

ORDINANCE NO. 201-94

**AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN,
ADOPTING AN ORDINANCE TO BE KNOWN AS:**

DISORDERLY CONDUCT

The Village of Bancroft Ordains:

SECTION 1. Purpose:

The purpose of this ordinance is to prohibit disorderly conduct as herein defined, and providing penalties for the violations thereof.

SECTION 2. Definitions:

(a) "Public place" shall mean any place to which the public has access and a right to resort for business, entertainment, or any 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; and any other place which is open to the public or to which the public has access.

(b) "Riot" shall mean a public disturbance involving; (1) an act or acts of violence by one or more persons, or an assemblage of three or more persons, whose act or acts shall constitute a clear and present danger to, 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 of the commission of an act or acts of violence by one or more persons, or an assemblage of three or more persons, whom individually or collectively cause the immediate execution of such threat or threats, where the 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 instigation of other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of any idea, or (2) expression of belief, not involving advocacy of any act of violence, or assertion of the rightness of, or the right to commit, any such act or acts.

(d) "Refuse" means putrescence and non-putrescible solid waste, except body wastes, and includes garbage, rubbish, and ashes.

(e) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food, or that attends to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

ORDINANCE NO. 201-94 CON'T

(f) "Rubbish" means non-putrescible solid waste, excluding ashes, consisting of both combustible or non-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, grass, beddings, crockery or litter of any kind that will be detrimental to the public health and safety.

SECTION 3. Disorderly Conduct Prohibited

No person shall commit the following acts:

- (a) Engage in any illegal occupation or business.
- (b) Engage in any indecent, insulting, immoral, abusive, or obscene language, or make obscene gestures.
- (c) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another.
- (d) Interfere with another's pursuit of a lawful occupation by acts of violence.
- (e) Obstruct, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by Village Police or any other lawful authority known to be such.
- (f) Resist or obstruct the performance of duties by Village Police or any other authorized official of the Village, when known to be such an official.
- (g) Incite or attempt to incite, or be involved in attempting to incite a riot.
- (h) Address abusive language or threats to any member of the Village Police Department, or any other authorized official of the Village who is engaged in the lawful performance of his or her duties, or any other person when such words have a direct tendency to cause acts of violence (words merely causing displeasure, annoyance, or resentment are not prohibited).
- (i) Make or cause to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, alley, lane, park, square, sidewalk, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed.

ORDINANCE NO. 201-94 CON'T.

(j) Fail to obey a lawful order to disperse by a police office, when known to 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.

(k) Bathe in any body of water in a naked state or with his or her person in such a state of undress, that there shall be an indecent exposure of the body, or shall indecently expose his or her body under any other circumstances.

(l) Maliciously destroy, or deface any public property, or any private property which does not legally belong to him or her.

(m) Disturb any school, meeting, election, or congregation lawfully assembled, whether religious, political or otherwise; or cause any disturbance in any tavern, store, grocery, manufacturing establishment, or any other business place.

(n) Damage, befoul, or disturb public property, or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.

(o) Be drunk or intoxicated in a public place or on public property within the Village limits, and who is either endangering; directly or indirectly the safety of another person, persons property or is acting in a manner which causes a public disturbance.

SECTION 4. Penalties:

Any person, who is in violation of this ordinance, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred (100) dollars or imprisonment in the County Jail of Shiawassee County for a period of not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court having jurisdiction.

SECTION 5. Severability:

This ordinance and subsections of this ordinance are hereby declared to be severable, and if any portion shall be found invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this ordinance.

ORDINANCE NO. 201-94 CON'T.

SECTION 6. Conflicting Ordinances Repealed:

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety. With reference being made to Nos. 109-59 and 111-59, and 201-88.

SECTION 7. Effective Date:

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of adoption: October 10, 1994

Date of Publication: October 21, 1994

Effective Date: October 30, 1994

I, Karen K. Cole, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 201-94 passed on October 10, 1994, by the Village Council by a vote of 5 yeas and 0 nays. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus-Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to MSA 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of October, A.D. 1994.

BY:

Roderick Cox Village President

Karen K. Cole
Karen K. Cole Village Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

County of Shiawassee

In the matter of the Estate of

*Publication Notice:
Adopted ordinances - Village of Bancroft*

STATE OF MICHIGAN,

County of Shiawassee,

ss.

Thomas E. Campbell

Being first duly sworn, says that he is the Publisher/General Manager of The ARGUS-PRESS, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published ~~once a week for~~ *one time only* consecutive weeks

and that the first insertion of said Notice was on the *21st* day of *October* A. D., 19*94*, and that the last insertion was on the _____ day of _____, A. D. 19____.

SIGNED:

[Signature]
Subscribed and sworn to before me this *21st* day of *Oct* A. D., 19*94*
Janis M. Samson

Notary Public, Shiawassee County, Michigan

My Commission Expires _____

PRINTER'S BILL

2 Folios *1* Times,
Proof of Publication _____
Total *32.50*
Copies *50*
Total *33.00*

PUBLICATION NOTICE
I, Karen Cole, being the Clerk of the Village of Bancroft, Michigan, does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At a regular meeting of the Bancroft Village Council, held on October 12, 1994, the following Village ordinances were adopted:

199 - Repeal of 1887 Acts; 200 - prohibition of the storage of junk and vehicle repair; 201 - prohibition of disorderly conduct; 202 - adoption of the latest MI State Uniform Traffic Code; 203 - Shade tree, grass and weed cutting regulations; 204 - dangerous dogs and dogs creating a nuisance; 205 - regulations regarding use of house trailers as single family dwellings.

The aforementioned ordinances may be viewed in their entirety by contacting the Village of Bancroft Clerk, at 106 Higgins Street, Bancroft. Phone number 634-5375.
Publish: October 21, 1994

Rec'd Payment _____

JANIS M. SAMSON, NOTARY PUBLIC
SHIAWASSEE COUNTY, STATE OF MICHIGAN
MY COMMISSION EXPIRES 04-17-95