

ORLEANS TOWNSHIP ORDINANCE NO. 16

"DISORDERLY CONDUCT AND OTHER OFFENSES"

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF ORLEANS TOWNSHIP BY THE REGULATION OF DISORDERLY CONDUCT AND OTHER SPECIFIED OFFENSES WITHIN THE TOWNSHIP AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

Adopted: May 19, 1993

Effective: June 25, 1993

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

DISORDERLY CONDUCT AND OTHER OFFENSES

Section 1. Ordinance title.

This Ordinance shall be known as and may be cited as "The Township of Orleans Disorderly Conduct Ordinance."

Section 2. General Provisions.

The following general provisions shall apply in all prosecutions for offenses provided for in this Ordinance:

- A. "Person" as used in this Ordinance means any natural person, partnership, association, corporation, or institution.
- B. "Public place" as used in this Ordinance means any street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place or portion thereof which is open to public view or to which the public has access.
- C. Any person who aids, abets, counsels, procures, commands or assists in the commission of any offense prohibited by this Ordinance shall be subject to punishment under this Ordinance as a principal.
- D. "Township" as used in this Ordinance means the Township of Orleans.

Section 3. Offenses Against Persons.

No person shall:

- A. Commit an assault or battery upon another person.
- B. Molest another person.

- C. Wilfully annoy another person.
- D. Recklessly endanger the life, health or well-being of any person.
- E. Wilfully obstruct free or uninterrupted passage in any street, on any sidewalk, in any public place or in any other place to which the public is admitted.

Section 4. Property Offenses.

No person shall:

- A. Trespass upon the premises of another or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupants.
- B. Prowl about the premises of any other person in the nighttime without authority or the permission of the owner of such premises.
- C. Lurk, lie in wait, or be concealed in any business, yard or other premises with intent to commit any crime or offense.
- D. Wilfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person.
- E. Take or remove, or attempt to take or remove, any property not his or her own.
- F. Obtain, or attempt to obtain, goods or money by fraud, trick, or under false pretenses.
- G. Meddle with, tamper with, interfere with, move, damage or disconnect any property not his or her own.
- H. Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any water fountain for drinking, or in any manner pollute the water therein.
- I. Expectorate, urinate, defecate or perform any other act which creates a hazardous or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to public restroom facilities when used in their intended manner.
- J. Affix, paste or otherwise attach to any vehicle owned by another person any notice, poster, leaflet, broadside or other item or device which interferes with the vision of the driver or causes, or tends to cause, damage to the vehicle. This subsection shall not apply to parking violation notices placed on motor vehicles by duly authorized representatives of the Township or by law enforcement officers when acting in the course of their official duties.

- K. Dump, deposit or place any filth, garbage, refuse, or waste material on the property of another person, without the specific permission of the owner of the property.

Section 5. Substance Offenses.

No person shall:

- A. Be in a state of intoxication in a public place so as to directly endanger the safety of another person or property.
- B. Be in a state of intoxication in any public place in a manner that causes a public disturbance.
- C. Intentionally ingest, inhale the fumes of, or otherwise introduce into his or her body, any chemical agent or substance releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses; or to possess, buy or use any such chemical agent or substance for the purpose of violating, aiding or abetting another person to violate this Section. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes.
- D. Be under the influence in any public place of any exhilarating or stupefying chemical agent or substance (or combination thereof) so as to directly endanger the safety of another person or property or in a manner that causes a public disturbance.

Section 6. Offenses Against Government Order.

No person shall:

- A. Hinder, oppose, obstruct or resist any law enforcement officer or other official or employee of the Township in the performance of his or her official duties.
- B. Knowingly furnish to any law enforcement officer or other official or employee of the Township a false name, address, age or date of birth in connection with the investigation of the commission of any violation of this Ordinance or any other local, state or federal law.
- C. Knowingly make or furnish to any law enforcement officer or other official or employee of the Township, while the officer, official or employee is acting in his or her official capacity, a false or fictitious report of the purported commission of any violation of this Ordinance or of any other local, state or federal law.

- D. Escape or attempt to escape while lawfully confined by or in the custody of any law enforcement officer acting on behalf of the Township.
- E. While operating a motor vehicle which has been stopped in response to a law enforcement officer's signal, leave or attempt to leave the scene unless and until he or she has identified himself or herself to the officer.
- F. Impersonate, attempt to impersonate, falsely pretend to be, or hold himself or herself out without due authority as a law enforcement officer or other officer or employee of the Township.
- G. Conceal knowledge of the actual commission of a violation of this Ordinance from a court or from a law enforcement officer investigating the violation. This subsection shall not be interpreted to conflict with the right of any person not be a witness against himself or herself.
- H. Wilfully fail to obey the command of any law enforcement officer to stop or halt, provided that the officer identifies himself or herself as a law enforcement officer and provides or offers to provide identification as such, and provided that a law enforcement officer is attempting to apprehend such person for a violation of any local, state or federal law.
- I. Wilfully fail to obey the command of any law enforcement officer or other authorized representative of the Township to leave a public park, playground, boulevard, swimming pool or recreation area when ordered to do so by the officer or representative.

