

CHAPTER 131: DISORDERLY CONDUCT

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' 131.01 UNLAWFUL ACTS.

It shall be unlawful and punishable as provided herein, for any person to be a disorderly person within the village.

(Ord. passed 7-8-2002) Penalty, see ' 131.99

' 131.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ANIMALS. Includes birds, fish, mammals and reptiles.

LIVESTOCK. Horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.

OWNER and PERSONS OWNING PREMISES. Both the owner of title of record and those occupying or in possession of any property or premises. The term **OWNER**, when applied to the 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 or herself.

PEACE OFFICER. Any person employed or elected by the people of the village, or by the state or the county, whose duty it is to preserve the peace or to make an arrest.

PERSON. Includes state and local officers and employees, individuals, corporations, co-partnerships and associations.

POULTRY. All domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder=s license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being M.C.L.A. ' ' 324.42701 to 324.42714.

PUBLIC PLACE. Any street, alley, sidewalk, park, public building, any place of business open to or frequented by the public, and any other place which is visible or accessible to the public.

VILLAGE. The Village of Parma.
(Ord. passed 7-8-2002)

' **131.03 DISORDERLY PERSON.**

A person is a disorderly person if the person is any of the following, or the person aids or abets another to do a like act, or engage in any practice so as to be:

(A) A person who is intoxicated in a public place;

(B) A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place;

(C) A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties;

(D) A person who furnished a peace officer with a false, forged, fictitious or misleading, verbal or written, information identifying the person as another person, if the person is detained for investigation of a violation of a statute or village ordinance, or temporarily detained for the purpose of issuance of a civil infraction citation;

(E) A person who summons, as a joke or prank or otherwise, without any good reason therefor, 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;

(F) A person who makes a false report, by telephone or otherwise, to any public official which may reasonably be expected to cause the evacuation or closing of a building or place open to the public, or who knowingly makes a false statement or report to a peace officer;

(G) A person who is engaged in indecent or obscene conduct in a public place, including but not limited to the exhibition or exposure of his or her genitalia or buttocks;

(H) A person who urinates, or defecates in a public place;

(I) A person who spits or expectorates on, at or toward another person;

(J) A person who, without permission, peeps or peers into the windows of any inhabited place that he or she does not own or occupy;

(K) A person who prowls about any alley or the private premises of another person in the night time, without authority or the permission of the owner of the premises;

(L) A vagrant;

(M) A person who knowingly attends, frequents, operates or loiters in or about a place where gambling, the illegal sale of intoxicating liquor, controlled substances or any other illegal business or occupation is permitted or conducted;

(N) A person who maintains a gaming room, gaming table or any policy or pool tickets, used for gaming; knowingly allows a gaming table, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her except as permitted by law; 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;

(O) A person who loiters, loafes, wanders, stands or remains idle in a public place so as to:

(1) Obstruct a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon; or

(2) Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, highway, sidewalk, place or building so as to prevent the free and uninterrupted ingress or egress thereto or therefrom; and

(3) Who refuses or fails to forthwith obey an order by a peace officer to cease the conduct and to move and disperse.

(P) 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;

(Q) 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 or occupant, agent or servant of the owner or occupant to depart therefrom;

(R) A person who knowingly sells, gives or furnishes alcoholic beverages, beer, liquor or spirits to any person under the age of 21 years or to any drunken, intoxicated or disorderly person;

(S) A person who possesses any open intoxicant or consumes any alcoholic beverages, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place;

(T) A person who is under the age of 18 years of age and possesses or smokes cigarettes, or cigars; or possesses or chews, sucks or inhales chewing tobacco or tobacco snuff; or possesses or uses tobacco in any other form, on a public highway, street, alley, park or other lands used for public purposes or in a public place of business or amusement, or in any public, private or parochial school building or surrounding school grounds, whether public, private or parochial, in the village;

(U) A person who sells, gives or furnishes any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form to person under 18 years of age;

(V) A person who is found jostling, shoving, pushing or roughly crowding people without permission in a public place;

(W) 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:

(1) 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 unreasonable duration, or unreasonably loud or harsh;

(2) Playing or amplifying any radio, phonograph, stereo, tape or disc player, or musical instrument in a manner or with volume so as to annoy or disturb 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;

(3) 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 persons in the immediate vicinity;

(4) Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort or repose of any person in the vicinity;

(5) Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper village authorities;

(6) Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into a the open air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(7) Intentionally squealing the tires of any motor vehicle;

(8) Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of 7:00 a.m. and 10:00 p.m.;

(9) Creating loud and excessive noises in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers;

(10) And creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.

