

CHAPTER 670
Peace Disturbances

670.01 Disorderly conduct.
670.02 Loitering.

670.03 Noise.

- 670.04 Minor's curfew.
- 670.99 Penalty.

CROSS REFERENCES

- Disorderly conduct generally - see M.C.L.A. Secs. 750.167 et seq.
- Gambling - see M.C.L.A. Secs. 750.301 et seq.
- Prostitution - see M.C.L.A. Secs. 750.448 et seq.
- Peace disturbances by dogs - see GEN. OFF. 612.04(b)
- Simple or petty larceny - see GEN. OFF. 666.01
- Peace disturbances on school property - see GEN. OFF. 680.03
- Noise in P-1 Districts - see P. & Z. 1288.08

1 670.0 DISORDERLY CONDUCT.

(a) Definitions. As used in this section:

- (1) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food, or wastes that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (2) "Incite a riot" means and includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of an idea or an expression of belief not involving advocacy of any act of violence or assertion of the rightness of or the right to commit any such act.
- (3) "Public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. "Public place" includes the front or immediate area of any store, shop, restaurant, tavern or other place of business; public grounds, areas or parks, and any other place which is open to the public or to which the public has access.

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| (4) | "Refuse" means putrescible and nonputrescible solid waste, except body waste, and includes garbage, rubbish and ashes. | (2) | Engage in any indecent, insulting, immoral, abusive or obscene language or make obscene gestures; |
| (5) | "Riot" means a public disturbance involving: | (3) | Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; |
| A. | An act of violence by one or more persons, part of an assemblage of three or more persons, which act constitutes a clear and present danger of or results in damage or injury to the property of any other person or to the person of any other individual; or | (4) | Interfere with another's pursuit of a lawful occupation by acts of violence; |
| | | (5) | Obstruct, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuse to clear a public way when ordered to do so by the police or other lawful authority known to be such; |
| B. | A threat of the commission of an act of violence by one or more persons, part of an assemblage of three or more persons, having, individually or collectively, the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of or result in damage or injury to the property of any other person or to the person of any other individual. | (6) | Be under the influence of alcoholic beverages to the point of intoxication in a public place, and be either endangering directly the safety of another person or property or acting in a manner that causes a public disturbance; |
| | | (7) | Resist or obstruct the performance of duties by the police or any other authorized official of the City, when known to be such an official; |
| | | (8) | |
| (6) | "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible or noncombustible waste, such as paper, cardboard, tin cans, yard clippings, wood, grass, bedding, crockery or litter of any kind, that will be detrimental to the public health and safety. | | |
| (b) | <u>Prohibitions.</u> No person shall: | | |
| (1) | Engage in any illegal occupation or business; | | |

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| | Incite, | | store, grocery, manufacturing establishment or other business place; |
| | attempt to incite or be involved in attempting to incite a riot; | (15) | Damage, defile or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition; |
| (9) | Address abusive language or threats to any member of the Police Department, any other authorized official of the City who is engaged in the lawful performance of his or her duties or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited. | (16) | Commit an assault and battery or other breach of the peace, or aid and abet any fight, quarrel or other disturbance; |
| | | (17) | Be a disorderly person as defined by Act 328 of the Public Acts of 1931, as amended, being M.C.L.A. 750.167, as amended; |
| (10) | Make or cause to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other person nearby or near to any public highway, road, street, alley, lane, park, square, sidewalk or common, whereby the public peace is broken or disturbed or the traveling public annoyed; | (18) | Throw, drop or place any glass bottle, jar, broken glass, refuse, garbage or rubbish upon any street, alley, sidewalk, public parking lot, public park or property not his or her own; |
| (11) | Fail to obey a lawful order to disperse by a police officer, when known to be such an officer, where one or more persons are committing acts of disorderly conduct in the immediate vicinity and where the public health and safety are imminently threatened; | | |
| (12) | Bathe in any body of water in a naked state or with his or her person so much undressed that there shall be an indecent exposure of the body, or indecently expose his or her body under any other circumstances; | | |
| (13) | Maliciously destroy, deface or injure any public property or any private property not his or her own; | | |
| (14) | Disturb any school, meeting, election or congregation lawfully assembled, whether religious, political or otherwise, or cause any disturbance in any tavern, | | |

(19) Enter willfully upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or occupant, or the agent or servant of the owner or occupant, or being upon the land or premises of another without lawful authority, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, neglect or refuse to depart therefrom; or

(20) Discharge any firearm, air rifle, air pistol, pellet gun or bow and arrow in the City, except when lawfully acting in the defense of person or property, in the enforcement of law or at a duly established range, the operation of which has been approved by Council.

(c) Exemptions. This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.
(Ord. 171. Passed 5-6-80.)

2 670.0 LOITERING.

