

ONTWA TOWNSHIP

COUNTY OF CASS

STATE OF MICHIGAN

ORDINANCE NO. 11-2023

An ordinance to regulate disturbances, fights, quarrels, loitering, and other such unlawful behaviors within Ontwa Township; to designate a violation of this ordinance as a misdemeanor; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

ONTWA TOWNSHIP

CASS COUNTY

STATE OF MICHIGAN

ORDAINS:

**SECTION 1**  
**TITLE**

This Ordinance shall be known and cited as the “Ontwa Township Disorderly Person/Loitering Ordinance.”

**SECTION 2**  
**DISORDERLY PERSONS REGULATIONS**

No person shall:

- (a) Create or engage in any disturbance, fight or quarrel in a public place.
- (b) Create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.
- (c) Cause or make any unusual or unnecessary loud noise, shouting, or yelling of such volume or of such a nature as to cause annoyance to persons of ordinary sensibility, or otherwise disturb the public peace and quiet.
- (d) Disturb without lawful authority any lawful assembly or meeting of persons.
- (e) Engage in, participate in or attempt to engage in or participate in a riot.

(f) Incite, cause or attempt to incite or cause a riot.

(g) Use threatening, abusive, profane or indecent language likely to cause annoyance, disturbance or vexation to persons of ordinary sensibility, or likely to provoke another to fight.

(h) Be intoxicated in a public place and either endangering directly the safety of another person or of property or acting in a manner that causes a public disturbance.

State law reference(s), MCL 750.167

### **SECTION 3** **LOITERING REGULATIONS**

- 1) Residential private property. No person shall loiter or remain on the residential property of another at a time or in a manner which is not usual for law abiding individuals or without the knowledge of the owner, lessee, or occupant of the residential property and under circumstances that warrant alarm for the safety of the owner, lessee or occupant, or his property, including the safety of the persons or property of other residences in the immediate vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person flees upon the appearance of a police officer, refuses to identify himself endeavors to conceal himself or any object. Unless flight by a person or other circumstances make it impractical, a police officer shall prior to any arrest for an offense under this subsection allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explain his presence and conduct.
- 2) Nonresidential private property, business open to the general public or public buildings. No person shall loiter or remain on the nonresidential private property of another, or within a public building, in such a manner as to either:
  - a) Disturb the peace;
  - b) Obstruct the free passage of pedestrians or vehicles;
  - c) Obstruct or interfere with any person while seeking access or use of the building;
  - d) If the premises are posted with a "no loitering" or other sign or notice of the like meaning that prohibits any person from remaining on the property or within a vehicle on the premises prohibiting loitering or at a time when the building is not open to the general public; or
  - e) The person has been asked by the owner or lessee of the property, or by the employee of the owner or lessee, or by a security officer or law enforcement officer, to leave the property and has failed to leave in response to these instructions.

### **SECTION 4** **PENALTY**

A person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100, or both.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the misdemeanor.

**SECTION 5**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section nor provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION 6**  
**REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7**  
**EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after publication following adoption.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Ordinance.

The following voted aye:                      nay:

Ordinance adopted on November 13, 2023.

\_\_\_\_\_  
Tina VanBelle, Ontwa Township Clerk

Tina VanBelle, Clerk  
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