

ORDINANCE NO.

**DISORDERLY PERSONS ORDINANCE**

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*An ordinance to prohibit disorderly conduct in the Charter Township of Raisin and to establish penalties for violation of the ordinance.*

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THE CHARTER TOWNSHIP OF RAISIN ORDAINS:

**Section 1. Title**

This ordinance shall be known and cited as the Charter Township of Raisin Disorderly Persons Ordinance.

**Section 2. Unlawful Act**

It shall be unlawful and punishable as provided herein, for any person to be a disorderly person within the Charter Township of Raisin.

**Section 3. Definitions**

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- a. "Animals" shall include birds, fish, mammals, and reptiles, unless otherwise stated.
- b. "Livestock" means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.
- c. "Owner" and "persons owning premises" mean both the owner of the title of record and those occupying or in possession of any property or premise. The "owner" when applied to proprietorship of any animal, means every person having a right of property in the animal, an authorized agent of the animal, and every person who keeps or harbors the animal or has it in his or her care, custody or control, and every person who permits the animal to remain on or about the premises occupied by himself and herself
- d. "Peace Officer" means any person employed or elected by the people of the Township of Raisin, or by the State of Michigan or the County of Lenawee whose duty it is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or fire fighters.

- f. "Person" shall include individuals, partnerships, corporations, limited liability companies and other associations.
- g. "Poultry" means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCL 317.71 et seq; MSA 13.1271 et seq.)
- h. "Public place" means any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is accessible to the public.
- i. "School" means any school or college, whether elementary, secondary, advanced or for preschool, mentally handicapped or physically handicapped individuals, or whether public, private or parochial.
- j. "School premises" means all lands and grounds owned or leased by a school, whether or not occupied by a building, together with all lands and grounds surrounding all school buildings, including any paths, walkways, drives or parking areas used in connection or incidental thereto.
- k. "Township" means the Charter Township of Raisin.
- l. "Vagrant" means one who has no established residence and wanders idly from place to place without lawful or visible means of support.

#### **Section 4. Disorderly Person**

A person is a disorderly person if the person is engaged in any of the following acts or practices, or if the persons aids or abets another to do such an act or engage in any practices so as to be:

1. Under the influence of any narcotic drug or be intoxicated in a public place and either endanger directly the safety of another person or property or act in a manner that causes a public disturbance.
2. A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place.
3. A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties.
4. A person who furnished a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a Statute or Township Ordinance or temporarily detained for the purpose of issuance of a civil infraction citation.
5. A person who summons, as a joke or prank or otherwise, without any good reason therefore, by telephone or otherwise, the police or fire department or any public or

private ambulance to go to any address where the service called for is not needed.

6. A person who makes a false report, by telephone or otherwise, to any public official which may reasonably be expected or closing of a building or place open to the public, or who knowingly makes a false statement or report to a peace officer.
7. A person who urinates or defecates in a public place.
8. A person who spits or expectorates on, at or toward another person or upon any public property.
9. A person who shall look, peer, or peep into or be found loitering around or within view of any window not on his own property, with the intent of watching or looking through such window, without the consent of the owner or without a lawful purpose.
10. A vagrant.
11. A person found begging in a public place.
12. A person who maintains a gaming room, gaming table, or betting cards or tickets, used for gambling, knowingly allows a gaming table, or any betting cards or tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her; conducts or attends any cock fight or dog fight; or places, receives or transmits any bet on the outcome of any race, contest or game of any kind whatsoever, except as otherwise permitted by law.
13. Obstructs the free and uninterrupted passage of the public on any street, roadway, sidewalk, alley way, or in any park, public building or other public place, for any purpose and by any means, including but not limited to collecting in groups thereon, or playing any game thereon, or erecting, placing or maintaining any barrier or object thereon; except such barrier or object may be erected, placed or maintained when necessary for the safety of passersby in connection with the building, erection, modification or demolition of any building or by prior written consent of the police department;
14. A person who willfully enters the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant.
15. A person who willfully enters the lands or premises of another and who neglects or refuses to depart from the land or premises of another after being notified by the owner, agent or occupant to depart there from.
16. A person, who knowingly sells, gives or furnishes alcoholic beverages, liquor or spirits to any person under the age of twenty-one (21) years or to any drunken, intoxicated or disorderly person.

