

TOWNSHIP OF CHESTER
COUNTY OF OTTAWA
STATE OF MICHIGAN

Ordinance No. 2001-12-01

Regulates and prohibits disorderly conduct in the Township.

Adopted: 12/18/01 Effective: 2/10/02

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP OF CHESTER, OTTAWA COUNTY, MICHIGAN, BY REGULATING AND PROHIBITING DISORDERLY CONDUCT AND OTHER SPECIFIED ACTIONS IN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE

THE TOWNSHIP OF CHESTER, OTTAWA COUNTY, MICHIGAN (THE "TOWNSHIP")
ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as "The Township of Chester Disorderly Conduct Ordinance."

Section 2. Purpose.

The purpose of this Ordinance is to protect the public health, safety and general welfare of persons and property within the Township of Chester, Ottawa County, Michigan, by regulating and prohibiting disorderly conduct and other specified actions in the Township and to prescribe penalties for violation of this Ordinance.

Section 3. General Provisions.

The following definitions and general provisions shall apply in the interpretation and administration of this Ordinance:

(A) "Person" as used in this Ordinance means any natural person, partnership, association, corporation, firm or other entity or institution.

(B) "Public place" as used in this Ordinance means any street, alley, park, sidewalk, public building, any place of business during the time in which it is open to the public or frequented by the public or any portion thereof, and any other place or portion thereof which is open to public view or to which the public has access.

(C) Any person who aids, abets, counsels, procures, commands or assists in the commission of any offense prohibited by this Ordinance shall also be subject to punishment under this Ordinance as if such offense were actually perpetrated by such person..

(D) Any person who shall attempt to commit any offense prohibited by this Ordinance and who shall fail or be prevented from completion shall be punished as if the attempted offense were completed.

(E) Any person who conspires with one or more persons to commit any act prohibited by this Ordinance shall be punished as if such offense were actually perpetrated by such person.

(F) "Township" as used in this Ordinance means the Township of Chester.

Section 4. Property Offenses.

No person shall:

(A) Enter or remain upon the property of another after having been forbidden to do so by the owner, occupant, or person lawfully in charge of that property.

(B) Trespass on the lands or property of another without permission.

(C) Willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of any other person, without the express permission of the owner of that property.

(D) Dump, deposit or place any filth, garbage, refuse or waste material on the property of another person, without the specific permission of the owner of the property.

(E) Litter upon the property of any other person.

Section 5. Offenses Against Government Order.

No person shall:

(A) Knowingly and willfully engage in any physical or verbal contact which hinders, opposes, obstructs, or resists any law enforcement officer or other public official or employee of the Township in the performance of his or her official duties.

(B) Knowingly and willfully furnish any law enforcement officer or other public official or employee of the Township with a false name, address, age, date of birth, or with any false or misleading information in connection with the investigation of the commission of any violation of this Ordinance or any other local, state or federal law.

(C) Knowingly and willfully make or furnish to any law enforcement officer or other public official or employee of the Township, while the officer, official or employee is acting in his

or her official capacity, a false, fictitious, or misleading report or the purported commission of any violation of this Ordinance or of any other local, state or federal law.

(D) Impersonate, attempt to impersonate, falsely pretend to be, or hold himself or herself out without due authority as a law enforcement officer or other public official or employee of the Township.

(E) Conceal knowledge of the actual commission of a violation of this Ordinance from a court or from a law enforcement officer investigating the violation. This subsection shall not be interpreted to conflict with the right of any person to not be a witness against himself or herself.

(F) Willfully fail to obey the command of any law enforcement officer to stop or halt, provided that the officer identifies himself or herself as a law enforcement officer and provides or offers to provide identification as such, and provided that a law enforcement officer is attempting to apprehend such person for a violation of any local, state or federal law.

(G) Willfully fail to obey the command of any law enforcement officer or other authorized representative of the Township to leave a public park, playground, public property, public building, boulevard, swimming pool or recreation area when ordered to do so by the officer or representative.

Section 6. Miscellaneous Offenses.

No person shall:

(A) Loiter in any public building or in any other building or premises owned by another person after having been requested to leave by the lawful owner or occupant or a representative of the owner or occupant.

Section 7. Breach of the Peace Offenses.

No person shall:

(A) Disturb the public peace and quiet by loud or boisterous conduct or noise.

Section 8. Nuisance Animals.

No person shall:

(A) Permit any dog, cat or other pet owned or controlled by such person to run loose or be at large outside the boundaries of the property owned or leased by the owner of the pet (or on property upon which the owner of the pet has permission to permit the pet to run free or be at large) unless the pet is on a leash held by a person walking the pet.

(B) Permit any dog owned or controlled by that person to bark, yelp, howl or produce any other noise which is excessive or would unreasonably disturb the peace of other persons or persons residing on the adjoining or nearby properties.

(C) Permit a dog owned or controlled by that person to engage in prolonged barking, howling or yelping for a period of 15 minutes or longer and where such noise can be heard beyond the boundary lines of the property on which the dog is located.

Section 9. Exemption.

This Ordinance shall not apply to actions engaged in by any official or employee of the Township or other law enforcement official which is undertaken in the performance of his or her official duties and which is not otherwise unlawful.

Section 10. Enforcement.

This Ordinance may be enforced by any Township official, state police officer or Ottawa County Sheriff (or deputy) authorized by Michigan statutes to enforce criminal laws or ordinances.

Section 11. Penalties

Violation of any provision of this Ordinance shall constitute a criminal misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus court costs and restitution, imprisonment in the county jail for a term not to exceed ninety-three (93) days, or both such fine (and costs and restitution) and imprisonment in the discretion of the court having jurisdiction thereof.

Section 12. Severability.

The phrases, sentences, sections, and provisions of this Ordinance are severable and a finding by a court of competent jurisdiction that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 13. Repeal.

Upon the effective date of this Ordinance, Ordinance No. 93-7-1 (which was adopted by the Chester Township Board on August 17, 1993 and which was commonly known as “the Chester Township Noise Control and Nuisance Ordinance”), as well as any amendments thereto, will be deemed repealed.

Section 14. Effective Date.

This Ordinance shall become effective thirty (30) days after this Ordinance or summary thereof appears in the newspaper.

The above Ordinance was offered for adoption by Township Board Member Creager, and was seconded by Township Board Member Joiner, the vote being as follows:

YEAS: Berenbrock, Creager, Joiner, Kelly & Redding

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED

Janice Redding
Chester Township Clerk