Section 7. Miscellaneous Offenses.

No person shall:

- A. Engage in peeping in the windows of any inhabited place.
- B. Make an indecent exposure of his or her person.
- C. Knowingly or intentionally display in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering.
- D. Engage in fortune telling or pretend to tell fortunes for hire, gain or reward.
- E. Knowingly engage in or advertise any business which offers as its principal activity the providing of nude models for artist or photographers.
- F. Fire or shoot any air gun, spring gun, bow and arrow, slingshot or other dangerous weapon or instrument in any street, avenue, alley, public place or

in any place in such a manner as to endanger or be likely to endanger any person or property.

- G. Loiter in any public building or in any other building or premises owned by another person after having been requested to leave by the lawful owner or occupant or a representative of the owner or occupant.

Section 8. Breach of the Peace Offenses.

No person shall:

- A. Create or engage in any disturbance, fight or quarrel in a public place.
- B. Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.
- C. Disturb the public peace and quiet by loud or boisterous conduct.
- D. Disturb without lawful authority any lawful assembly or meeting of persons.
- E. Engage in, participate in or attempt to engage in or participate in a riot.
- F. Incite, cause or attempt to incite or cause a riot.
- G. Utter profane, obscene or injurious language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of the peace.

Section 9. Vice Offenses.

No person shall:

- A. Engage in any act of prostitution.
- B. Knowingly attend, frequent, operate or be an occupant or inmate of any place where prostitution, illegal gambling, the illegal sale of intoxicating liquor, or where any other illegal business or occupation is permitted or conducted.
- C. Engage in prostitution, illegal gambling, the illegal sale of intoxicating liquor or any other illegal business or occupation.
- D. Solicit or accost any person for the purpose of inducing the commission of any illegal act.
- E. Transport any person to a place where he or she knows prostitution, illegal gambling or other illegal activity is practiced, encouraged or allowed for the

purpose of enabling the person transported to engage in illegal gambling, prostitution or any other illegal activity.

- F. Keep or maintain a gaming room, gaming tables or any policy or pool tickets used for illegal gambling, or knowingly suffer or allow a gaming room, gaming tables or any policy or pool tickets used for illegal gambling to be kept, maintained, played or sold on any premises occupied or controlled by him or her.
- G. Knowingly attend, loiter about, frequent or remain in or upon any building, house, vacant lot, street, curblawn, parkway, alley, yard, apartment, store, automobile, boat, boathouse, or other place of any description whatsoever where any illegal controlled substance or any drug paraphernalia is sold, dispensed, furnished, given away, or stored.

As used in this subsection, "controlled substance" shall be defined as provided for in the Controlled Substance Act of the State of Michigan, MCL 333.7101 et seq., as amended.

As used in this subsection, "drug paraphernalia" shall be defined as provided for in 1988 Public Act 139, MCL 333.7451 et seq., as amended.

This subsection shall not apply to persons licensed or permitted by the State of Michigan to engage in the activity otherwise prohibited herein nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under the State and Federal law. The application of the exception provided by this paragraph shall constitute an affirmative defense which must be raised by the accused.

Section 10. Resort Offenses.

No person shall:

- A. Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by persons engaging in any act or prostitution or any other illegal sexual activity.
- B. Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by noisy, boisterous or disorderly persons.
- C. Permit or allow any loud or boisterous noise, or any fight, quarrel or disturbance on any premises owned, occupied or controlled by him or her.

Section 11. Violation and Penalty.

Any person who shall violate, disobey, fail, neglect, or refuse to comply with any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be

punished by a fine of not more than \$500 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate and distinct violation.

Section 12. Severability.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 13. Non-repeal.

This Ordinance shall not be construed to repeal by implication any other Ordinance of the Township pertaining to the same subject matter.

Section 14. Effective date.

This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township.

Moved by Kurt Peterson, seconded by Joyce Doty,
that the foregoing Ordinance be adopted.