17. A person who possesses any open intoxicant or consumes any alcoholic beverage, beer, liquor or spirits while in or upon a public street, sidewalk or public place where possession and/or consumption is not permitted.
18. A person who is found jostling, shoving, pushing, or roughly crowding people without permission in a public place.
19. A person who makes or continues any loud noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township, including but not limited to:
  - i Sounding any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary and reasonable duration, or it is unreasonable loud or harsh;
  - ii Playing or amplifying any radio, phonograph, stereo, tape or disc player, any other electronically stored media or musical instrument in such a manner or with such volume so as to produce sound that is clearly audible more than 50 feet from the source that annoys or disturbs the quiet, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity; excluding sanctioned sporting events.
  - iii Yelling, shouting, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property, so as to annoy or disturb the quiet, comfort or repose of any persons in any place of business, or any dwelling, hotel or other type of residence, or of any person in the immediate vicinity;
  - iv Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort and repose of any person in the vicinity;
  - v Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
  - vi Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
  - vii Intentionally squealing the tires of any motor vehicle;
  - viii Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of seven o'clock a.m. and 10:00 p.m. without a permit from the township to do so;

- ix Creates loud and excessive noises in connections with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers;
  - x Creates noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise;
  - xi Causes any noise to be made so as to unreasonably disturb persons in the immediate vicinity;
  - xii Causes the prolonged idling or operating or excessive racing of any type of engine operating at any location, either on public or private property, that causes unnecessary or excessive noise so as to unreasonably disturb those persons in the immediate vicinity;
  - xiii That uses and/or operates a blower or power fan, lawn equipment, gardening equipment, or farm equipment in a residential area other than between the hours of seven o'clock a.m. and 10:00 p.m., except, however, farm equipment that is being used for planting or harvesting of crops;
20. A person who, by any means, including but not limited to deflating tires attached to said vehicles, or placing foreign substance in the motor vehicle's fuel tank, disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, without the person's permission.
  21. A person who throws or propels any snowball, rock, missile or object at or from any moving vehicle.
  22. A person less than twenty-one (21) years of age who possesses and or by consumption or in a motor vehicle, any alcoholic beverage, beer, liquor, or spirits.
  23. A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening or annoying such other person or his or her family, whether or not a conversation ensues.
  24. Any person, 17 years of age or older, who shall accost, solicit or invite another in a public place, or in or from any building or vehicle, by word, gesture or any other means, to commit prostitution or to do any other lewd or immoral act.
  25. A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of seventeen (17) years to enter any motor vehicle or conveyance, or private property or place, except where the parent or guardian of that child has given that person express consent; this section shall

not prohibit school personnel, peace officers or public health or social worker personnel from carrying out the normal duties of their employment.

26. A person who carries any form of firearm, replica firearm, BB gun, air gun, bow and arrow, slingshot, crossbow or other dangerous weapons in any public place, subject to the following exceptions:

- i When it is in case and is not loaded;
- ii When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public personnel; or
- iii Where and as otherwise permitted by State law.

