

CITY OF MUNISING

PUBLIC PEACE AND GOOD ORDER

ORDINANCE NO. 12

An Ordinance defining and prohibiting offenses against the public peace and good order of the City of Munising and providing penalties for the violation thereof.

THE CITY OF MUNISING ORDAINS:

SECTION 1. DEFINITIONS

(A) Public place shall mean anyplace to which the general public has access and the 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. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.

(B) Riot shall mean a public disturbance involving;

1. An act or acts of violence by one or more persons being part of an assemblage of three or more persons that constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual, or

2. A threat or threats to commit an act or acts of violence by one or more persons being part of an assemblage of three or more persons having, individually or collectively, the ability to immediately execute the threat or acts, where performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(C) Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

1. Advocacy of ideas, or;

2. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

(D) Breach of the Peace shall mean an intentional violation of the natural right of all persons in a political society to the tranquility enjoyed by citizens of a community where good order reigns among its members.

SECTION 2. It shall be unlawful for any person within the corporate limits of the City of Munising;

(A) To loiter on any street, alley, sidewalk, or public place. For the purpose of this Ordinance, loitering is defined as being in or about any street, alley, sidewalk or public place so as to hinder or impede or tend to hinder or impede the passage of pedestrians or vehicles.

(B) To commit in or upon any street, alley, sidewalk, or public place or building, any act or thing which obstructs or interferes with the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such street, alley, sidewalk, or any other public place or building, and which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(C) Who is under the age of fifteen (15) years to be, or remain in or upon any street, alley, sidewalk or public place in the City of Munising, unless such person is accompanied by his parent or guardian or other person having legal custody, or some adult eighteen (18) years of age or older delegated by the parent or guardian to accompany such minor child, or unless such person is in the pursuit of a lawful business, or other purpose under the immediate direction of his or her parent or guardian, between the hours of 10:00 p.m. and 6:00 a.m. the following morning; and any person between the ages of fifteen (15) to seventeen (17) years to be, or remain in or on any street, alley, sidewalk or public place in the City of Munising, unless such person is accompanied by his parent or guardian or other person having legal custody, or some adult eighteen (18) years of age or older delegated by the parent or guardian to accompany such minor child or unless such person in the pursuit of a lawful business or other purpose under the immediate direction of his or her parent or guardian, between the following hours:

Sunday.....11:00 p.m. to Monday.....6:00 a.m.
Monday.....11:00 p.m. to Tuesday.....6:00 a.m.
Tuesday.....11:00 p.m. to Wednesday...6:00 a.m.
Wednesday...11:00 p.m. to Thursday...6:00 a.m.
Thursday...11:00 p.m. to Friday.....6:00 a.m.
Saturday....12:15 a.m. to Saturday...6:00 a.m.
Sunday.....12:15 a.m. to Sunday.....6:00 a.m.

(D) To trespass upon private property or the premises of others. Any person who shall willfully enter upon 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 any person being upon the land or premises of another, upon being duly notified to depart

therefrom by the owner or occupant, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom, shall be guilty of a "trespass" hereby prohibited.

(E) Disorderly conduct prohibited. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance or if this conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

(1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

(2) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

(3) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;

(4) Interferes with another's pursuit of a lawful occupation by acts of violence;

(5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority known to be such;

(6) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;

(7) Resists or obstructs the performance of duties by City Police or any other authorized official of the City, when known to be such an official;

(8) Incites, attempts to incite, or is involved in attempting to incite a riot;

(9) Addresses abusive language or threats to any member of the City Police Department, any other authorized official of the city who is engaged in the lawful performance of his duties, or any other person when such words are shown to present a clear and present danger of causing acts of violent, riot, disorder, interference with traffic, or a threat to public safety;

(10) Damages, defouls, or disturbs public property or the property of another so as to create hazardous, unhealthy,

or physically offensive conditions;

(11) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

(12) Uses abusive or obscene language or makes an obscene gesture.

(13) Exemptions: This ordinance 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.

(F) To disturb any place where public or private school is held, or where religious worship is held.

(G) To possess any open beer, wine, or other intoxicating liquor on or in any public street, sidewalk, school building, school ground, playground, sports or recreational area, or within any other public place, unless a license or permit has been duly obtained from the Michigan Liquor Control Commission permitting the distribution or consumption of alcoholic beverages upon or within said premises, or any portion thereof excepting, however, that no license or permits shall be required for those certain functions or activities held at the Munising Community Center for which the Michigan Liquor Control Commission does not issue a license or permit for the consumption of intoxicating liquor thereat. Any such beverage container which has the seal broken shall be deemed to be "open" for purposes of this section.

(H) To fire or discharge any gun, pistol or firearm of any kind or description.

(I) To go about for the purpose of gaming or to practice disreputable devices, tricks, or artifices to obtain money or any valuable thing from another thereby.


SECTION 3. Any person convicted of violating this ordinance shall be punished by imprisonment for not more than 90 days or by a fine of not more than \$100.00, or both such fine and imprisonment.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 5. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

ADOPTED: March 15, 1993.



GLENN CHAMPAGNE, Mayor



ELIZABETH ANN WILLIAMS, City Clerk

Date Introduced: November 23, 1992
Date Adopted: March 15, 1993
Date Published: April 14, 1993
Date Effective: April 25, 1993