

LEE TOWNSHIP ORDINANCE NO. 2003

“DISORDERLY CONDUCT AND OTHER OFFENSES”

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

THE TOWNSHIP OF LEE, ALLEGAN 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 Lee 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 Lee.

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.

- 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 to 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, curb lawn, 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 the 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