

ALLENDALE CHARTER TOWNSHIP
DISORDERLY PERSONS

Ordinance No. 1982-3, Amended with Ordinances 1998-3, 1998-11 and 2010-14

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Name. This ordinance shall be known and cited as the “Allendale Charter Township Disorderly Conduct Ordinance”.

Section 2. Disorderly Definitions.

A. No persons shall conduct himself or herself in a disorderly manner in the Township of Allendale, Ottawa County, Michigan. For purposes of this Ordinance, “person” conducts himself or herself in a disorderly manner when he or she does any act or engages in any practice hereinafter listed, or aids or abets any person who does any such act or engages in any such practice hereinafter listed:

- (1) Engage in any indecent, immoral, or obscene conduct in any public place.
 - (a) Knowingly or intentionally appear in a state of nudity in a public place; except that it shall not be unlawful for a person to appear in a state of nudity: 1) where such conduct is a part of a theatrical or dramatic performance held in a theater or auditorium, entrance to which is gained by payment of an admission fee, and where such theatrical or dramatic performance or play is not otherwise visible to persons outside the theater or auditorium; or 2) where such conduct is a part of, or done in connection with, an educational program or course conducted by an institution of higher education on property controlled by such institution and an area where such conduct is not visible to persons outside of the program or course.
 1. “Nudity” shall mean the displaying by any individual of his or her genitals or anus with less than a fully opaque covering, or the displaying of a female individual’s breast with less than a fully opaque covering of the nipple and areola; except that the following shall not be considered public nudity under this subsection: 1) A woman’s breastfeeding or a baby whether of not the nipple or areola is exposed during or incidental to the feeding; or (2) Material as defined in section 2 of Act. No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws; or 3) Sexually explicit visual material as defined in section 3 of Act. No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

2. “Public Place” shall mean all buildings, theaters, auditoriums, stadiums, athletic grounds, bars, taverns, restaurants, rooms, dance halls, lounges and businesses or commercial establishments of any kind open to the public whether or not entrance is gained by the payment of an admission fee, and shall also mean all outside areas open to the general public including, but not limited to, public streets, alleys, parks, beaches, lakes, and rivers within the jurisdiction of the Township.”

- (2) Swim or bathe in the nude in any public place or on private property without specific permission of the owner.
- (3) Utter any vile, blasphemous, vulgar, or obscene language in any public place or in such a way as to subject the public to such language.
- (4) Tell or pretend to tell fortunes for hire, gain, reward, or profit whether by means of cards, token trances, inspection of the hands or skull, mind reading, consulting of movements of the heavenly bodies, or otherwise; or for hire, gain, reward, or profit, pretend to enable another to recover lost or stolen property, pretend to give success in any business enterprise, speculation, or game of chance, or by improper means, induce any person to dispose of property in favor of another.
- (5) Willfully destroy, damage, deface, injure, or tamper with any property of another, or without proper authority, or in any manner mar the walls of any building or any fence, tree, or pole within the Township; or take, or meddle with any property belonging to the Township, or remove the same from the building or place where it may be kept, placed, standing, or stored, without authority from the official custodian of said property.
- (6) Collect or stand in crowds for illegal or mischievous purposes in any public place.
- (7) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.
- (8) Permit or suffer any place occupied or controlled by him to be unreasonably noisy or boisterous, or to be occupied by persons acting in a disorderly manner as herein defined.
- (9) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct; or make, aid, give countenance to, or assist in making any improper noise, disturbance, breach of the peace or diversion tending to a breach of the peace, in any place within the Township.

