

An ordinance to amend Chapter 31, General Offenses, Article I, In General, of the Code of the City of Flint by amending Section 31-12, Disorderly Conduct and Disorderly Persons.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the provisions of Chapter 31, General Offenses, Article I, In General, § 31-21, Disorderly Conduct and Disorderly Persons, shall be amended to add language and correct numbering/lettering, and shall read in its entirety as follows:

§ 31-12 DISORDERLY CONDUCT AND DISORDERLY PERSONS.

(a) A person is a disorderly person if the person does any of the following:

(1)(a) a.(1) Commits an assault or battery upon any person.

b.(2) Commits an assault or an assault and battery upon a spouse, former spouse, or a person residing or having resided in the same household as the perpetrator. This subsection shall be enforced in accordance with MCL §§ 750.81, 764.15a and 769.4a.

(2)(b) Engages in any fight in a public place except when doing so solely in self-defense.

(3)(c) Remains in any public place after its regular closing hours after being told to leave by one authorized to give such order.

(4)(d) Conducts himself in any public place, or joins with one or more persons in a public place, if he knows or should know that, singly or together with others with whom he has joined, he is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this paragraph SUBSECTION is not to be interpreted to conflict with the regulations of the National Labor

Relations Board regarding picketing in labor disputes.

(5)(e) Persists in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is in fact unreasonably causing such a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.

(6)(f) Persists in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which by its very existence inflicts injury or tends to incite an immediate breach of peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is in fact unreasonably causing such disturbance.

(7)(g) Knowingly transports any person, for consideration, or the offer of consideration, to a place where the business of prostitution, gambling, or illegal sale of liquor or a controlled substance is carried on, for the purpose of enabling such person to be a customer of any such business.

(8)(h) Knowingly harasses any other person **OR KNOWINGLY PERSISTS IN HARASSING A PERSON IN THE PUBLIC AFTER BEING TOLD TO STOP.** HARASS is defined as any repeated nonverbal conduct which is specifically intended to frighten, embarrass, or anger the person who is or persons who are the object of such conduct, or which the person accused has reason to know is likely to produce such reactions or any repeated verbal communication which by its very utterance inflicts injury or incites an immediate breach of peace.

(9)(i) Urinates or defecates on any public street or sidewalk, or on the floor of that part of any building open to the public or any other place in view of the public not specifically designated for that purpose.

(10)(j) Throws any object from any moving vehicle, or toward any person or moving vehicle if he knows or should now that damage to person or property, or alarm which may

foreseeably produce damage to person or property, is likely to result.

(11)(k) Knowingly destroys, damages or defaces or removes any public property or other property not his own.

(12)(l) Summons, without good reason therefor, by telephone or otherwise, the Police or Fire Department, any public or private ambulance, or any other service of any kind, to go to any address where the service call is not needed.

(13)(m) Knowingly takes possession of and rides or takes away any bicycle, without the express or implied permission of the owner.

(14)(n) For the purposes of this section, **PUBLIC PLACE** means any street, alley, park, government-owned or government-controlled building, common hallway or public room of any dwelling greater than two (2) units, or any other place to which the public has lawful access, as well as any motor vehicle used to provide public transportation. Masculine pronouns in this section shall be construed to include both male and female persons.

(15)(o) Intentionally makes or causes to be made any open exposure of the human male or female genitals, pubic area, buttocks or female breast in any street, alley, park, sidewalk, public building, school or building open to or frequented by the public or any other place that is open to the public view or to which the public has access.

(16)(p) Loiters, frequents, or remains on or in any public place or private property:

a-(i) For the purpose of unlawfully using, possessing, offering for sale, selling, furnishing or dispensing any controlled substance and/or drug paraphernalia, or

b-(ii) Who has knowledge that controlled substances and/or drug paraphernalia are, or recently have been, unlawfully used, possessed, offered for sale, sold, dispensed furnished given away or stored on or near said property.

(b) For the purpose of AS USED IN this section:

(i) CONTROLLED SUBSTANCE.

Shall be defined as it is in the Controlled Substances Act of the State of Michigan, MCLA §§ 333.7101 et seq., being MSA §§ 14.15(7101) et seq., as amended.

(ii) DRUG PARAPHERNALIA.

Any item which is used or intended for use with a controlled substance. **USED OR INTENDED FOR USE WITH A CONTROLLED SUBSTANCE** means:

a-(1) The item was primarily designed or adapted, because of its objective physical features, for use with a controlled substance; or

b-(2) The item was intended by an individual for use with a controlled substance; or

c-(3) An individual would know, or should have known, that the item was intended for use with a controlled substance.

Sec. 2. This ordinance shall become immediately effective upon publication.

Adopted this _____ day of _____, 2012.



Edward J. Kurtz
Emergency Financial Manager



Michael K. Brown, City Administrator

APPROVED AS TO FORM:



Peter M. Bade, City Attorney

EFM Submission: 2013EFM024
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Presented: 1-3-13

Adopted: 1-10-13