

CRIMINAL, DISORDERLY CONDUCT AND ANIMAL ORDINANCE
Ordinance 54

SECTION 1- SHORT TITLE AND CITATION

This Ordinance shall be known and cited as the Spring Arbor Township Disorderly Ordinance.

SECTION 2- UNLAWFUL ACT

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

SECTION 3- 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 Spring Arbor, or by the State of Michigan or the County of Jackson, whose duty it 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 fire fighters.
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. Public Place shall mean any street, alley, sidewalk, park, public building, any visible or accessible to the public.
8. Township shall mean the Township of Spring Arbor.

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 or under the influence of any narcotic drug in any 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 collects or stands in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place:
4. A person who obstructs, resists, impedes, hinders or opposes a peace officer in the discharge of his or her official duties;
5. A person who furnished a peace officer with a 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 or fire department or nay 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 person who is engaged in indecent or obscene conduct in a public place, including but not limited to the exhibition or exposure of his or her genitalia or buttocks;
9. A person who urinates or defecates in a public place;
10. A person who spits or expectorates on, at, or toward another person;
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 prowls about any alley or the private premises of another person in the nighttime, without authority or the permission of the owner of such premises;
13. A person or a vagrant who wanders about the streets, either by day or night, or loiters in any public building, without any lawful means of support or without being able to give a satisfactory account of himself;
14. A person found begging in a public place;
15. A person who knowingly attends, frequents, operates or loiters in or about a place where gambling, the illegal sale of intoxication liquor, controlled substance, or any other illegal business or occupation is permitted or conducted;
16. 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 dogfight; or places, receives or transmits any bet on the outcome of any race contest, or game of any kind whatsoever;
17. A person who loiters, loafes, 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 refuse or fails to forthwith obey an order by a peace officer to cease such conduct and to move and disperse;
18. 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; or, a person who willfully enters or remains upon any Township park, cemetery or any other Township property, after any regulated and posted hours, or after being forbidden to be upon by either written notice or verbal direction, by any Township employee, officer or other designated person;
19. 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;
20. A person who is not a regularly enrolled student, or parent or guardian of a regularly enrolled student, or teacher or other employee shall not enter or remain in any school building, or on any surrounding school grounds, whether public, private or parochial, in the Township of Spring Arbor, for any reason whatever unless such person has received permission from the principal, or other person designated by the principal, to be in any such public, private or parochial school building, or on such school grounds;
21. A person who damages, destroys or defaces any public, private or parochial school building, or any building occupied by any public, private or parochial school or the grounds, outbuildings, fences, trees or other appurtenances or fixtures belonging thereto in the Township of Spring Arbor;
22. A person who shall willfully or maliciously make, or assist in making, any noise, disturbance or improper diversion by which the peace, quietude or good order of any public, private or parochial school within the Township of Spring Arbor is disturbed;
23. A person who shall use profane, indecent, or obscene language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the Township of Spring Arbor occupied as a public, private or parochial school;
24. A person who is under the age of eighteen (18) years of age and possess or smokes cigarette or cigars; or possess or chew, suck, or inhale chewing tobacco or tobacco snuff; or possess or uses tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement, or in any public, private or parochial school building or surrounding school grounds, whether public, private, or parochial, in the Township of Spring Arbor;

25. A person who sells, gives, or furnishes any cigarette, cigar, chewing tobacco, tobacco snuff, or tobacco in any other form to a person under eighteen (18) years of age;
26. 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;
27. A person who possesses any open intoxicant or consumes any alcoholic beverages, beer, liquor or spirits while in or upon a public street, sidewalk or non-licensed public place;
28. A person who is found jostling, shoving, pushing, or roughly crowding people without permission in a public place;
29. A person who insults, accosts, molests, or otherwise annoys, either by word or mouth, sign, or motion, any person in any public place;
30. 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, hooting, whistling or singing on a public street or sidewalk at any time or place, including private property, 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. Blowing any whistle or siren, except as a warning of danger or upon request and authority of proper Township authorities;
 - e. 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;
 - f. Intentionally squealing the tires of any motor vehicle
 - g. Erecting, excavating, demolishing, altering or repairing any building, or excavating streets and highways, other than between the hours of six o'clock a.m. and ten o'clock p.m.;
 - h. Creating loud and excessive noises in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, create and container;

