

ORDINANCE NUMBER 42 REVISION III

A REVISED ORDINANCE TO PROHIBIT DISORDERLY
CONDUCT WITHIN THE CITY LIMITS OF THE
CITY OF CARSON CITY, MICHIGAN

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 42.1
CONDUCT PRESCRIBED

It shall be unlawful for any person whether in public or private place within the City of Carson City to:

42.101 DISTURBING THE PEACE. Disturb or aid in disturbing the peace of others by violence, or by loud, offensive or vulgar or boisterous conduct, and no person shall knowingly permit such conduct on any premises occupied or controlled by that person.

42.102 ASSAULT. Beat, strike, wound, imprison or inflict violence on another where the circumstances show malice, or assault another with a lethal weapon, instrument, or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault shows malice.

42.103 FIGHTING OR AIDING AND ABETTING A FIGHT. Engaging in, or aiding and abetting another person in any fight.

42.104 FURNISHING ALCOHOL TO MINORS. Furnishing alcoholic liquor as defined under the Michigan Alcohol Control Commission to persons under the age of 21 years of age.

42.105 POSSESSION OR FURNISHING OF CONTROLLED SUBSTANCE. Possess or furnish a controlled substance as defined by Michigan law to any other person.

42.106 FURNISHING A PERSON UNDER 21 YEARS OF AGE WITH CONTROLLED SUBSTANCE. Any person to furnish to any person under the age of 21 years any controlled substance as defined by Michigan law, nor shall any person furnish to any minor, compounds releasing toxic or hologynic vapors, and no person shall otherwise furnish to the delinquency of an minor.

42.107 USE AND POSSESSION OF TOBACCO PRODUCTS. No person under the age of eighteen (18) years of age shall possess or use tobacco products.

42.108 PERSON UNDER 21 YEARS OF AGE PURCHASING ALCOHOL. No person under the age of 21 years shall purchase or attempt to purchase any alcoholic beverage as defined under the Michigan Alcohol Control Commission.

42.109 FURNISHING OR ALTERING IDENTIFICATION PAPERS. No person less than 21 years of age shall furnish or use altered identification papers or false identification to purchase or attempt to purchase alcoholic liquor or tobacco products as defined under Michigan law.

42.110 ALLOWING ANOTHER PERSON TO USE IDENTIFICATION. No person shall give or lend his/her identification to another for illegal purposes.

42.111 FALSE PRETENSES. No person shall engage in any fraudulent scheme, devise or trick to obtain money or other valuable thing, and no person shall obtain money or any other valuable thing under false pretenses or aid or abet the same.

42.112 OBSTRUCTING A POLICE OFFICER. No person shall knowingly or willfully obstruct or oppose, assault, beat, or wound a police officer while he is attempting to maintain the peace, nor shall any person impede the officer's efforts to enforce or uphold the law or ordinance, or impede the officer's efforts to service, process or execute orders of any court.

42.113 DISTURBING A PUBLIC OR RELIGIOUS ASSEMBLY. Disturb any congregation or assembly for religious worship by making noise or by rude or indecent behavior, or by using profane language within their place of worship or so near the same as to disturb the order or solemnity of the meeting, congregation or assembly.

42.114 CONCEALED WEAPONS. Carry any concealed weapon.

42.115 CERTAIN KNIVES. Sell, offer for sale, or have in his possession any knife, having the appearance of a pocket knife, the blade or blades of which can be opened by flick of a button, pressure on a handle or other mechanical contrivance.

42.116 THROWING OBJECTS AT A MOVING VEHICLE. Throw or propel any snowball, stick, stone or other object at any moving vehicle or at any other public or private property.

42.117 LITTERING. Throw or cause to be thrown any waste paper or other waste matter on any public place.

42.118 FIRES ON STREETS OR SIDEWALKS. Light or cause to be lit any fire upon any street or sidewalk.

42.119 FALSE ALARMS OR REPORTS. Intentionally turn in or give a false fire alarm or intentionally call for the police or an ambulance or any other emergency vehicle when no real or apparent need exists or aid in abet in the commission of any such act.

42.120 UNDER THE INFLUENCE IN A PUBLIC PLACE. Be under the influence of alcoholic liquor or any illegal substance or using any

substance such as compounds releasing toxic or hologynic vapors, in an illegal manner in any park, public place, street, or sidewalk.