- (10) Disturb any service of worship or any other assembly gathered for lawful purposes.
- (11) Permit any loud or boisterous noise, congregation, disturbance, or party, by which the peace and good order of the Township are disturbed, in or about his or her premises, or premises controlled by such person.
- (12) Gun or race the engine of any motor vehicle, including every motorcycle or motor driven cycle, or run or operate a motor vehicle, motorcycle, or motor driven cycle without a muffler in good working order (one which in constant operation prevents excessive or unusual noise and annoying smoke); a person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cut out bypass, or similar device upon a motorcycle, motor driven cycle, or any motor vehicle at any place within the Township.
- (13) Shout, yell, hoot, whistle, sing, or make any loud noises on the public streets or public or municipal parks between the hours of 11:00 pm and 7:00 am.
 - (a) Use any premises or suffer any premises under his, her, or its control to be used so as to destroy the peace and tranquility of the surrounding neighborhood. This includes, but is not limited to, any person who is the owner, occupant, tenant, or has any other possessory interest of premises in the Township, who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a social gathering or party which is, or during the course thereof becomes, a nuisance party as defined in subparagraph (14a), below.
- (14) Create any loud noises or use any loud speaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place or places within the Township in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons between the hours of 11:00 pm and 7:00 am.
 - (a) Sponsor, conduct, host, invite, suffer, permit, continue, or allow to continue a nuisance party, as hereinafter defined. For purposes of this subsection, the term “nuisance party” means a social gathering or party which is conducted on premises in the Township and which, by reason of the conduct of those persons in attendance, results in any one or more of the following occurrences or conditions:
 - 1. Consumption of alcoholic beverages in public or public drunkenness.

2. Public urination or defecation.
 3. The unlawful sale, furnishing, or consumption of alcoholic beverages.
 4. The unlawful deposit of trash or litter on public or private property.
 5. The destruction of public or private property.
 6. The generation of pedestrian or vehicular traffic or parking of motor vehicles which obstruct the free flow of residential traffic or interferes with the ability to render emergency services.
 7. Excessive, unnecessary, or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood.
 8. Public disturbances, brawls, fights, or quarrels.
 9. Assembly of persons in excess of limits imposed by conditions, rules, or requirements of lease or occupancy agreement.
 10. Any similar conduct which annoys, injures, or endangers the safety, health, comfort, or repose of any neighboring residents.
 11. Any conduct which results in indecent or obscene conduct, or immoral exhibition or indecent exposure by persons at the social gathering.
- (15) Create any loud noises by the erection, including excavation therefore, demolition, alteration, maintenance, or repair of any property or the excavation of any streets or highways at any time, except between the hours of 6:00 am and 9:00 pm, or except as may be necessary for emergency construction operations or repairs.
- (16) Knowingly sell, give, or furnish liquor, wine, or beer to any drunken, intoxicated, or disorderly person; or do or engage in any act relating to traffic in alcoholic liquors without such licenses as may be required under the laws of the state.
- (17) Disobey any validly posted signs in any public park or any other public place.

- (18) Trespass or unlawfully enter or remain on the premises of another to the annoyance or disturbance of the lawful owner or occupant thereof.
- (19) Consume alcoholic liquor in or upon any public street, or other public place, or place or parking lot open to the public, unless such place is duly licensed to sell alcoholic liquor to any person not of the lawful age to possess it.
- (20) Enter into any place, area, or building or any part thereof, without having first paid any fee charge or other consideration required for admission.
- (21) Knowingly furnish to any police officer, or other official of the Township of Allendale, Ottawa County, a false name or address in connection with an arrest for the commission of any crime or misdemeanor.
- (22) Possess any knife, dagger, dirk, razor, stiletto, or machete, with a blade over 3 inches long, or a club, nightstick, bludgeon weapon of the martial arts, or any other deadly weapon or instrument without a legitimate cause related to the person's occupation or business, except on the person's own private property.
- (23) Disorderly conduct does not include the conduct of or participation in duly approved activities such as picnics, concerts, bazaars, parades, festivals, and other similar activities so long as such activities are conducted in a reasonable manner at a reasonable time and in a reasonable place.
- (24) Use or apply engine brakes, except in an emergency situation, with the exception of fire apparatus. Engine breaks are defined as an exhaust or exhaust manifold powered auxiliary braking system found on trucks. The terms "truck" and "truck tractor" used in this section shall have the same meaning as provided in the Michigan Motor Vehicle code, as amended from time to time.

Section 3. Invalid Clauses. Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the parts so declared to be invalid.

Section 4. Violations and Penalties. Any person violating any provision of this Ordinance upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), and cost of prosecution or by imprisonment in the Ottawa County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court.