- i. Creating noise with any drum, loudspeaker, or other instrument or device to attract attention to any performance, show or sale or display of merchandise;
31. 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 said motor vehicle, or placing a foreign substance in the motor vehicle's fuel tank
32. A person who throws or propels any snowball, rock, missile or object from any moving vehicle;
33. A person who throws or otherwise propels any snowball or other projectile at or toward any motor vehicle or person without authority to do so;
34. 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;
35. A person, 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;
36. A person who shall agree to engage in, or engage in any act of prostitution;
37. 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;
38. A person who transports, carries or has in his or her possession in any public place or vehicle any firearm, dirk, stiletto, knife having a blade of three inches in length or more, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon except hunting knives adapted and carried as such. This section shall not apply where such transportation, carrying or possession:
 - a. Is under the authority of a valid concealed weapons permit;
 - b. Occurs within the home, place of business or upon the land of the person engaging in such transportation, carrying or possession
 - c. Involves the transportation of an encased firearm for hunting or target practice purposes
 - d. When a bow or crossbow is unstrung or encased, or when it is being carried under the direct supervision of authorized public recreational personnel
 - e. Involves the transportation of an encased firearm, dirk, stiletto or other dangerous weapon from the place of purchase to the home of the purchaser
 - f. Where and as otherwise permitted by state law
39. 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 a 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 passersby 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 shall not apply to kennels lawfully operating with the Township, except upon evidence of mistreatment of animals situated therein;
 - g. Owns any livestock or poultry which is kept, possessed or harbored within the boundaries of any nonagricultural area within the Township; 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. 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;
 - i. 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;
40. 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 even, shall the provisions of this subsection exonerate by way of example, the safe discharge of firearms;

41. A person who fires, discharges, displays, sells or possesses any of the following:
 - a. Firecrackers, torpedoes, skyrockets, roman candles, bottle rockets, whistling chasers, rockets on sticks or other fireworks of like construction containing more than .25 grams of explosive mixture;
 - b. Fireworks containing an explosive or flammable compound or a tablet or other device commonly used and sold as fireworks containing, nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous, or a compound containing these or other modern explosives;
42. A person who commits an assault or an assault and battery on any person;
 - c. Spouse Abuse. A peace officer who has reasonable cause to believe that a violation of Section 81 or 81a of Act No. 328 of the public Acts of 1931, as amended, being Sections 750.81 and 750.81a of the Michigan Compiled Laws, has taken place and that the person who committed or is committing the violation is a spouse, a former spouse, having a child in common, or a person residing or having resided in the same household as the victim, may arrest the violator without a warrant for that violation, irrespective of whether other violation was committed in the presence of a peace officer.

SECTION 5- VIOLATING PERSON

Any person(s) who shall act in any manner described in Section 4 above or Section 7 below, shall be deemed in violation of this Ordinance and, upon conviction, shall be punished as set forth in Section 8 below, whether or not said person(s) had been ordered by a peace officer that such conduct or violation cease, except as otherwise specifically provided herein.

SECTION 6- 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, sewers or water mains by or on behalf of the Township or the State during the night when the public welfare and convenience renders it impossible to perform such work during the day.

SECTION 7- 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 8- PENALTIES AND REMEDIES FOR VIOLATIONS

Any person violating any provision of Section 4 above shall be deemed guilty of a jail misdemeanor. Penalties may be imposed up to ninety (90) days of incarceration in the

County Jail of Jackson County and/or fines up to Five Hundred (\$500.00) Dollars plus the cost of prosecution. Any person violating any provisions of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines up to One Hundred (\$100.00) Dollars plus the cost of prosecution. Any person violating any provisions of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines up to One Hundred (\$100.00) Dollars plus the cost 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 to take such action in any court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

SECTION 9- 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 affect 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 10- CONFLICTING ORDINANCE REPEALED

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

SECTION 11- 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 provisions of this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION 12- PURPOSE OF ORDINANCE

This Ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the Township of Spring Arbor.

SECTION 13- EFFECTIVE DATE

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

Adopted April 21, 2000

