

## ORDINANCE NO. 190

An Ordinance relative to the regulation of persons in the Village of Otisville and prescribing penalties for the violation thereof.

### THE VILLAGE OF OTISVILLE ORDAINS:

#### Section 1. Definitions

A. The term "public place", as used in this Ordinance shall mean any street, alley, park, parking lot, public building, and place of business or assembly open to or frequented by the public, and any other place which is open to the public view or to which the public has access.

B. Whenever any words and phrases used herein are not defined but are defined in the State Penal Code, any such definition therein shall be deemed to apply to such words and phrases used herein.

#### Section 2. Disorderly Persons

No person shall be disorderly in the Village of Otisville. For the purpose of this Ordinance, a disorderly person shall be any person who shall engage in any act or practice hereinafter enumerated and any person who shall aid or abet such person to do such act or to engage in such practice:

1. Commit an assault, or an assault and battery on any person or be engaged or aid in any fight, quarrel, or other disturbance;
2. Be intoxicated in a public place and endangers directly the safety of another person or of property or acts in a manner that causes a public disturbance;
3. Consume or offer any alcoholic liquor to any person in any automobile while parked or being driven on any public street or highway, or consume or offer any alcoholic liquor or beverage in any public place not licensed as a place of sale or consumption;
4. Engage in any indecent, insulting, immoral, or obscene conduct in any public place;
5. Fire, discharge, display, or posses any firearms, air rifle, air pistol, bow and arrow, sling shot, or other dangerous weapon within or into the Village of Otisville except those as may be permitted by law;
6. Fire, discharge, display, or posses any fire works except those of the type used under the conditions permitted by the Penal Code of the State of Michigan or by the Ordinances of the Village of Otisville;
7. Engage in peeping in the windows of any inhabited place, without the consent of the persons residing there;

8. Beg in any public place;
  9. Swim or bathe in any public place without wearing proper apparel;
  10. Utter any indecent, immoral, vulgar, insulting, vile, blasphemous, profane, or obscene language in any public place or in such a way as to subject the public to same, or by laughing, talking, or otherwise disturbing any school, meeting, or congregation lawfully assembled, whether for purposes religious, political, or otherwise;
  11. Make any immoral or indecent exposure of his or her person or indulge in any indecent, immoral, or suggestive conduct in any public place;
  12. Print, publish, show, sell, offer for sale, exhibit, distribute, or process and indecent or obscene picture, drawing, engraving, paper, card, book, pamphlet, statuary, image, representation, matter, or thing;
  13. Willfully destroy, take, damage, alter, or in any manner deface any property of another or that which is not his own, or remove same from the building or place where it may be kept, placed or stored, without property authority, or mark or post hand bills on, or in any manner mark the walls of any public building, fence, tree, or pole within the Village of Otisville or destroy, take, disconnect, tamper, or meddle with any Village of Otisville water meter or any other property belonging to the Village of Otisville;
  14. Insult, flirt, accost, molest, or otherwise annoy, either by mouth, sign, motion, or any act, any person in any public place; or to induce, coax, persuade or induce by threat any person to enter any vehicle or conveyance;
  15. Engage in any disturbance, fight, or quarrel in a public place;
  16. 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;
  17. Jostle or roughly crowd persons in any public places;
  18. 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;
  19. Engage in any act of prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act;
  20. 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;
-

21. Knowingly transport a 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 any illegal or immoral act;
22. Keep, maintain, or permit the use of , a gambling room, table, or equipment, or any policy or pool tickets to be used for gambling on any premise occupied, or controlled by him; or place, received or transmit any bet on the outcome of any race, contest, or game of any kind whatsoever;
23. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or by loud music, or to make, aid, countenance, or assist in making any improper noise, riot, disturbance or diversion tending to breach the peace;
24. Collect in bodies or crowds for any unlawful purposes, or for any purpose to the annoyance or disturbance of other persons;
25. Obstruct, resist, hinder or oppose and member of the police force, or any peace officer in the discharge of his duties as such, or any deputized officer servicing civil process or executing upon property by proper court order;
26. Wander about the streets, either by day or night, or loiter in any public building without any lawful means of support or without being able to give a satisfactory account of himself / herself;
27. Prowl about any alley or the private premises of any other person, whether by day or night, without authority or the permission of the owner of such premises;
28. Turn in, or encourage to be turned in, a false alarm of fire or a false report or complaint to any Village, police, fire, or school official;
29. Knowingly sell, give or furnish liquor, wine, beer, or other alcoholic beverages to any person under the age of twenty one ( 21 ) , or to any drunken or intoxicated person, or to any disorderly person, or to any habitual drunkard;
30. Wrongfully throw or propel any snowball, missile, or object toward any person or vehicle or from any moving vehicle;
31. Cause any animal to be overdriven, overloaded, tormented, over worked, tortured, cruelly beaten, mutilated, cruelly killed, or deprived of necessary sustenance;
32. Participating with five ( 5 ) or more persons in a course of conduct likely to cause substantial harm or serious inconvenience, annoyance, or alarm ~~and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaging in executing or enforcing the law;~~

33. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or other audio device which produces, reproduces, or amplifies sound that:

- a). Creates a noise disturbance across a real property boundary;
- b). Creates a noise disturbance at fifty (50 ) feet ( 15 meters ) from such device, when operated in or on a motor vehicle on a public right of way or public space;
- c). Creates a noise disturbance to any person other than the operator of the devise when operated by any passenger on a common carrier;

34. Using or operating for a noncommercial purpose any loudspeaker, public address system or similar devise during the night time, so the sound therefrom creates a noise disturbance across a residential real property boundary.

35. Makes or continues, or cause to be made or continues, any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the Village. Such loud, disturbing and unnecessary noises include, but are not limited to the following:

- a). Horns and Signaling Devices. The sounding of any horn or signaling device on any motor vehicle, motorcycle or other vehicle on any street or public place of the Village, except as a danger warning;
- b). Construction or Repair of Buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Village;
- c). Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors or the making of other sounds which disturbs the peace and quiet of the Village;

### **Section 3. Penalties**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Hundred (\$100.00) Dollars plus the cost of prosecution, or imprisonment in the Genesee County jail for a period not exceeding ninety (90) days, or both. Cost shall include all expenses, direct and indirect, to which the Village has been put in connection with the misdemeanor violation.

**Section 4. 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 5. Repeal of Previous Ordinance**

This Ordinance shall replace Ordinance No. 157 - An Ordinance relating to Disorderly Persons, and Ordinance No. 157 is hereby repealed in its entirety.

**Section 6. Effective Date**

This Ordinance shall take effect and be in full force and effect on 3rd day of March, 2007, which shall be subject to its passage by the Village of Otisville Council.

**Section 7. Posting of Ordinance**

This Ordinance was approved by a vote of the Village of Otisville Council; a Quorum being present on the 20th day of February, 2007 and ordered published in three places in the Village within ten (10) days after its adoption.

  
Tom Bess Jr., Village President

  
Andrea M. Barden, Village Clerk

I, Andrea M. Barden, do hereby certify that the foregoing Ordinance No. 190 was duly adopted at a regular meeting of the Otisville Village Council held on the 20th day of February, 2007.

  
Andrea M. Barden, Village Clerk