Yeas: Gertrude Heppe , Herman Peterson, Kurt Peterson, Joyce Doty

Nays: None

Absent: Jerry Gallagher

I certify that the Ordinance as set forth above was adopted by the Orleans Township Board in regular session on May 19, _____, 1993 and that it was published in Ionia Sentinel Standard on May 26 _____, 1993 Further, I certify that an attested copy of the Ordinance was filed with the Ionia County Clerk on May 26 _____, 1993

Joyce E. Doty
Joyce E. Doty
Orleans Township Clerk

Subscribed and sworn to before
me this 26th day of May, 1993

Lewman A. Chy
Notary Public

State of Michigan, County of Ionia

My Commission expires: 5-16-95

NOTICE OF ADOPTION OF ORLEANS TOWNSHIP
ORDINANCE NO. 16

PUBLIC NOTICE is hereby given that the Orleans Township Disorderly Conduct Ordinance (Ordinance No. 16) was adopted by the Orleans Township Board on May 19, 1993. The Ordinance shall become effective thirty (30) days from the date of publication of this notice. A summary of the ordinance follows:

- Purpose. The Ordinance is intended to secure the public health, safety and general welfare of the citizens of Orleans Township by the regulation of disorderly conduct and other specified offenses within the Township and to prescribe penalties for violations of the Ordinance.

- Offenses regulated or prohibited. The types of offenses regulated or prohibited by the Ordinance include offenses against persons (assault, battery, reckless endangerment, etc.); property offenses (trespass, destruction of public or private property, unauthorized dumping of garbage or waste, etc.); substance offenses (public intoxication, unlawful use of chemical substances, etc.); offenses against government order (hindering performance of official duties by law enforcement officer, furnishing false information, resisting arrest, etc.); breach of the peace offenses (creation of public disturbance, public profanity, etc.); vice offenses (prostitution, illegal gambling, controlled substances, etc.); resort offenses (unlawful use of property for prostitution, disorderly conduct, etc.); and miscellaneous offenses (window peeping, indecent exposure, use of weapons in public places, etc.).

- Penalties for violation. Any person who violates the Ordinance is subject to fines of up to \$500 and imprisonment of up to 90 days, or both such fine and imprisonment. Each day that a violation continues is deemed a separate violation.

The publication of this ordinance summary is intended to meet the requirements for publication of the Ordinance as authorized under the provisions of Act No. 246 of the Public Acts of 1945 of the State of Michigan, as amended. No further publication of the Ordinance is required or contemplated by the Township. This summary is not exhaustive of all provisions and requirements of the Ordinance. A true and complete copy of Ordinance No. 16 can be inspected or obtained at the office of Orleans Township Clerk, Joyce E. Doty, 4296 Palmer Rd., Belding, MI 48809-9559, or at the Ionia County Clerk's Office, Courthouse, Ionia, MI 48846.

Joyce Doty, Orleans Township Clerk

AN ORDINANCE TO AMEND ORDINANCE NO. 16, ORLEANS TOWNSHIP DISORDERLY CONDUCT ORDINANCE, BY AMENDING SECTION 7C TO ADD TO THE DEFINITION OF PUBLIC NUDITY AS DISORDERLY CONDUCT IN THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Adopted: 10-13-1998
Effective: 11-23-1998

THE TOWNSHIP OF ORLEANS, COUNTY OF IONIA, MICHIGAN ORDAINS:

Section 1 Amendment of Section 7C. Section 7 "Miscellaneous Offenses" is amended by amending subsection 7C to read in its entirety as follows:

C. Knowingly or intentionally display in public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female's individual breast with less than a fully opaque covering of the nipple and areola. This subsection shall not apply to any of the following:

1. A woman's breast-feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Section 2. Severability. The provisions of the within Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

Section 3. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective date. This Ordinance takes effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

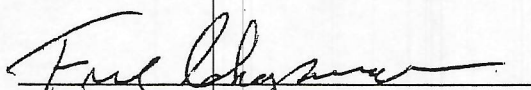
Moved by Joel Noe, seconded by Gallagher, that the foregoing Ordinance be adopted.

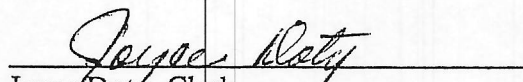
Yeas: Frederick Chapman, Joyce E. Doty, Joel Noe, Herman Peterson
Jerry Gallagher

Nays: None

Absent: None

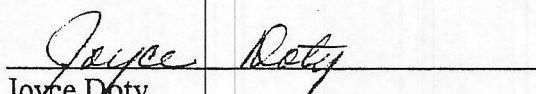
ORDINANCE DECLARED ADOPTED.


Fred Chapman, Supervisor


Joyce Doty, Clerk

CERTIFICATION

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on 10-13-1998, and that it was published in Sentinel-Standard on 10-23-1998.