27. A person who:

- i Owns any animal and who permits the animal to run at large off their property, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of his owner;
- ii Owns any dog at any time, licensed or unlicensed, which destroys property, real or personnel, or trespasses in a damaging way on property or persons other than owner;
- iii Owns any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person;
- iv Owns any dog which shows vicious habits, including but not limited to charging, snarling, growling, etc., or which molests passerby when such persons are lawfully on a public highway, right-of-way or adjacent property;
- v. Owns, keeps, houses, tethers, or otherwise possesses or maintains any animal in such a way or manner or in such location whereby noises emanating from said animal, including but not limited to loud and frequent barking, howling, or yelping, shall cause a disturbance or otherwise disrupt the peace, quiet and tranquility of persons within the limits of the Township, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. This section shall not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein;
- vi. Owns any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the Township; except as allowed by township ordinance.
- vii Owns any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;

- viii Removes a collar or a tag from any dog or any other animal without the permission of its owner, or decoys or entices any dog or any other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or any other animal while held or led by any person or while on the property of its owner;
  - ix A person who intentionally and maliciously kills, injures or maims any animal, livestock or poultry owned by another person. However, any person may kill any dog or other animal which he or she sees in the act of or actually attacking or wounding any person, livestock, poultry or other animal, and there shall be no liability on such person in damages or otherwise for said killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this State, including, by way of example, the safe discharge of firearms.
28. Commits an assault or an assault and battery on any person or engage in any disturbance, fight, or quarrel in a public place.
29. A person shall not use or possess any controlled substance in the Township of Raisin unless that substance was directly obtained from, and pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.
30. Possesses Drug Paraphernalia. Drug paraphernalia means any equipment, product, material, or combination of equipment, products, or materials which is specifically designed for use in planting; propagating, cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting; ingesting; inhaling; or otherwise introducing to the human body a controlled substance; including, but not limited to, all of the following:
- i An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance;
  - ii Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance;
  - iii A weight scale or balance specifically designed for use in weighing or measuring a controlled substance;
  - iv A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance;
  - v A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
  - vi An object specifically designed for use in ingesting, inhaling, or otherwise

- introducing marijuana, cocaine, hashish, or hashish oil into the human body;
- vii A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance can be derived;
  - viii A kit specifically designed for manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
  - ix A device, commonly known as a cocaine kit, that is specifically designed for ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror;
  - x A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user;
  - xi A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose;
  - xii A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.
31. Engages in any indecent, immoral or obscene conduct or makes any immoral exhibition or indecent exposure of his or her person in any public place or on private property that is visible from a public place.
  32. Fires, discharges, displays, or possesses any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as amended.
  33. Willfully destroys, removes, damages, alters or in any manner defaces any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the Charter Township or located in the public places of the Charter Township, or mark or post handbills on, or in any manner mar the walls of, any public building, or fence, tree or pole within the Charter Township, or damage, destroy, take, or meddle with any property belonging to the Charter Township, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.
  34. Solicits or accosts any person for the purpose of inducing to commission of any illegal or immoral act.
  35. Breaks or escapes from the lawful custody of any law enforcement officer working within the Township of Raisin.
  36. Makes or excites a disturbance or contention within any tavern, store,



manufacturing establishment, business place, public building; or upon any street, lane, alley, highway, public grounds, park, public place, or at any public meeting where citizens are peaceably and lawfully assembled.

37. Knowingly steals the property of another, any money, goods or chattels or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate or any book of accounts for or concerning money or goods due or to become due or to be delivered or any deed or writing containing a conveyance of land or any other valuable contract in force, or any receipt, release or defeasance of any writ, process or public record.
38. Makes, draws, utters or delivers with intent to defraud any check, draft or order for the payment of money of fifty dollars (\$50.00) or less, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentation.
39. Knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dumps, deposits, places, throws, or leaves, or causes or permits the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property other than property designated and set aside for such purposes.
40. Any person who within the Township of Raisin shall carelessly, recklessly, or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property or others.
41. Any person who willfully refuses to obey a lawful order of a peace officer in the performance of his/her duties.
42. A person who carries a knife having a blade of three (3) inches in length or more, whether in its sheath or not, in a public place.
43. Engages in fortune telling or pretend to tell fortunes for hire, gain or reward.
44. Tampered with, removes or injures any cables, wires, or equipment used of distribution of television signals, radio signals, pictures, programs, or sound without the consent of the owner thereof.
45. Drives or operates any motor vehicle, including but not limited to, automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, persons, corporation, school, college or unit of government, in areas on said property not specifically designated for use as roadways, driveways or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either.

