

ORDINANCE # 107

AN ORDINANCE TO AMEND ORDINANCES NOS. 29, 30, 35, 68 AND 90 RELATING TO DISORDERLY PERSONS

The Village of Otisville Ordains:

Section 1. Definitions

1. The term "public place" as used in this ordinance shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, or to which the public has access.

2. A person is a disorderly person if the person commits any of the prohibited acts in sections 2,3,4,5 and 6 of this ordinance.

Section 2. Acts Prohibited. No person shall:

1. Commit an assault, or an assault and battery on any person.

2. A person who is intoxicated or under the influence of narcotic drugs, in a public place, and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.

3. Discharge any firearm, air rifle, air pistol or bow and arrow in the Village, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the Chief of Police.

4. Fire, discharge, display, or possess 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.

5. Engage in peeping in the windows of any inhabited place.

6. Beg in any public place thereby creating a nuisance.

7. Swim or bathe in any public place without wearing apparel.

8. Utter vile, profane or obscene language in any public place.

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

10. No person shall, within the Village of Otisville, show, sell, or offer for sale, exhibit or distribute any indecent or obscene picture, photograph, drawing, engraving, book, pamphlet, ballad, card or paper.

11. Willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, parking meter, or shade tree belonging to the Village or located in the public places of the Village, or mark or post hand bills on, or in any manner mar the walls of any public building, or fence, tree, or pole within the Village, or destroy, take, or meddle with any property belonging to the Village, or remove the same from the building or place where it may be kept, placed or stored, without proper authority; or disturb, tamper with, disconnect or damage any Village water meter without proper authority.

12. Accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.

13. Engage in any disturbance, fight, or quarrel in a public place or commit any breach of the peace.

14. Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

15. Jostle or roughly crowd unnecessarily persons in any street, alley, park, or public building.

16. Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.

17. Play any game which would otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon.

18. Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal or immoral business or occupation is permitted or conducted.

19. Engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation.

20. Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

21. Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal or immoral act.

22. Keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming; or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets be kept, maintained, played or sold on any property occupied by him.

23. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

24. Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.

25. Obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of his duties as such.

26. Prowl or loiter about any alley or the private premises of any other person, without authority or the permission of the owner of such premises.

27. Wrongfully throw or propel any snowball, missile or object from any moving automobile, or other moving vehicle.

28. Wrongfully throw or propel any snowball, missile or object toward any person or vehicle.

### Section 3. Checks Without Sufficient Funds.

1. Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft or order for the payment of money, 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 or credit with such bank or other depository, for the payment of such check, draft, or order, in full upon its presentation, shall, if the amount payable in the check is fifty(\$50.00) dollars or less, be guilty of a violation of this code.

2. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, when presented in the course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within five (5) days after receiving notice that such check, draft or order has not been paid by the drawee.

#### Section 4. Petty Larceny.

Any person who shall commit the offense of larceny by stealing of 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, or any writ, process or public record, any property of the value of one hundred (\$100.00) dollars or less, shall be guilty of a violation of this ordinance.

#### Section 5. State Law Offenses.

When any act or omission not a felony is punishable according to the statutes of the State of Michigan or any statute of the State of Michigan as hereafter enacted or amended by fine, penalty or forfeiture, or imprisonment, in the discretion of the Court, such act or omission shall be deemed disorderly conduct and constitute a violation of this ordinance.

#### Section 6. Curfew

1. Minors Under Twelve. No minor under the age of twelve (12) years of age shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10)p.m. and six (6) a.m. unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

2. Minors Under Sixteen. No minor under the age of sixteen (16) years of age shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of eleven (11) p.m. and six (6) a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult over the age of eighteen (18) years delegated by the parent or

guardian to accompany the minor child, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

3. Aiding or Abetting Violation. Any person of the age of sixteen (16) years or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of sixteen (16) years to violate the provisions of Section 6:(1),(2) shall be guilty of a violation of this ordinance .

Section 7. Penalties

Any person or persons violating any of the provisions of this ordinance shall, upon conviction thereof before a court of competent jurisdiction, be punished by a fine not exceeding One Hundred (\$100.00) Dollars or imprisonment in the County Jail of Genesee County, for a period not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court who shall try such offender.

Section 8. Severability

This ordinance is deemed to be severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

Section 9. Amendment of Previous Ordinances.

This ordinance shall amend Ordinances Nos.29, 30, 35, 68 and 90 of the Village of Otisville.

Section 10. Posting of Ordinance.

This ordinance shall be posted in three (3) public places in the Village of Otisville on the 4th day of January, A.D. 1984.

Section 11. Effective Date of Ordinance.

This ordinance shall take effect and be in full force and effect on the 14th day of January, A.D. 1984, which shall be subject to its passage by the Village Council.

Section 12. Approval and Publication of Ordinance

This ordinance was approved by a vote of the Village Council, a quorum being present on 3rd th day of January of 1984 and ordered published in three public places in the Village within ten (10) days after its adoption.

Robert Price  
Robert Price, Village President

Jean Griswold  
Jean Griswold, Village Clerk