causing or Risking Public Inconvenience, Annoyance or Alarm.

202.1 No person shall purposely cause, recklessly create a risk of, or knowingly contribute to inconvenience, annoyance or alarm to any person in a public place by:

- (a) Engaging in fighting or threatening, or engaging in violent or tumultuous behavior; or
- (b) Jostling or roughly crowding persons unnecessarily; or
- (c) Creating a hazardous condition by any act which serves no legitimate purpose of the actor.
- (d) Preventing employees engaged in activities connected with their employment from completing their assigned tasks.

Section 203. Failure or Refusal of Disorderly Persons or Bystanders to Disperse Upon Official Order.

203.1 When any person is participating in a course of conduct described in Section 202 of the Chapter, which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, a peace officer may order the participant and others in the immediate vicinity to disperse. No person shall refuse or knowingly fail to obey such an order.

Section 204. Order to Move from Public Hazard.

204.1 No person in dangerous proximity to a fire or other hazard shall refuse or knowingly fail to obey a reasonable official request or order to move for the purpose of maintaining public safety.

Section 205. Obstructing Public Passage or Place.

205.1 No person shall, without legal privilege to do so, and whether alone or with others, purposely or recklessly obstruct or cause to be obstructed any public passage or place.

205.2 No person without legal privilege shall block, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street by means of a

barricade, object or device, or with his person. This subsection shall not apply to persons maintaining, rearranging or constructing public utility facilities in or adjacent to a street.

205.3 No person shall refuse or knowingly fail to obey a reasonable official order or request to move to prevent obstruction of any public passage or place or blockage, impediment or other interference with the normal flow of vehicular or pedestrian traffic upon a public street.

205.4 "Obstruct" and "obstruction" mean render impassable or unusable without unreasonable inconvenience or hazard.

205.5 When persons are lawfully assembled in a public place to communicate publicly or to listen to or observe such communication, no person (including communicator) so assembled shall be convicted of recklessly obstruction in violation of Subsection 205.1 above unless he has first been given a reasonable opportunity to comply with Subsection 205.3 above.

205.6 No person whose lawful behavior attracts an obstructing audience shall be guilty of violating Subsection 205.3 above if the obstruction can be readily remedied by reasonable police control of the size or location of the audience.

Section 206. Disrupting Meetings and Processions.

206.1 No person shall, with purpose to prevent or disrupt a lawful meeting, procession or gathering:

(a) Do any act tending to obstruct or interfere with it physically; or

(b) Make any utterance, gesture or display designed to outrage the sensibilities of the group.

Section 207. Prowling or Loitering.

207.1 No person shall prowl or loiter on foot, in a motor vehicle or in any other way in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety or health of any person or property in the vicinity.

207.2 Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person:

(a) Takes flight upon appearance of or investigation by a peace officer;

(b) Refuses or fails to adequately identify himself; or

(c) Manifestly endeavors to conceal himself or any object.

This enumeration shall be deemed partial and shall not

operate to exclude other circumstances which are within the general terms of Subsection 207.1 of this section.

207.3 Unless flight by the person or other circumstance make it impracticable, a peace officer shall prior to an arrest for an offense under this Section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.

207.4 No person shall be convicted of an offense under this Section if the peace officer did not comply with Subsection 207.3 of the Section, or if it appears at trial that the identification and explanation were true and, if believed by the peace officer at the time, would have dispelled the alarm.

Section 208. Prowling or Loitering About Schools or Education, Religious or Recreation Centers.

208.1 No person shall prowl or loiter on foot, in a motor vehicle or any other manner in or about any of the following places without an apparent legitimate purpose reasonably connected therewith:

- (a) School building;
- (b) Recreation center for minors;
- (c) A public place where an educational, religious or recreation activity for minors is being conducted;
- (d) Grounds or parking lots appurtenant to or used in connection with (a), (b), or (c) of the Subsection; or
- (e) A street or alley in the immediate vicinity of any above mentioned place.