42.121 OBSCENE CONDUCT. Engage in any indecent, insulting, immoral or obscene conduct in any public place.

42.122 WINDOW PEEPING. Engage in any window peeping.

42.123 NUDE BATHING OR SWIMMING. Swim or bathe in the nude in any public place.

42.124 BEGGING. It shall be illegal for anyone to beg or panhandle in a public place.

42.125 SPITTING. Spit on any floor or wall of any place of public assemblage.

42.126 INDECENT EXPOSURE. Make any immoral exhibition or indecent exposure of his or her body.

42.127 PERSON RELIEVING HIMSELF/HERSELF IN A PUBLIC PLACE. No person shall relieve himself/herself in any public street, park, parking lot or place, beach or other area open to or in the view of the public.

42.128 MALICIOUS DESTRUCTION OF PERSONAL PROPERTY. Willfully destroy or damage property not his own under the value of \$200 which belongs to another person or corporation.

42.129 MALICIOUS OR IMPROPER USE OF ANY SERVICE, TELEPHONE OR COMMUNICATION CARRIER. No person shall maliciously or improperly use any service, telephone system, computer service via internet or radio communication carrier with intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person.

42.130 ILLEGAL USE OR OCCUPANCY OF PREMISES. No person owning, renting, or occupying any premises in the city shall allow such premises to be used as a place for assignation or place of resort for common prostitutes, nor shall any person permit prostitutes to assemble in such place, nor shall any person allow illegal sale, use or possession of any drugs, intoxicants, controlled substance upon such premises.

42.131 FREQUENTING ILLEGAL ESTABLISHMENT. Attend, frequent, operate, be employed in, or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor or use of illegal substances or any other illegal or immoral business or occupation is permitted or conducted.

42.132 SOLICITATION. Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

42.133 ILLEGAL USE OF BUSINESS. No proprietor or keeper of any tavern, saloon, bar, hotel, motel, restaurant or other public place or other place open to the public within the City of Carson City shall allow their premises to be used for or exchange possession or delivery of controlled substance, gambling, or prostitution.

42.134 LOITERING. Loiter on any street or sidewalk or in a park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public, or to obstruct the conduct of any free enterprise and/or business.

42.135 PORNOGRAPHY. Publish, sell, offer for sale, give away, exhibit, or possess any obscene, indecent, or immoral book, pamphlet, magazine, paper, picture, statuary, image or representation.

42.136 DISCHARGE OF FIREWORKS OR WEAPONS. Fire or discharge fireworks, gunpowder or firecrackers, cannon, rifle, shotgun, pistol, pellet gun, BB Gun, or paint gun, except if it be for the purpose of destroying any rabid or ferocious animal or necessary for the protection of human life or property. Provided however, that such fireworks, gunpowder or firecrackers, or cannon, rifle, shotgun or pistol may be fired or discharged on any legal holiday or for any commemorative event under restrictions which may be imposed by the City Council of the City of Carson City.

42.137 HORSES. To immoderately ride or drive any horse, or any horses in, through or over any bridge, street or alley.

42.138 SLEEPING IN A MOTOR VEHICLE. For any person to sleep, whether in a motor vehicle or not, in any park, street, parkway or other public place in the City of Carson City during the nighttime, unless specifically authorized to do so by a member of the police department.

42.139 FALSE BOMB THREAT OR ALARM. No person shall knowingly file or threaten to file or otherwise submit a false bomb threat or trip an alarm when no emergency exists.

42.140 POSSESSION OF ALCOHOL IN A PUBLIC PARKS. No person shall furnish or have possession of alcoholic liquor as defined under the Michigan Alcoholic Control Commission, in any park within the City limits of Carson City unless such possession is specifically authorized by law, ordinance, or the City of Carson City.

42.141 POSSESSION OF DRUG PARAPHENALIA. No person shall possess any equipment, product, material, or combination of equipment, product, or material, which is specifically designed for use in planning; promulgating; cultivating; growing, harvesting; manufacturing; compounding; converting; producing; processing; preparing testing; analyzing; packaging; repackaging; storing; containing; concealing; ejecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, which

would include, but not be limited to, any references pursuant to MCL 333.7451(a) through (m). Except the same shall not apply to any law enforcement officer who shall be in such possession during the normal course of his or her duties.

