

ORDINANCE NO. ORD-22-01

First Reading: January 3, 2022
Public Hearing: January 18, 2022

Approved: January 18, 2022
Published: January 27, 2022
Effective: April 15, 2022

CHAPTER 108
(DISORDERLY CONDUCT)

AN ORDINANCE TO REPEAL AND REPLACE SECTION 9:62 OF CHAPTER 108 (DISORDERLY CONDUCT) TO TITLE IX (POLICE REGULATIONS) OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1: That Section 9:62 of Chapter 108 (Disorderly Conduct) to Title IX (Police Regulations) of the Code of the City of Ann Arbor be repealed as follows:

9:61. Definitions.

- (1) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.
- (2) "Harass" is defined as any repeated non-verbal conduct which is specifically intended to frighten, embarrass or anger the person 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 as any repeated verbal communications which, by its very utterance, inflicts injury or tends to incite an immediate breach of peace.
- (3) "Loiter": To stand or recline in 1 place or to move slowly about.
- (4) "Masculine pronouns": Shall be construed to include both male and female persons.
- (5) "Public place": Any street, alley, park, government-owned or government-controlled building, common hallway or public room or any dwelling of greater than 2 units, or any other place to which the public has lawful access.

9:62. Acts prohibited.

~~No person shall:~~

- ~~(1) Commit an assault, or an assault and battery, upon any person.~~
- ~~(2) Be intoxicated in a public place and either endanger directly the safety of another person or of property.~~

- ~~(3) Be present in any public place with his or her ability to walk, talk or see significantly impaired by the use of any controlled substance, as defined by Public Act 368 of 1978, as amended, provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.~~
- ~~(4) Knowingly prowl about premises owned or leased by another in the nighttime without the express or implied consent of that person.~~
- ~~(5) [Repealed.]~~
- ~~(6) Knowingly go upon property owned or leased by another and peep through the window of a building on that property at any person without the express or implied consent of that person.~~
- ~~(7) Engage in any fight in a public place.~~
- ~~(8) Remain in any public place after its regular closing hours after being told to leave by one authorized to give such an order.~~
- ~~(9) Conduct himself or herself in any public place, or join with 1 or more other persons in a public place, if he or she knows or should know that, singly or together with the others with whom he or she has joined, he or she is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this paragraph is not to be interpreted to conflict with the regulations of the National Labor Relations Board regarding picketing in labor disputes. A violation of this subsection shall constitute a civil infraction, which shall be punishable by a fine of not more than \$100.00 and costs.~~
- ~~(10) Persist in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he or she 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.~~
- ~~(11) Persist 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 the peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he or she is, in fact, unreasonably causing such a disturbance.~~
- ~~(12) Solicit or accost any other person in a public place for the purpose of inducing participation in an act of prostitution.~~
- ~~(13) Transport any person, for consideration, to a place where the business of prostitution, gambling or the illegal sale of liquor is carried on, for the purpose of enabling such person to be a customer of any such business.~~
- ~~(14) Knowingly harass any other person.~~

- ~~(15) Knowingly permit a person in any place owned or controlled by him to disturb the public peace by loud or boisterous conduct.~~
- ~~(16) Knowingly obstruct any member of the Police Force, Fire Department, or any City employee in the discharge of his or her lawful duties or fail to obey the lawful order of or resist a Police or Fire officer, knowing the officer to be a member of the Police Force or Fire Department.~~
- ~~(17) Urinate or defecate 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.~~
- ~~(18) Throw any object from any moving vehicle or toward any person or moving vehicle if he or she knows or should know that damage to person or property, or alarm, which may foreseeably produce damage to person or property, is likely to result.~~
- ~~(19) Commit the offense of larceny by taking any property not his or her own and to which he or she has no claim or right with the intent permanently to deprive the owner of lawful possession or receive or possess any such property, knowing the same to be stolen.~~
- ~~(20) Knowingly destroy, damage, deface or remove any public property or other property not his or her own.~~
- ~~(21) Summon, without any 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 called for is not needed.~~
- ~~(22) Knowingly take possession of and ride or take away any bicycle without the express or implied permission of the owner.~~
- ~~(23) Telephone, visit or otherwise communicate, including but not limited to forms of electronic communication (such as websites for social networking and microblogging) with any person repeatedly or cause the same to be done for the primary purpose of harassing such other person or his or her family.~~
- ~~(24) Engage in any indecent or obscene conduct in any public place.~~
- ~~(25) Make any indecent exposure of his person in a public place. Breastfeeding shall not be considered indecent exposure under this section.~~
- ~~(26) Make or maintain an operating connection to public utility or cable television facilities without the permission of the owner of such facilities.~~
- ~~(27) When in proximity to a fire or other hazard, refuse or knowingly fail to obey a reasonable official request or order to move for the purpose of maintaining public safety.~~
- ~~(28) Fail to accurately identify himself or herself when requested to do so by a police officer after the officer observes that person commit a civil infraction or when the officer has probable cause to believe the person has committed a misdemeanor outside the officer's presence.~~

- ~~(29) While a spectator in a sport stadium, pass or assist in passing any person, with or without that person's consent, above spectators in the stadium.~~
- ~~(30) Maintain a cigarette vending machine at any location which is open to the public.~~
- ~~(31) Retail fraud. While in a store or in its immediate vicinity do any of the following:~~
 - ~~(a) While a store is open to the public, alter, transfer, remove and replace, conceal or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.~~
 - ~~(b) While a store is open to the public, steal property of the store that is offered for sale.~~
 - ~~(c) With the intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.~~

9:63. Authority to question.