208.2 Among the circumstances which may be considered in determining that such loitering is not for an apparent legitimate purpose reasonably connected therewith is the fact that:

- (a) The person takes flight upon appearance of or investigation by a peace officer;
- (b) The person refuses or fails to adequately identify himself;
- (c) The person manifestly endeavors to conceal himself or any object;
- (d) The person is not within the age group to which the educational, religious or recreation center or activity is directed; or
- (e) The peace officer has knowledge or reliable information that the person has quit school or has been expelled therefrom or that the person has been ordered to stay away from the educational, religious or recreation center or activity by a person in charge of or supervising said activity.

This enumeration shall be deemed partial and shall not operate to exclude other circumstances which are within the

general terms of Subsection 207.1 of this section.

208.3 Unless flight by the person or other circumstance makes it impracticable, a peace officer shall prior to an arrest for an offense under this Section afford the person an opportunity to manifest a legitimate purpose reasonably connected with said place or activity, by requesting him to identify himself and explain his presence and conduct.

208.4 No person shall be convicted of an offense under this Section if the peace officer did not comply with Subsection 208.3 of this Section, or if it appears at trial that the identification and explanation were true and, if believed by the peace officer at the time, would have established a legitimate purpose reasonably connected with said place or activity.

Section 209. Influence of Alcohol, Narcotic, Drug or Other Stimulant or Depressant.

209.1 No person who is intoxicated and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance shall appear in any public place.

209.2 No person shall appear in any public place manifestly under the influence of any narcotic, drug, or other stimulant or depressant, except alcohol, to the degree that he may endanger himself or other persons or property.

Section 210. Criminal Trespass.

210.1 No person shall willfully and without lawful authority:

(a) Enter upon the lands or premises of another after having been forbidden to do so by the owner, occupant, person in control thereof, or the agent or servant of the owner, occupant or person in control thereof; or

(b) Being upon the premises of another neglect or refuse to depart therefrom after being notified to do so by the owner, occupant, person in control thereof, or agent or servant of the owner, occupant or person in control thereof.

(c) Remain at Township controlled buildings or property or parking facilities after being requested to disperse under Section 203 of this Chapter.

Section 211. Harassing, Alarming or Offensive Conduct.

211.1 No person with purpose to harass or alarm another shall:

(a) Insult, taunt or challenge another by the use of fighting words or gestures in a manner reasonably likely to provoke a violent disorderly response; or bodily harm to any

person; or

(b) Frighten or attempt to frighten another by threat or menace of unlawful bodily harm to any person; or

(c) Subject another to an offensive touching; or

(d) Engage in any other course of harassing or alarming conduct serving no legitimate purpose of the actor.

Section 212. Disturb Peace of Neighborhood.

212.1 No person shall purposely disturb, recklessly disregard, or incite any person to purposely disturb or recklessly disregard the peace and tranquility of any neighborhood.

Section 213. Conduct at Athletic Events.

213.1 It shall be unlawful for any person or persons to invade the playing area of any athletic contest or exhibition while said contest or exhibition is in progress; provided, however, that this prohibition shall not apply to the participants or officials in said contest or exhibition.

213.2 It shall be unlawful for any person or persons to cast throw, hurl or fling any bottle, can, receptacle, or any other object, which could cause injury or damage, in the spectator area where any athletic contest or exhibition is conducted or into or upon the area used for the conduct of said contest or exhibition while the same is in progress and during intermissions and delays of said contest or exhibition.

Section 303. Resisting Arrest or Other Law Enforcement.

303.1 No person, with purpose to prevent a peace officer from effecting a lawful arrest or discharging any other duty, shall create a risk of bodily injury to the peace officer or anyone else or employ means justifying or requiring substantial force to overcome the resistance.

303.2 No person shall make a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

Section 401. Severability. The invalidity of any clause, sentence, paragraph or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

Section 501 Violations and Penalty Any person, firm or corporation which violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance shall be punished for each offense, upon conviction, by a fine of not more than Five Hundred (\$500.00) Dollars, and costs of prosecution, or by

imprisonment for a period not exceeding ninety (90) days, or by both fine and imprisonment, in the discretion of the Court. Each day that a violation is permitted to continue shall constitute a separate offense.

Section 601. Effective Date. This Ordinance is hereby declared necessary for the peace, health and safety of the Township of Gerrish and is in effect upon publication.