

TOWNSHIP OF WATERLOO

DISORDERLY CONDUCT ORDINANCE 07-05-15-01

SECTION 1 PURPOSE

An Ordinance to safeguard the health, well-being and welfare of the persons and property of the Township of Waterloo, to define offenses against persons and property, to provide penalties for committing offenses against persons or property in the Township of Waterloo and to repeal and replace the previously enacted disorderly ordinance.

SECTION 2 DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

1. *Animals* Unless otherwise stated, the word "*animal*" as used in this Ordinance shall include birds, fish, mammals and reptiles.
2. *Livestock* means horses, cattle, swine, sheep, goats and fur-bearing animals, of either gender, being raised in captivity.
3. *Owner* The term "*owner*" and persons owning premises shall mean both the owner of title of record and those occupying or in possession of any property or premise. 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.
4. *Peace Officer* means any person employed or elected by the people of the Township of Waterloo, or by the State of Michigan or the County of Jackson, whose duty is to preserve the peace or to make an arrest or to enforce the law, and includes game, fish or forest wardens, members of the State Police, Conservation Officers or firefighters.
5. *Person* The term "*person*" shall include state and local officers and employees, individuals, corporations, co-partnerships and associations.
6. *Poultry* means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended. (MCL 317.71 et seq; MSA 13.1271 et seq)
7. *Property* when used in this Ordinance shall mean tangible or intangible real or personal property.
8. *Public Place* shall mean 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.
9. *Township* shall mean the Township of Waterloo.

SECTION 3 UNLAWFUL ACT

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

SECTION 4 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 such an act or engage in any practice so as to be:

1. A person who is intoxicated in a public place;
2. A person who disturbs the public peace and quiet by engaging in a disturbance, fight, quarrel or altercation in a public place;
3. A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties;
4. A person who shall break or escape from the lawful custody of a police officer of the Township;
5. A person who furnishes a peace officer with false, forged, fictitious or misleading verbal or written information identifying the person as another person, if the person is detained for investigating a violation of a Statute or Township Ordinance, or temporarily detained for the purpose of issuance of a civil infraction citation;
6. A person who summons, as a joke or prank or otherwise, without any good reason therefore, by telephone or otherwise, the police department, fire department, or any public or private ambulance to go to any address where the service called for is not needed;
7. 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;
8. A minor sixteen (16) years or younger who is in a public place or on the public street between the hours of 10:00 p.m. and 6:00 a.m.;
9. A person who commits an assault or an assault and battery against another;
10. A person who spits or expectorates on, at, or toward another person, or who urinates or defecates in a public place;
11. A person who, without permission, peeps or peers into the windows of any inhabited place that he or she does not own or occupy;
12. A person who shall leave the outside of any building or dwelling in a place accessible to children, any abandoned, unattended, available or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be easily released for opening from the inside of such icebox, refrigerator, container

or compartment;

13. 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;
14. 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;
15. A person who loiters, wanders, stands or remains idle in a public place so as to:
 - a. 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
 - b. 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 there from; and who refuses or fails to forthwith obey an order by a peace officer to cease such conduct and to move and disperse;
16. 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;
17. 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 there from;
18. A person who knowingly sells, gives or furnishes alcoholic beverages, beer, liquor or spirits to any person under the age of twenty-one (21) years or to any drunken, intoxicated or disorderly person;
19. A person who possesses any open intoxicant or consumes any alcoholic beverages, beer, liquor or spirits while in or upon a public street, state or county park, sidewalk or non-licensed public place;
20. A person who, without consent of the owner or occupant, shall dump, deposit, place, throw or leave litter on public or private property;
21. 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:
 - a. 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 loudly or harshly;
 - b. Playing or amplifying any radio, phonograph, stereo, tape or disc player, or

musical instrument in such a manner or with such 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;

