

## CHAPTER 130: GENERAL OFFENSES

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### ***GENERAL PROVISIONS***

#### **§ 130.01 TITLE.**

This chapter shall be known as the "Offenses Ordinance."  
(Ord. 147, passed 10- -75)

#### **§ 130.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***OBSTRUCT.*** To render difficult of passage without unreasonable inconvenience or hazard.

***PEACE OFFICER.*** Any public servant vested by law with the duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

***PROPERTY.*** Any money, personal property, real property, thing in action, evidence of debt or contract or article of value of any kind.

***PUBLIC PLACE.*** To which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses not constituting rooms or apartments designed for actual residence.

(Ord. 147, passed 10- -75)

#### **§ 130.03 CURFEW FOR MINORS.**

(A) A minor under the age of 16 years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10 p.m. and 6 a.m. immediately following on Sunday through Friday, and/or during the same times on Saturday of any week, except as provided in division (B) of this section.

(B) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

(C) Any police officer is authorized to take into custody without warrant a minor found violating this section and detain such minor for a reasonable time until the parent, guardian or other person having the care and/or custody of such minor has been notified of such violation and detention and appears to take custody of such minor. Any minor found violating this section shall be deemed a delinquent or neglected minor as defined by the statutes of the State of Michigan and shall subject to the court having jurisdiction over such minor to be dealt with by such court as provided by law.  
(Ord. 211, passed 10-18-99)

***OFFENSES AGAINST PUBLIC PEACE AND SAFETY***

**§ 130.20 DISORDERLY CONDUCT.**

A person commits the offense of disorderly conduct if he or she:

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(A) Engages in fighting or in violent, tumultuous or threatening behavior;

(B) Makes unreasonable noise;

(C) In a public place uses abusive or obscene language or makes an obscene gesture;

(D) Without lawful authority, disturbs any lawful assembly or meeting of persons; or

(E) Obstructs vehicular or pedestrian traffic;

(F) Creates a hazardous or physically offensive condition by an act that serves no legitimate purpose; or

(G) Consumes any alcoholic beverage upon a public highway or in any public place not licensed by the Michigan Liquor Control Commission.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

### § 130.21 FAILURE OF DISORDERLY PERSON TO DISPERSE.

A person commits the offense of failure to disperse as a disorderly person if he participates with two or more persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

### § 130.22 LOITERING.

(A) A person commits a violation if he or she loiters or prowls 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 alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police 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 the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a “no loitering” sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, cross-walk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them. Penalty, see § 10.99

### § 130.23 TRESPASS.

(A) A person commits the offense of trespass if he or she enters or remains in or upon premises when he or she is not licensed, invited or otherwise privileged to do so. A person who enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain personally communicated to him or her by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her or given by posting in a conspicuous matter.

(B) **PREMISES**, for purpose of this section, includes any structure or motor vehicle and any real property.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

### § 130.24 HARASSMENT.

A person commits the offense of harassment if, with intent to harass, annoy or alarm another person, he or she:

(A) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact;

(B) Follows a person in or about a public place or places; or

(C) Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.25 HARASSING COMMUNICATIONS.**

A person commits the offense of harassing communications if, with intent to harass or alarm another person, he or she communicates with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communications, in a manner likely to harass or cause alarm.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.26 MENACING.**

A person commits the crime of menacing if, by physical action, he or she intentionally places or attempts to place another person in fear of imminent serious physical injury.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.27 MALICIOUS MISCHIEF.**

A person commits the offense of malicious mischief if, having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally damages public property or private property belonging to another person.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.28 TAMPERING.**

A person commits the offence of tampering if, having no right to do so and no reasonable ground to believe that he or she has such right, he or she tampers or meddles with public property or private property belonging to another person even though no damage results.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

***OFFENSES AGAINST PUBLIC MORALS***

**§ 130.40 INDECENT EXPOSURE.**

A person commits the offense of indecent exposure if he or she makes an open and indecent exposure of his or her person under circumstances in which he or she knows or should know that his or her conduct is likely to cause affront or alarm.