(a) Loitering Defined. As used in this section, "loitering" means remaining idle in essentially one location and includes the concepts of spending time idly, loafing or walking about aimlessly. "Loitering" also includes the colloquial expression "hanging around."

(b) Prohibitions. No person shall loiter in a public place in such a manner as to:

- (1) Create or cause to be created a danger of a breach of the peace;
- (2) Create or cause to be created any disturbance or annoyance to the comfort and repose of a person;
- (3) Obstruct the free passage of pedestrians or vehicles; or
- (4) Obstruct, molest or interfere with a person lawfully in a

public place.

This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing they are made.

(c) Requests to Leave. Whenever the presence of a person in a public place is causing any of the conditions enumerated in subsection (b) hereof, a police officer may order that such person leave that place. No person shall refuse to leave after being ordered to do so by a police officer.
(Ord. 191. Passed 1-15-85.)

3 670.0 NOISE.

(a) No person shall make or cause to be made any unnecessary noise, din or loud sound in the City.

(b) Any noise of such a character as to be of actual physical discomfort to persons of ordinary sensibilities shall be construed to be an unnecessary noise, if such noise can be reasonably prevented.

(c) Any noise created by the speeding up in lower gears of any car, truck, tractor, motorcycle, motor bike or other motor vehicle, beyond what is necessary to increase the speed of such motor vehicle sufficiently to orderly shift into the next higher gear, shall be prima-facie evidence of unnecessary noise.

(d) The operation of any such motor vehicle by speeding it up in fast acceleration, shifting quickly from one gear to another and then going only a short distance before slowing down or stopping, or the making of successive fast accelerations, shifting gears quickly and racing the motor only to slow down soon after and immediately repeat the fast acceleration and shifting of gears, shall

be prima-facie evidence of the intent to violate this section.

(e) The racing of the motor of any such motor vehicle unnecessarily while such motor vehicle is standing still or is moving but not in gear, or with the clutch out, shall be prima-facie evidence of the intent to violate this section.

(f) The fact that motor vehicles are mentioned prominently in this section shall not be interpreted to mean that this section applies to motor vehicles only. This section shall apply to all types of unnecessary noises.

(g) If a person is given a jail sentence for a violation of this section, the judge may suspend such sentence, part of the sentence or any part of such jail term if the defendant and the owner of the motor vehicle which was involved in such violation voluntarily surrender possession of such motor vehicle to the judge and, in writing, consent to the court's impounding of such motor vehicle for not less than five nor more than thirty days, at the discretion of the court.

(Ord. 109. Passed 9-20-66.)

4 670.0 MINOR'S CURFEW.

(a) No person between the ages of twelve years and seventeen years shall loiter, idle, congregate or remain in or upon any street, alley, park or public place in the City, between the hours of 12:00 midnight and 6:00 a.m. of the following day (EST or EDST), unless such person is accompanied by his or her parent, guardian or other person having legal custody, or unless the performance of some lawful employment of such minor makes it necessary that such minor be upon a street, alley, park or public place during the night-time, between such specified hours, and except as otherwise provided in this section.

(b) No person under the age of twelve years shall loiter, idle, congregate or remain in or upon any street, alley, park or public place in the City, between the hours of 10:00 p.m. and 6:00 a.m. of the following day (EST or EDST), unless such person is accompanied by his or her parent, guardian or other person having legal custody of such minor.

(c) Any person sixteen years of age or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of seventeen years to violate the provisions of subsection (a) or (b) hereof is guilty of a misdemeanor.

(d) Students attending school functions or functions sponsored or authorized by the Perry public or private schools, or community-sponsored functions, shall be at their respective homes within sixty minutes after such functions close. This shall include sporting events.

(e) A student working between the hours set forth in subsection (a) hereof shall secure a card or note from his or her employer if he or she is upon the streets or in a public place between said hours, and shall, between said hours, have his or her card or note in his or her possession and exhibit the card or note to any officer upon request.

(f) No parent, guardian or other person having the legal care and custody of any minor under the age of seventeen years shall allow or permit any such child, while in his or her legal custody, to violate subsection (a) or (b) hereof.

(g) Each member of the City Police Department, the County Sheriff's Department, the Deputy Sheriff's Office, the Michigan State Police or other public agency, while on duty, is hereby authorized to arrest without warrant any person within his or her presence violating any of the provisions of this section and to detain such person for a reasonable time until a complaint can be made and a warrant issued and served. (Ord. 231. Passed 9-6-94.)

670.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Any person or persons, either minors under the age of seventeen years, or parents, guardians or legal custodians of any such minor, violating any of the provisions of Section 670.04, shall be punished by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment for a term not to exceed ninety days, or by both such fine and imprisonment, at the discretion of the Court. (Ord. 214. Passed 10-1-91.)