- c. Yelling, shouting or making any other noise on a public street or sidewalk at any time or place 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;
 - d. Keeping any animal or bird which causes frequent or loud continued noise that disturbs the comfort or repose of any persons in the vicinity;
 - e. Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
 - f. Discharging the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
 - g. Intentionally squealing the tires of any motor vehicle;
 - h. 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.;
 - i. 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;
 - j. Creating noise with any drum, loudspeaker or other instrument or device to attract attention to any performance, show or sale or display of merchandise.
22. 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.
23. A person who throws or propels any snowball, rock, missile or object from any moving vehicle;
24. A person less than twenty-one (21) years of age who possesses any alcoholic beverage, beer, liquor or spirits;
25. A person who maliciously telephones any other person for the purpose of harassing, molesting, threatening, intimidating or annoying such other person or his or her family, whether or not conversation ensues;
26. Any person, seventeen (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;
27. A person who invites, entices, coaxes, persuades or induces by threat, promise or false statement, any minor child under the age of seventeen (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;

28. A person who carries a knife having a blade of three (3) inches in length or more, whether in a sheath or not, in a public place;
29. 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:
 - a. When it is in a case and is not loaded;
 - b. 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
 - c. Where and as otherwise permitted by State law.
30. A person who:
 - a. 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;
 - b. Owns any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a handicapped person accompanied by its owner, and who permits the dog to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs;
 - c. 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;
 - d. Owns any dog, cat, livestock, poultry, or other animal at any time, licensed or unlicensed, which attacks or bites a person;
 - e. Owns any dog which shows vicious habits including, but not limited to, charging, snarling, growling, etc., or which molests passers by when such persons are lawfully on a public highway, right-of-way or adjacent property;
 - f. Owns, keeps, houses, tethers or otherwise possesses or maintains any animal in such a way or manner or in such location whereby noises emanating from said animal including, but not limited to, loud and frequent barking, howling or yelping, shall cause a disturbance or otherwise disrupt 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 does not apply to kennels lawfully operating within the Township, except upon evidence of mistreatment of animals situated therein;
 - g. Owns any dog or other animal which is not confined upon the premises of the owner between sunset and sunrise of the following day, except when the dog or other animal is otherwise under the reasonable control of the owner;

- h. 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 enclosure 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.
- 31. 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 such person in damages or otherwise for such killing. In no event shall the provisions of this subsection exonerate a person from compliance with the criminal laws of this State including, by way of example, the safe discharge of firearms.
- 32. A person under eighteen (18) years of age that 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 form on a public highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement.
- 33. A person who sells, gives to, or in any way furnishes cigarettes, cigars, chewing tobacco, tobacco snuff or tobacco in any form to a person under eighteen (18) years of age.

SECTION 5 EXCEPTIONS

None of the terms or prohibitions hereof shall apply to or be enforced against:

- 1. The operation of any vehicle of the Township while engaged upon necessary public business.
- 2. Excavation or repairs of bridges, streets, highways or water mains by or on behalf of the Township or State during the night when the public welfare and convenience renders it impossible to perform such work during the day.

SECTION 6 PARENTAL RESPONSIBILITY

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

SECTION 7 PENALTIES AND REMEDIES FOR VIOLATIONS

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the Jackson County Jail and/or fines up to Five Hundred (\$500.00) Dollars plus the costs of prosecution. In addition, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers,

agents or any private citizen who lives in the Township to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

SECTION 8 SAVINGS CLAUSE

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

SECTION 9 CONFLICTING ORDINANCES REPEALED

Any Ordinance or parts of Ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

SECTION 10 SEVERABILITY

If any section, paragraph, clause, phrase, or part of this Ordinance is held invalid by any Court of competent jurisdiction, or by any agency, department or commission empowered by Statute for such purpose, such decision shall not affect the validity of the remaining portions of this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION 11 EFFECTIVE DATE

This Ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

As voted on this 15th day of May 2007:

Motion by: Walz, supported by Hannewald

Those voting yes: Walz, Hannewald, Huttenlocher and Sadler

Those voting no: none

Certified by:

Michael E. Sadler

Township Clerk

May 15, 2007

An Amendment to Ordinance # 07-05-15-01
Disorderly Person

34. A person who;
- a. Disrupts by speech, action, or display, a Public Meeting of the Waterloo Township including Board Meetings, Zoning Commission, Planning Commission, or any other duly authorized committee or commission.
 - b. Interferes with, obstructs, or interrupts the timely execution of Waterloo Township business at any public meeting held in Waterloo Township.
 - c. Refuses to comply with limits on public speech as set forth by township meeting protocol.
 - d. Assaults, insults, or otherwise intimidates duly appointed members of a Board, Committee or Commission of Waterloo Township during a public meeting.