
CHAPTER 123. DISORDERLY CONDUCT

9.91. Definition. The term "public place" as used in this Chapter 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, including, but not limited to private property which is open to the public view, or to which the public has access.

(Ordinance No. 1991-13, Sec. 1, 11-06-1991)

9.92. Acts Prohibited. No person shall:

- (1) Commit an assault, or an assault and battery on any person.
- (2) 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) 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 the Michigan Public Health Code (Article 7), 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) Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- (5) Utter, vile, profane or obscene language in any public place.
- (6) Make any immoral exhibition or indecent exposure of his or her person.
- (7) Willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street sign, street light, traffic control device, railroad sign or signal, parking meter, or shade tree belonging to the City or located in the public places of the City, or mark or post hand bills on, or in any manner mar the walls of, any public building, or fence, tree, or pole within the City, or destroy, take or meddle with any property belonging to the City, or remove the same from the building or place where it may be kept, placed or stored, without proper authority or disturb, tamper with, disconnect, or damage any City water meter without proper authority.
- (8) Insult, accost, molest, or other annoy either by word of mouth, sign, or motion, any person in any public place.
- (9) Engage in any disturbance, fight, or quarrel in a public place.
- (10) Collect or stand in crowds, or arrange, encourage, or abet the collections of persons in crowds for illegal or mischievous purposes in any public place.
- (11) Loiter or Prowl.
 - (a) Loiter or prowl on foot or in a motor vehicle in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the

actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.

i. Unless flight by the person or other circumstances makes it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.

ii. No person shall be convicted of an offense under this section if the peace officer shall not comply with subsection (i) of this section, or if it appears at trial that the identification and explanation were true, and, if believed by the peace officer at the time, would have dispelled the alarm.

(b) Loiter or prowl on foot or in a motor vehicle, on public property or private property which is open to the public, in such a manner so as to impede or obstruct the free flow of pedestrian or motor vehicle traffic in its normal manner.

(12) Engage in any act of prostitution.

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

(14) Engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation. Proof of recent reputation for engaging in prostitution, gambling, illegal sale of intoxicating liquor, or other illegal or immoral occupation or business shall be prima facie evidence of being engaged or occupied therein.

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

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

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

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

(19) Prowl about any alley or the private premises of any other person in the night time, without authority or the permission of the person in possession of such premises.

(Ordinance No. 1991-13, Sec. 2, 11-06-1991)

SCHOOL PROPERTY

9.101. Damaging, Destroying, Defacing School Property. No person shall damage, destroy or deface 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.

9.102. Disturbing the Peace at Schools. No person 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 is disturbed.

9.103. Offensive Language or Conduct in or Around Schools. No person shall use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the City of Frankenmuth which may be occupied as a public, private or parochial school.

9.104. Duty to Leave School Property When Directed. Any person found to be creating a disturbance in any private, public or parochial school or on the surrounding school grounds shall leave immediately when so directed by the principal or by any other person designated by the principal.

9.105. Persons Permitted in School Buildings, Restricted.

(1) No persons shall willfully enter upon the lands or premises of any public, private or parochial school in the City without lawful authority, after having been forbidden to do so by the principal or his designated agent. No person being upon said lands or premises may refuse or neglect to depart therefrom upon being requested to do so by the principal or his designated agent. Where signs at each school building entrance direct persons to any office or any place to obtain permission to enter and remain in said building, entry into the building by any person without complying with said directions shall be deemed prima facie violation of this section; provided, however, that this requirement shall not apply in the case of students who are regularly enrolled and attending at said school, parents or guardians of such students, teachers or other employees.

(2) For the purpose of this section, "students who are regularly enrolled and attending" shall not include students who are expelled or suspended from the public, private or parochial school.

9.106. Solicitation from Students. It shall be unlawful for any person, company or corporation, or the agents of any such person, company or corporation, to solicit sales or business from or borrow or attempt to borrow any money or thing of value from any student in any public, private or parochial school or on any public, private or parochial school property in this City, or during any time when any such student is going to or returning from any regularly scheduled session of such school, without first obtaining the written approval of the principal of such school or any person designated by such principal to issue such written approval.

MISCELLANEOUS OFFENSES

9.111. Fireworks During Festival. For the safety of the public in a densely frequented and populated entertainment area, including the presence of animals, during those specific days during which the Bavarian Festival shall be conducted, no person, without the express permission and sanction of the City of Frankenmuth, shall ignite or explode fireworks or firecrackers of any type or size, either within the Heritage Park Festival grounds and parking areas or elsewhere in the City of Frankenmuth during parades, or under circumstances that may impede traffic or disturb peace.

Violations of this section shall be punishable by a fine of fifty dollars (\$50.00) and court costs, upon conviction.

9.112. Shacks and Temporary Structures. No person shall construct, place or maintain any fishing shack or any other building of any kind, nature or description upon any property belonging to the City of Frankenmuth except by authority of the City Council or construct, place or maintain on or over any navigable stream within the City of Frankenmuth, any such fishing shack or other structure.

9.113. Firearms and Hunting.

(1) No person shall discharge a firearm or shoot an air rifle or air pistol within two hundred fifty (250) feet of any street, highway, residence, or building located within the City of Frankenmuth.

(2) No person shall hunt, with firearms, air rifles, air pistols, or any other type of weapon, any bird, or animal at any time within the City of Frankenmuth; provided, however, that the record owners of unplatted farm land lying within the City limits, and their wives and children may hunt upon their own premises, subject to the restriction concerning the firearms in subsection (1) hereof.

9.114. Jumping and Diving into the Cass River. No person shall jump or dive into the Cass River in the City of Frankenmuth from any bridge whether publicly owned or privately owned.

(Ordinance No. 1986-11, 07-01-1986)

VIOLATIONS

9.120. Violations; Municipal Civil Infractions; Misdemeanors.

(1) A person who violates Sections 9.112 or 9.114 of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Manager is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(2) A person who violates any provision of this Chapter, except those designated as municipal civil infraction violations by Section 9.120(1), shall, upon conviction, be guilty of a misdemeanor punishable as provided by Sections 1.12(1) and (2) of this Code.

(Ordinance No. 2002-05, 08-07-2002)