(Ord. 147, passed 10- - 75) Penalty, see § 10.99

**§ 130.41 WINDOW PEEPING.**

A person commits the offense of window peeping if he or she looks, peers or peeps into any window on the property of another person under circumstances in which he or she knows or should know that his or her conduct is likely to cause affront or alarm.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.42 ACCOSTING AND SOLICITING.**

A person commits the offense of accosting and soliciting if he or she invites another person, in any public place or in or from any building or vehicles by words, gesture or by any other means to do any lewd or immoral act or act of moral perversion.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.43 PROSTITUTION AND RELATED OFFENSES.**

(A) A person commits the offense of prostitution if he or she engages in or agrees or offers to engage in sexual conduct with another person in return for a fee.

(B) A person commits the offense of patronizing a prostitute if:

(1) Pursuant to a prior understanding a fee is paid to another as compensation for engaging in or having a third person engage in sexual conduct;

(2) A fee is paid or agreed to be paid to another person in understanding that, in return, that person or a third person will engage in sexual conduct;

(3) There is a solicitation or request made to another person to engage in sexual conduct in return for a fee.

(C) A person commits the offense of permitting prostitution if, having possession or control of premises that he or she knows are being used for prostitution, he or she fails to make reasonable efforts to halt or abate such use.

(D) *SEXUAL CONDUCT*, for purposes of this section, means an act of sexual gratification between persons not married, involving the sexual or intimate parts of the human anatomy.  
(Ord. 147, passed 10- -75) Penalty, see § 10.99

### *ALCOHOL AND DRUGS*

#### **§ 130.55 PUBLIC INTOXICATION.**

A person commits the offense of public intoxication if he or she appears in a public place under the influence of alcohol, narcotics or other drug.  
(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.56 ILLEGAL POSSESSION OF ALCOHOLIC LIQUOR.**

A person commits the offense of illegal possession of alcoholic liquor if, being under the age of 18 years, he or she knowingly purchases, possesses or transports any alcoholic liquor or beverage, except in the course of employment as an employee of a licensee of the State Liquor Control Commission.  
(Ord. 147, passed 10- -75) Penalty, see § 10.99

#### **§ 130.57 FURNISHING ALCOHOLIC LIQUOR TO A MINOR.**

A person commits the offense of furnishing alcoholic liquor to a minor if he or she furnishes or gives any alcoholic beverage to a person under the age of 21 years, except upon the authority of and pursuant to a prescription of a duly licensed physician.  
(Ord. 147, passed 10- -75) Penalty, see § 10.99



***OFFENSES AGAINST PUBLIC ADMINISTRATION AND AUTHORITY*****§ 130.70 OBSTRUCTING GOVERNMENTAL OPERATIONS.**

(A) A person commits the offense of obstructing governmental operations if he or she intentionally obstructs, impairs or hinders the performance of a governmental function or the use of government property by using or threatening to use violence, force, physical interference or obstacle.

(B) For purposes of this section, ***GOVERNMENT*** includes any principal subdivision or agency of the United States, the State of Michigan, the City of Standish or any agency of local government operating within the city. Any ***GOVERNMENTAL FUNCTION*** includes any activity which a public agency or public servant is legally authorized to undertake.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.71 RENDERING A FALSE ALARM.**

A person commits the offense of rendering a false alarm if he or she knowingly causes a false alarm of fire or other emergency to be transmitted to or within a Fire Department or any other government agency that deals with emergencies involving danger to life or property.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.72 FALSE REPORTING TO LAW ENFORCEMENT OFFICIALS.**

A person commits the offense of false reporting to law enforcement officials if he or she:

(A) Makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their concern when he or she knows that it did not occur;

(B) Makes a report or purposely causes the transmissions of a report to law enforcement authorities pretending to furnish information relating to a crime or other incident within their concern when he or she knows that he or she has no such information.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.73 OBSTRUCTING A PEACE OFFICER.**

A person commits the offense of obstructing a peace officer if, by using or threatening to use violence, force or physical interference or obstacle, he or she intentionally obstructs, impairs or hinders the enforcement of criminal laws or city ordinances or the preservation of the peace by a peace officer acting under color of his or her official authority.

(Ord. 147, passed 10- -75) Penalty, see § 10.99

**§ 130.74 RESISTING ARREST.**

A person commits the offense of resisting arrest if he or she intentionally prevents or attempts to prevent a peace officer, acting under the color of his or her official authority, from effecting the arrest of the actor or another by:

(A) Using or threatening to use physical force or violence against the peace officer or another; or

(B) Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

(Ord. 147, passed 10- -75) Penalty, see § 10.99