46. Disturbs or interferes in any manner with the orderly conduct of classes or other school sanctioned activity conducted in or on any school premises, including, but not limited to, interference through the operation of a motor vehicle;
47. Enters upon school premises during the regular school hours or during any school sponsored activity, unless first receiving written permission from an authorized agent of the school, or has received a specific invitation to be in or on said premises, specifying the time, location and person, if any, to whom to report; provided, however, this provision shall not apply to any regularly enrolled student in good standing, not under suspension or expulsion, teacher, parent or guardian of a student, delivery person, police or public safety officer, or other employee of the school.
48. Willfully enters upon school premises at any time without lawful authority after having been forbidden to do so by an authorized agent of the school; or remains upon the school premises after being notified to depart by an authorized agent of the school.
49. Damages, destroys or defaces any school building, equipment, teaching supplies or equipment or other school property located in or on any school premises, including, but not limited to, any trees, shrubbery, lawn, flowers or fences.
50. Causes or attempt to cause, by intimidation, coercion, force, threat of force, inducement, enticement, invitation, encouragement, or intimidation, any person to interfere with school activities or business.
51. A minor under the age of seventeen (17) years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12) midnight and six (6) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is on an errand or other legitimate business directed by his/her parent or guardian.
52. Spouse Abuse; A peace officer who has reasonable cause to believe that a violation of Section 81 or 81a of Act No. 328 of the Public Acts of 1931, as amended, being Sections 750.81 and 750.81a of the Michigan Compiled Laws, has taken place and that the person who committed or is committing the violation is a spouse, a former spouse, or a person residing or having resided in the same household as the victim, may arrest the violator without warrant for that violation, irrespective of whether the violation was committed in the presence of a peace officer.

## **Section 5. Violating Person**

Any person(s) who shall act in any manner described in Section 3 above or Section 6 below, shall be in violation of this Ordinance and, upon conviction, shall be punished as set forth in Section 7 below, whether or not said person(s) had been ordered by a peace officer that such conduct or violation cease, except as otherwise specifically provided herein

## **Section 6. Exceptions**

None of the terms or prohibitions hereof shall apply to or be enforced against:

- a. The operation of any vehicle of the Township while engaged upon necessary public business
- b. Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township or State during the night when public welfare and convenience renders it impossible to perform such work during the day

## **Section 7. Parental Responsibility**

No parent, guardian, or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this Ordinance. Proof that the minor was convicted of violation this Ordinance shall be prima facie evidence that the minor's parent or guardian allowed the minor to violate such Section.

## **Section 8. Penalties and Remedies for Violations**

- a. Any person violating any provision of this Ordinance shall be deemed:
  1. Guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
  2. Responsible for a civil infraction. Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.
- b. The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.
- c. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

**Section 9. Saving Clause**

All proceedings pending and all rights and liabilities existing, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in effect when they are commenced. This Ordinance shall not be construed to effect any prosecution pending or initiated before the effective date of this Ordinance, or initiated after the effective date of this Ordinance for an offense committed before that effective date.

**Section 10. Severability**

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, void able, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

**Section 11. Conflicting Ordinance Repealed**

Any Ordinance or parts of Ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

**Section 12. Effective Date**

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

**Ordinance Declared Amended on January \_\_\_ 2007.**

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Carl Wagner, Supervisor Charter  
Township of Raisin

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Betty Holdridge, the duly elected Clerk of the Charter Township of Raisin certify that the foregoing ordinance is a true and correct copy of the ordinance amended by the Township Board of the Charter Township of Raisin on January \_\_\_ 2007 and published in the Daily Telegram a newspaper circulated in the Charter Township of Raisin on January \_\_ 2007.

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Betty Holdridge, Clerk Charter  
Township of Raisin