

20.230

**DISORDERLY CONDUCT
CITY OF GAYLORD, MICHIGAN
Amend. ord. eff. Nov. 26, 2012**

20.231

Sec. 4101. **PURPOSE.**

The purpose of this Ordinance shall be to prohibit disorderly conduct including violent and disruptive behavior, fighting, interfering with or resisting Police Officers in the lawful conduct of their duty, taking, concealing or destroying public property or property of another, disrupting the public peace, engaging in the use of abusive, profane, or inflammatory language or conduct, and such other acts as defined herein which constitute "Disorderly Conduct"; provide for the severability of provisions thereof; and provide penalties for violations thereof.

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Sec. 4102. **DEFINITIONS.**

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Sec. 4102.1. **PUBLIC PLACE.**

PUBLIC PLACE shall mean any street, sidewalk, alley, park or ground, Government-owned or Government-controlled building, common hallway or dwelling, or any place to which the Public has lawful access, any place of business or assembly open to or frequented by the Public, and any other place which is open to the public view.

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Sec. 4102.2. **WEAPON.**

WEAPON shall mean any pistol, air pistol, rifle, air rifle, shotgun, slingshot, crossbow, bow, firebomb, bomb, explosive, or incendiary device.

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Sec. 4103. **ACTS PROHIBITED.**

Masculine pronouns in this section shall be construed to include both male and female persons. No person shall:

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Sec. 4103.1. **ASSAULT.**

Commit an assault, or an assault and battery upon any person.

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Sec. 4103.2. **FIGHT.**

Engage in any fight in a public place.

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Sec. 4103.3. **NOT ENACTED.**

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Sec. 4103.4. **FOLLOWING INDIVIDUAL.**

Follow any individual, by any means, if he knows or should know that said individual is likely to be caused alarm.

- 20.245** Sec. 4103.5. **SOLICIT AND ACCOSTING.**
- Solicit or accost any other person for the purpose of inducing the commission of an unlawful act.
- 20.246** Sec. 4103.6. **ACCOST MINOR CHILD.**
- Accost a minor child or endeavor to entice him into any motor vehicle, conveyance, or dwelling without parental knowledge or consent.
- 20.247** Sec. 4103.7. **OBSTRUCT, HINDER, OPPOSE, RESIST, OR INTERFERE WITH POLICE OR FIRE DEPARTMENT.**
- Obstruct, hinder, oppose, resist, or interfere with any member of the Police or Fire Department in the discharge of his lawful duties, or fail to obey the lawful order of said person knowing him to be a member thereof.
- 20.248** Sec. 4103.8. **CONTROLLED SUBSTANCE.**
- Be present in any public place with his ability to walk, talk, or see significantly impaired by the use of any controlled substance as defined by Public Act 196 of 1971, as amended, provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.
- 20.249** Sec. 4103.9. **ASSEMBLING TO OBSTRUCT.**
- Conduct himself in any public place, or join with one or more other persons in a Public place, if he knows or should know that, singly or together with the others with whom he has joined, he is unreasonably interfering or obstructing the free and uninterrupted passage of the Public along any street or sidewalk or into or out of any building to which the Public has lawful access, or is interfering with the lawful use of or conduct of any place of business.
- 20.250** Sec. 4103.10. **REMAINING AFTER CLOSING HOUR.**
- Remain in any public place after its regular closing hours after being told to leave by one authorized to give such an order.
- 20.251** Sec. 4103.11. **DISTURBING THE PEACE.**
- To disturb the peace, or to knowingly permit a person in any place owned or controlled by him to disturb the public peace, by loud and boisterous conduct or engage in disruptive, indecent, or obscene conduct.
(ord. amend. eff. July 28, 1991)
- 20.252** Sec. 4103.12. **LANGUAGE; PROFANE OR OBSCENE.**

Utter vile, profane or obscene language in any public place or engage in any indecent, obscene, loud or boisterous conduct in any public place.

20.253 Sec. 4103.13. **IMMORAL ACT.**

Make any immoral exhibition or indecent exposure of his or her person.

20.254 Sec. 4103.14. **DISTURB LAWFUL MEETING.**

Disturb any lawful meeting open to the public, service of religious worship, or other lawful meeting or assembly by loud and boisterous or disruptive conduct provided such person knows or should have reasonably known such conduct is likely to have said disturbing or disruptive effect.

20.255 Sec. 4103.15. **HARASSING.**

Telephone, visit, or otherwise communicate with any person repeatedly or cause the same to be done for the primary purpose of harassing such other person or his family.

20.256 Sec. 4103.16. **BEG.**

Beg in any Public place.

20.257 Sec. 4103.17. **SPITTING.**

Spit on the surface of any public place or at any person in a public place.

20.258 Sec. 4103.18. **PROWL WITHOUT CONSENT.**

Knowingly prowl about the premises of another without the express or implied consent of the owner, lessee, tenant, or occupant.

20.259 Sec. 4103.19. **PEEP THROUGH WINDOW.**

Knowingly go upon property owned or leased by another and peep through the window of a building on that property without the express or implied consent of the owner, lessee, tenant, or occupant.

