

ORDINANCE NO. 2014-2

Short Title: VILLAGE OF FARWELL – DISORDERLY CONDUCT

An ordinance to amend Ordinance Number 2006-4.

The Village of Farwell ordains:

Ordinance Number 2006-4 is hereby revoked and restated as follows:

The Village of Farwell ordains:

Sec. 1 Definitions. 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, and any other place which the public has access.

Sec. 2 Acts Prohibited. No person within the Village of Farwell shall:

- (1) Commit an assault, or an assault and battery on any person.
- (2) No person shall be intoxicated in a public place and either endangering directly the safety of another person or of property or acting in a manner that causes a public disturbance.
- (3) No person shall be present in any public place with his ability to walk, talk, or see significantly impaired by the use of any controlled substance as defined by Article 7 of this Michigan Public Health Code (MCL 333.7101 et seq; MSA 14.15 (7101) et seq) as amended, provided however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.
- (4) Discharge of any firearms, air rifle, air pistol or cross-bow.
- (5) 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.
- (6) Engage in peeping in the windows of any inhabited place.
- (7) Swim or bathe in any public place without wearing proper apparel.
- (8) Utter vile, profane or obscene language in any public place.

(9) Engage in fortune telling or pretend to tell fortunes for hire, gain, or reward.

(10) Make any immoral exhibition or indecent exposure of his or her person.

(11) Print, engrave, sell, or offer for sale, give away, exhibit, publish or distribute any obscene material, as defined in §9.7(f)(1) of this Ordinance.

(12) Willfully destroy, damage, or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, street light, street sign or parking meter, or mark or post handbills on, or in any manner mar the walls of any public building, 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.

(13) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person any public place.

(14) Engage in any disturbance, fight, or quarrel in a public place.

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

(16) Play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(17) Engage in any act of prostitution.

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

(19) Solicit or accost any person for the purpose of inducing the commission of an illegal or immoral act.

(20) 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.

(21) 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 to be kept, maintained, played, or sold on any premises occupied or controlled by him.

(22) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

(23) Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly person.

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

(25) Prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

(26) Spit on any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment o any place of public assemblage.

(27) Disturb any school, meeting, or congregation lawfully assembled, whether religious, political, or otherwise.

(28) Flirt, willfully annoy, or make or extend offensive advances or invitation by word or act to any person to whom his is unknown, in any public place.

(29) Wrongfully throw or propel any snowball, missile or object from any moving automobile.

(30) Wrongfully throw or propel any snowball, missile or object toward any person or automobile.

(31) Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the Police, or Fire Department or any public or private ambulance to go to any address where the service called for is not needed.

Sec. 3 Obstructing Public Passage. Any person who shall collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds in any public place for any unlawful or mischievous purpose, or who shall loiter on any street or sidewalk, or any park or public building, or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public, create a disturbance by which the peace and good order of the neighborhood is disturbed, or interfere with the peaceful and lawful conduct of any public or private business, and who

shall fail to disperse upon request of a law enforcement officer of the Village of Farwell, County of Clare, or State of Michigan, shall be guilty of a violation of the Code.

Sec. 4 Loitering.

(a) Definition, as used in this section, "loitering" on private property, shall include the concepts of spending time idly, loafing, or walking aimlessly, and shall also include knowingly or willingly entering upon the property of another without consent of the owner, lessee or other person rightfully in charge or possession thereof, if either of the following conditions exist:

- (1) the premises are fenced or enclosed in a manner to exclude intruders; or
- (2) Notice against trespass is given by posting the premises in a conspicuous manner.

(b) Other types of loitering prohibited. No person shall loiter in a public place in such manner as to:

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

This paragraph shall include the making of any 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) Request to Leave. Whenever the presence of any person in any public place is causing any of the conditions enumerated in Section 2, the owner, lessee, or person rightfully in charge or possession thereof, or any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so shall be guilty of a violation of this section.

(d) Penalty. Any person, firm or corporation violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 and/or ninety

(90) days in jail, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 5 Harassment by Telephone.

(a) It shall be unlawful for any person or persons to telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family, whether or not conversation ensues, except for telephone calls made for legitimate business purposes.

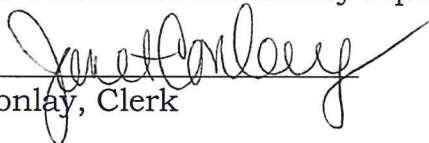
(b) It shall be unlawful for any person or persons to use any threatening, vulgar, indecent, obscene, immoral or insulting language over any telephone.

Passed by the Council of the Village of Farwell on March 25, 2014, at its special meeting with seven (7) council members in attendance, seven (7) voting aye, zero (0) voting nay. Adopted by the Village Council of the Village of Farwell this 25th day of March, 2014.

I hereby certify that the foregoing was duly adopted by the Village Council of the Village of Farwell, Michigan, at its regular meeting on the 25th of March, 2014, that of seven (7) members of the Village Council, seven (7) were in attendance and seven (7) voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the Village of Farwell.

Effective Date: April 27, 2014

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.



Janet Conlay, Clerk