Joyce Doty

Adopted: September 1, 1998
Effective: October 5, 1998

Orleans Township Ordinance No. 46

AN ORDINANCE REGULATING THE PRESENCE AND CONDUCT OF MINORS AND LOITERERS ON STREETS AND OTHER PUBLIC PLACES WITHIN THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN; AND DEFINING DUTIES OF PARENTS IN THE CARE OF MINORS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF ORLEANS, COUNTY OF IONIA, MICHIGAN ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the "Township Minors Curfew Ordinance."

Section 2. Definitions. The following words shall be defined as indicated. Words that are used in this Ordinance but not defined in this Section shall be interpreted according to their normal and customary usage.

(A) "Guardian" means any person other than a parent, who has legal guardianship of a minor.

(B) "Minor" means any person under the age of 18.

(C) "Parent" means the natural or adoptive parent of a minor.

(D) "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate areas of any of the above-mentioned locations.

(E) "Township" means Orleans Township, Ionia County.

Section 3. Curfew Established; Exceptions. Except as otherwise provided in this section, a curfew is established for minors in the Township.

(A) Curfew Established.

- (1) Minors under 12. No minor under the age of 12 years shall loiter, idle, or congregate in or on any public street, highway, alley, park, or other public place between the hours of 10:00 p.m. and 6:00 a.m., unless the child is accompanied by a parent or guardian, or some adult person over the age of 21 years delegated by a parent or guardian to accompany said child.
- (2) Minors Between the ages of 12 years and 15 years. No minor child under the age of 15 shall loiter, idle, or congregate in or on any public street, highway, alley, park, or other public place between the hours of 11:00 p.m. and 6:00 a.m., except where the child is accompanied by a parent or guardian, or some adult person over the age of 21 years delegated by the parent or guardian to accompany the minor, or where the minor child is upon an errand or other legitimate business directed by the parent or guardian.
- (3) Minors Between the ages of 15 and 17 years. No minor under the age of 18 years shall loiter, idle, or congregate in or on any public street, highway, alley, park, or other public place between the hours of 12:00 o'clock midnight and 6:00 a.m. except where the minor is accompanied by a parent or guardian, or some adult person over the age of 21 years delegated by the parent or guardian to accompany said minor child, or where the minor is upon an errand or other legitimate business directed by the parent or guardian.

(B) Exception.

It shall not be deemed a violation of this Ordinance for a minor under 18 to be on any public street or in a public place of the Township while promptly going to or returning from work not prohibited by applicable federal, state and local laws, rules, regulations, requirements or standards.

Section 4. Responsibility of Owners of Public Places. It shall be unlawful for any person, firm or corporation operating or having charge of any public place including, but not limited to, places of amusement or entertainment, to knowingly permit or suffer the presence of minors under the age of 18 between the hours of 12:00 o'clock midnight and 6:00 a.m.

Section 5. Procedure.

- (A) Any police officer upon finding a minor in violation of Section 2 shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of residence. The police officer shall report such action to the parents, guardian, or person having custody or control of such minor.
- (B) If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the police department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

Section 6. Violation and Penalties. Any minor violating the provisions of this Ordinance shall be dealt with in accordance with laws and procedures applicable to juveniles under the Juvenile Revised Probate Code, as amended, Act 288 of the Public Acts of 1939, being MCLA 712A.1 *et seq.* If any parent, guardian, or other adult person having the care and custody of a minor after having been previously notified under Section 5 of this Ordinance, violates this Ordinance the parent, guardian or other adult person shall be fined not more than \$100.00 and or imprisoned for not more than ninety (90) days for each offense.

Section 7. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

Section 8. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective date. This Ordinance takes effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

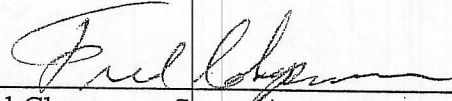
Moved by Joel Noe, seconded by Jerry Gallagher, that the foregoing Ordinance be adopted.

Yeas: Frederick Chapman, Joyce E. Doty, Joel Noe, Jerry Gallagher and Herman Peterson

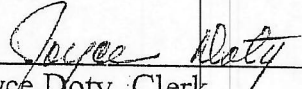
Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED.



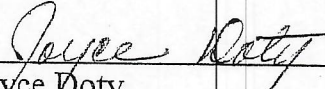
Fred Chapman, Supervisor



Joyce Doty, Clerk

CERTIFICATION

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on September 1, 1998, and that it was published in Ionia Sentinel-Standard on September 5, 1998.



Joyce Doty

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