20.260 Sec. 4103.20. **WILLFULLY ENTER WITHOUT AUTHORITY.**

Willfully enter upon the lands or premises of another without lawful authority, having been forbidden to do so by the owner, lessee, occupant, tenant or agent thereof, or be upon the land or premises of another, without lawful authority, upon being notified to depart therefrom by the owner, lessee, occupant, tenant, or agent thereof.

20.261 Sec. 4103.21. **PORNOGRAPHIC, IMMORAL ACTIVITY.**

Print, engrave, sell, offer for sale, give away, exhibit or publish, or have in his possession for any purpose, any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, film, statuary, image of representation or other article of an indecent, pornographic, or immoral nature.

20.262 Sec. 4103.22. **PROSTITUTION.**

Engage for remuneration in any act of prostitution or in the business of prostitution, gambling or illegal sale of intoxicating liquor, whether directly or in the capacity of an employee, agent, manager or supplier of materials, facilities, or transportation.

20.263 Sec. 4103.23. **FREQUENTING.**

Be present at any place where the business of prostitution, gambling, illegal sale of controlled substances as defined by Public Act 196 of 1971.

20.264 Sec. 4103.24. **FORTUNE TELLING.**

Engage for remuneration in the practice or occupation of fortune telling, mind reading or phrenology.

20.265 Sec. 4103.25. **URINATE OR DEFECATE ON PUBLIC STREET.**

Urinate or defecate on any public street, sidewalk, alley or in any public place.

20.266 Sec. 4103.26. **LIQUOR IN PUBLIC PLACE NOT LICENSED.**

Consume alcoholic liquor in any public place not licensed by the Michigan Liquor Control Commission to sell such alcoholic liquor for consumption on the premises.

20.267 Sec. 4103.27. **THROW OBJECTS.**

Throw any snowball or other object from any moving vehicle, or toward any person or automobile if he knows or should reasonably know that damage to person or property, or alarm, is likely to result.

20.268 Sec. 4103.28. **LITTERING.**

Throw, drop, place, or otherwise deposit any papers, cans, cardboard, glass, glass bottles, broken glass, trash, garbage, refuse or other objects, except in containers designed and provided for such public purpose, in any public place or on property of another within the City of Gaylord.

20.269 Sec. 4103.29. **DESTROY, DAMAGE, DEFACE, MARK, OR REMOVE PROPERTY.**

Destroy, damage, deface, mark, or remove any property not his own, including any public property, or place signs, posters, handbills or other messages on any building, fence, tree, pole, or property of another without the permission of the owner except

where otherwise permitted by law.

20.270 Sec. 4103.30. **KNOWINGLY TAKE BICYCLE WITHOUT PERMISSION.**

Knowingly take possession of and ride or take away any bicycle, without the permission of the owner, whether or not he intends to steal said bicycle.

20.271 Sec. 4103.31. **LARCENY.**

Commit the offense of larceny by stealing any property not his own, or receive or possess any such property knowing the same to be stolen.

20.272 Sec. 4103.32. **SUMMON WITHOUT NEED; POLICE OR FIRE.**

Summon, without any reasonable need thereof, by telephone or otherwise, the Police or Fire Department, ambulance, or any other service of any kind, to go to any address where the service called for is not needed.

20.273 Sec. 4103.33. **SYRINGE; CONTROLLED SUBSTANCE.**

At any time have or possess a hypodermic syringe, needle, or any other instrument or implement adapted or designed for the use of any controlled substance as defined by Public Act 196 of 1971 by subcutaneous injection or intracutaneous injection, inhalation, or any other manner or method of introducing controlled substances into the body and which is possessed for that purpose unless such possession is authorized by the certificate of a licensed medical doctor or Osteopathic physician issued within the period of one year; provided that the prohibition contained in the section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research institutions, clinical laboratories, medical doctors, Osteopathic physicians, dentists, chiropodists, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection, inhalation or like ingestion of a controlled substance under prescription of a physician.

20.274 Sec. 4103.34. **SMELLING GLUE.**

Inhale, drink, eat or otherwise introduce into his person any glue, adhesive cement, mucilage, dope, plastic solvent, or other substance commonly referred to or utilized as "Model Glue" containing solvane, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate or other toxic ingredient with the intent of inducing intoxication, elation, a dazed condition, paralysis, irrationality, or in any manner distorting or disturbing the eyesight, thinking process, judgment, balance, or coordination except pursuant to the prescription of a licensed physician.

20.275 Sec. 4103.35. **ENCOURAGE MINOR CHILD TO VIOLATE ORDINANCE.**

Assist, aid, abet, or encourage any minor child to violate any provision of this

Ordinance.

20.276 Sec. 4103.36. **WEAPONS.**

No person shall discharge any weapon within the City of Gaylord except in connection with any training program approved by the City Council, or in connection with the performance of lawful duties of law enforcement, or as specifically provided by law in the protection of persons and property.