(X) A person who disables or attempts to disable, in whole or in part, any motor vehicle owned or operated by another person, by any means, including but not limited to deflating tires attached to the motor vehicle, or placing a foreign substance in the motor vehicle's fuel tank;

(Y) A person who throws or propels any snowball, rock, missile or object from any moving vehicle;

(Z) A person who enters any enclosed or unenclosed vegetable garden, flower garden, orchard or farm located within the village without the consent of the owner or tenant, and who cuts down, injures, damages, destroys, eats, digs up or carries away any portion of the garden or orchard, including any growing thing, crop, tree, timber, grass, seed, soil, fertilizer, water supply, tool, implement, fence or other protective device or any other thing used for the development, cultivation, maintenance and use of the aforesaid gardens, orchards or farm;

(AA) A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening, intimidating or annoying the other person or his or her family, whether or not conversation ensues;

(BB) Any person, 17 years of age or older, who shall accost, solicit or invite another in any 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;

(CC) A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of 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;

(DD) A person who carries a knife having a blade of three inches in length or more, whether in a sheath or not, in a public place;

(EE) A person who carries any firearm, air rifle bow and arrow, slingshot, crossbow or other dangerous weapon in any public place, subject to the following exceptions:

(1) When it is in a case and is not loaded;

(2) When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public recreational personnel; or

(3) Where and as otherwise permitted by state law.

(FF) A person who:

(1) Owns any animal and who permits the animal to run at large, except, however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner;

(2) Owns any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a disabled person accompanied by its owner, and who permits the dog to be within the confines of any public park when the park, by appropriate designation at its entrance, prohibits dogs;

(3) Owns any dog at any time, licensed or unlicensed, which destroys property, real or personal, or trespasses in a damaging way on property of persons other than the owner;

(4) Owns any dog, cat, livestock, poultry or other animal at any time, license or unlicensed, which attacks or bites a person;

(5) Owns any dog which shows vicious habits, including but not limited to charging, snarling, growling and the like, when the persons are lawfully on a public highway, right-of-way or adjacent property;

(6) Owns, keeps, houses, tethers or otherwise possesses or maintains any animal in a way or manner or in a location whereby noises emanating from the animal, including but not limited to loud and frequent barking, howling or yelping, shall cause a disturbance or otherwise disrupts 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;

(7) Owns any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the village;

(8) Owns any dog or other animal which is not confined upon the premises of the owner between sunset or sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;

(9) 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 other animal out of an enclosed or off the property of its owner, or seizes, molests or teases any dog or other animal while held or led by any person or while on the property of its owner; and/or

(10) 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 the person in damages or otherwise for the killing. In no event shall the provisions of this division exonerate a person from compliance with the criminal laws of this state, including by way of example, the safe discharge of firearms.

(GG) A person who fires, discharges, displays, sells or possesses any of the following:

(1) Firecrackers, torpedoes, skyrocketes, roman candles, bottle rockets, whistling chasers, rockets on sticks or other fireworks of like construction containing more than 0.25 grams of explosive mixture; and/or

(2) Fireworks containing an explosive or flammable compound or a tablet or other device commonly used and sold as fireworks containing, nitrates, fulminates, chlorates, oxalates, sulphides, of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or a compound containing these or other modern explosives.

(Ord. passed 7-8-2002) Penalty, see ' 131.99

' 131.04 EXCEPTIONS.

(A) None of the terms or prohibitions hereof shall apply to or be enforced against the operation of any vehicle of the village while engaged upon necessary business.

(B) Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the township or the state during the night when the public welfare and convenience renders it impossible to perform the work during the day.

(Ord. passed 7-8-2002)

' 131.05 PARENTAL RESPONSIBILITY.

No parent, guardian or other person having charge, guardianship, custody or control of any minor under the age of 17 years shall encourage, knowingly permit or by inefficient control allow the minor to violate any provision of this chapter. Proof that the minor was convicted of violating this chapter shall be prima facie evidence that the minor=s parent or guardian allowed or encouraged the minor to violate the section.

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(Ord. passed 7-8-2002) Penalty, see ' 131.99

' **131.06 SAVING CLAUSE.**

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

(Ord. passed 7-8-2002)

' **131.99 PENALTY.**

(A) *Penalties and remedies for violations.*

(1) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor. Penalties may be imposed up to 90-days= incarceration in the county jail, and/or fines up to \$500 plus the cost of prosecution.

(2) In addition, any violation of this chapter shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take action in any court of competent jurisdiction to cause the abatement of the nuisance, including injunctive relief.

(B) *Violating person.* Any person(s) who shall act in any manner described in ' 131.03 above or ' 131.05 above, shall be deemed in violation of this chapter and, upon conviction, shall be punished as set forth in ' 131.99(B) below, whether or not the person(s) had been ordered by a peace officer that the conduct or violation cease, except as otherwise specifically provided herein.

(Ord. passed 7-8-2002)