42.142 TRESPASSING THROUGH ANY CITY PROPERTY. It shall be unlawful for any person to trespass on any City property, including parks, where there is a special prohibition posted in regards to such premises setting forth a specific time in which unauthorized individuals may not be present on those premises.

CHAPTER 42.2
VIOLATIONS CONVICTION OF

Any person who shall be convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than \$500.00 or by a jail term for not more than 90 days or both such fine and imprisonment.

CHAPTER 42.3
SEPARABILITY

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

CHAPTER 42.4
ORDINANCES AND AMENDMENTS REPEALED

The following ordinances and amendments thereto are hereby repealed:

- 42.301 Ordinance Number One, adopted April 9, 1887.
- 42.302 Amendment to Ordinance Number One, adopted July 20, 1971.
- 42.303 Ordinance Number Four, adopted May 14, 1887.
- 42.304 Amendment to Ordinance Number Four, adopted April 8, 1968.
- 42.305 Ordinance Number Seven, adopted October 15, 1906.
- 42.306 Ordinance Number Forty two, adopted November 9, 1976.
- 42.307 Revised Ordinance Number Forty Two Revision II, adopted October 21, 1997.

42.308 Any and all other Ordinances and/or parts of ordinances which may be inconsistent with this Revised Ordinance.

CHAPTER 42.5
EFFECTIVE DATE

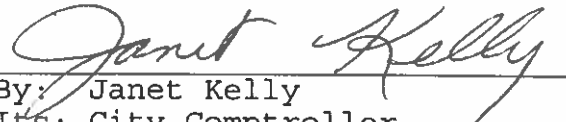
The Revised Ordinance to prohibit disorderly conduct within the City of Carson City shall become effective immediately upon enactment, pursuant to Section 7.3(d) of the Charter of the City of Carson City, this Ordinance is declared to be an emergency ordinance which is immediately necessary for the preservation of public peace, health and safety.

CHAPTER 42.6
CERTIFICATION

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Ordinance Number 42 Revised III, of the City of Carson City, was introduced at a regular meeting of the City Council held on August 19, 2008, and was thereafter adopted at a regular meeting on September 16, 2008, by a vote of five(5)for; zero(0) against; zero (0) absent; and zero(0) abstaining.



By: Daniel C. Herald
Its: Mayor



By: Janet Kelly
Its: City Comptroller

Proof of Publication

Daily News, Rockford Independent P.O. Box 340 Greenville, MI 48838

Sue L. Carter, agent of Robert Stafford, Publisher of Carson City Gazette, a newspaper printed, published and circulated in the County of Montcalm, State of Michigan, being duly sworn, deposes and says that the annexed notice has been printed, published and circulated in said newspaper at least once each week for 1 successive week(s) and that the first publication thereof was on the 8th day of September A.D. 2008 and the last publication on the 8th day of September A.D. 2008.

Run Dates: 9/8/08

Sue L. Carter

Agent signature

Subscribed and sworn before me this the 11
day of September A.D. 2008

Janie C. Petersen

Janie C. Petersen
Notary Public - Montcalm County, Michigan
My Commission Expires 7/18/2013
Acting in the County of _____

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Legal/Ordinance Changes
Summary of changes

PUBLISHER'S BILL Total cost: \$50.15

STATE OF MICHIGAN)
County of Montcalm) SS.

CITY OF CARSON CITY

NOTICE OF PROPOSED REVISED ORDINANCE #42
TO PROHIBIT DISORDERLY CONDUCT WITHIN THE CITY LIMITS
OF CARSON CITY

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Carson City introduced revised Ordinance #42 at their August 19 Meeting and will be reviewing and possibly voting at their September 16 Council Meeting at 7:30 p.m.

The proposed revised ordinance would amend and add various changes to include use of alcohol, tobacco and illegal substances in any public place, begging or panhandling, internet threats, bomb threats, false activations of fire alarms, drug paraphernalia according to the state's definition and trespassing on all city-owned property.

All interested persons may attend the September Council Meeting and comment on the ordinance. Written comments concerning the ordinance revision may be submitted to City Hall at 123 E. Main St. up to the time of the meeting. A copy is available for viewing at City Hall or the Public Library.

9/8
00107437

City of Carson City

123 E. Main St.

Carson City

MI 48811