20.277 Sec. 4103.37. **WEAPON; POSSESSION.**

Have or display any weapon in his possession in any public place, with the following exceptions:

- A. A law enforcement officer of any governmental unit may have a weapon in his possession as provided by law.
- B. A person may have a weapon in his possession for purposes of his actual participation in any training program approved by the City Council.
- C. An established dealer in weapons or repairman of weapons may have weapons in his possession in his place of business for purposes of making lawful sale or repair of said weapons.
- D. The proprietor of a place of business, or his duly authorized agent, may have a weapon in his possession in said place of business.
- E. A person may have a weapon in his possession for purposes of transporting said weapon to any location where it may lawfully be possessed under this Ordinance; provided, however, that when being so transported, shall be done in accordance with applicable State law governing the transportation of weapons.
- F. A person may have a weapon in his possession under the provisions of a valid State permit for the carrying of a concealed weapon provided that any restrictions indicated therein are observed.

20.278 Sec. 4103.38. **FIREWORKS; PROHIBITIONS; PERMIT.**

Repealed Nov. 26, 2012

20.279 4103.39. **HUNTING OR TRAPPING.**

Hunt, pursue, or trap any game within the City, except where otherwise provided by law.

20.280 Sec. 4103.40 **CONDUCT CAUSING PUBLIC DANGER.**

Engage in any conduct for the purpose of, or that is likely to cause public danger, alarm, disorder, or nuisance.

20.281 Sec. 4103.41. **DISORDERLY PERSON.**

Be a disorderly person as defined by Act 328 of the Public Acts of Michigan, 1931, as amended.

(ord. amend. eff. July 28, 1991)

20.290 Sec. 4104. **SEVERABILITY.**

The sections and subsections of this Ordinance are declared to be severable, and if any portion shall be held or found invalid by a Court of competent jurisdictions, such invalidity shall not affect the remaining portions or applications of this Ordinance.

20.291 Sec. 4105. **PENALTY.**

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for a term not exceeding 90 days, or both such fine and imprisonment in the discretion of the Court.

20.292 Sec. 4106. **PERSONS DESTROYING CITY PROPERTY; REWARD.**

The Chief of Police may recommend to the City Council that it authorize a reward up to the amount of \$500.00, to any person who provides information to the City Police Department leading to the arrest and conviction of any person who shall destroy, damage, deface, despoil, mark or remove any trees, shrubbery, flowers, flower boxes or other property belonging to the City of Gaylord.

(amended by ord. eff. Dec. 2, 1985)

20.293 Section 4107. **LOITERING.**

No person shall loiter in a public place or conduct himself in any public place in a manner so as to obstruct the free and uninterrupted passage of the public, or to conduct himself in a manner which warrants alarm for the safety or health of any person or property in the vicinity. Prior to arrest for an offense under this section, a police officer shall afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explain his presence and conduct or by requesting him to leave the area. Any person who violates this section shall be liable to pay a civil fine of not more than Five Hundred (\$500.00) Dollars. Following the issuance of a civil fine citation as provided above, a person failing to leave the premises within a reasonable time after the request of a police officer shall be guilty of a misdemeanor and shall be subject to a fine of up to Five Hundred (\$500.00) Dollars and/or imprisonment in the County jail for a term not to exceed ninety (90) days.

(Adopted by emergency ordinance eff. July 22, 1996)

Section 4108. CONSUMPTION OR POSSESSION OF ALCOHOLIC LIQUOR BY PERSONS UNDER 21 YEARS OF AGE.

1. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section and sections 4 and 5. A person less than 21 years of age whom violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions.
 1. For the first violation a fine of not more than \$100.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense.
 2. For a second violation a fine of not more than \$200.00 and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services, and may be ordered to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.
 3. For a third or subsequent violation a fine of not more than \$500.00, and may be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services, and to undergo substance abuse screening and assessment at his or her own expense.
2. A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the person less than 21 years of age has consumed or possessed alcoholic liquor. A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
3. A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws, allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonable ascertainable by the law enforcement agency. The notice required by this

subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated pursuant to Act No. 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If a person less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

4. This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
5. The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this ordinance.

Amended by Ord. Eff. July 4, 1999

20.295

Section 4109. FURNISHING FALSE IDENTIFICATION.

1. Any person who furnishes to a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person, if the person is detained for violation of the Code of the City of Gaylord, or temporarily detained for the purpose of issuance of a civil infraction. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days or both.
2. Any person who gives or uses any false, fraudulent, or misleading verbal or written information identifying the person or his/her age to any agent or employee of any licensed establishment which sells or furnishes alcoholic liquor as defined by MLC 436.2 or the Liquor Control Act for the purpose of purchasing or consuming alcoholic liquor or to gain entry to the establishment shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days or both.
3. Any written information which the Licensee or his/her agent or employee has reasonable suspicion to believe is false, fraudulent, or misleading shall be seized by the Licensee and delivered to the Gaylord City Police no later than 12 p.m. of the next business day.

Amended By Ord. Eff. July 4, 1999.