Under circumstances where a police officer has good reason to believe that any individual has committed or is about to commit any unlawful act, said officer may ask the individual to identify himself and explain his presence on the scene, but failure to respond to such questioning shall not constitute an offense; provided, however, that this section shall not be construed to affect any obligation to respond which is otherwise imposed by law.

9:64. Unauthorized persons on school property.

Any person found to be creating a disturbance in any private, public or parochial school or on the surrounding school grounds, or on fields or recreational areas or other grounds lawfully used for school activities while such activities are in progress, shall leave immediately when so directed by the principal or by any other person designated by the principal.

No person shall enter and remain in any public, private or parochial school building during regular or special sessions or other authorized activities of such schools, who is not a regularly enrolled student, teacher, authorized volunteer or other school district employee, unless he shall have first and immediately proceeded to the administrative offices and identified himself to the principal or the principal's designee.

It shall be unlawful for any person to enter and remain in any public, private or parochial school, or on surrounding school grounds within 250 feet of the school building, after being requested to leave by the principal or his designee.

9:65. Loitering.

- (1) No person shall loiter on a public street, sidewalk or the premises of a public building under circumstances that warrant alarm for the safety or health of any person or property in the vicinity.
- (2) The following are circumstances which may be considered in determining whether alarm is warranted:
 - (a) The person is 1 of a group of people threatening, making threatening gestures at or otherwise menacing persons in the area.
 - (b) The person appears to be illegally consuming or using or concealing illegal consumption or use of alcoholic beverages or controlled substances.
 - (c) The person is 1 of a group which is blocking the free passage of pedestrian or vehicle traffic on a street or sidewalk.
- (3) Prior to arrest for an offense under this section, a police officer shall afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explaining his presence and conduct or by requesting him to leave the area.

9:66. Ticket scalping.

- (1) No person shall sell or offer for sale upon a public street or other public place, a ticket to a theatre, circus, athletic grounds, or place of public entertainment or amusement, at a price in excess of that demanded or received from the general public for the same privilege, or in excess of the advertised or printed rate unless the owner, lessee, operator, or manager of the place of public entertainment or amusement permits, in writing, a charge in excess of the box office price.
- (2) If the owner, lessee, operator, or manager of a circus, theatre, athletic grounds, or place of public entertainment or amusement has sold a ticket or admission to a person under restrictive conditions and at a less rate than the general admission charged, and whose name appears on the face of the tickets or is registered in the office of the owner, lessee, operator, or manager as the holder of the ticket and if it is printed on the face of the ticket that the ticket is nontransferable and sold only to the person whose name appears on the face of the ticket or whose name is registered, the holder of the ticket shall not sell the ticket to another person.
- (3) A violation of this section shall be a civil infraction subject to a civil fine of \$25.00.

9:67. Conduct in parking areas.

Except when permitted by section 9:75, no person while within any public parking area or structure shall do any of the following:

- (1) Possess liquor in an open or uncapped container.
- (2) Consume liquor.

- (3) Start, maintain or assist in starting or maintaining any fire except as may be necessary to light a cigarette, cigar or pipe.
- (4) Remain inside or outside a vehicle for more than 5 minutes except when going to and from a vehicle located within the public parking area or structure and used by and for that person for transportation.

Liquor has the same meaning as defined in section 9:71, Chapter 109 of Title IX.

9:68. Domestic violence.

- (1) A Police Officer shall arrest a person when the officer has reasonable cause to believe that person has committed a crime punishable by 92 days or more whose alleged victim is a spouse or former spouse, an individual with whom he or she has a child in common, an individual with whom he or she has or had a dating relationship, or an individual who resides or has resided in the same household. The obligation to arrest only applies if a Police Officer has reasonable cause at a time when an arrest is possible.
- (2) A Police Officer shall arrest a person when the officer has reasonable cause to believe that a person has violated personal protection orders issued under section 2950 of the Revised Judicature Act of 1961, M.C.L. 600.2950, or a violation of a valid foreign protection order.
- (3) When an arrest is made pursuant to subsection (1), prior to the release of the arrestee, the Police Department shall make a reasonable effort to notify the custodial facility of the alleged victim(s) contact information and shall notify a SAFE House Center volunteer. The Police Officer shall prepare a domestic violence report after responding to any alleged domestic violence incident. This report shall be presented to the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency.
- (4) When an officer responds to a complaint concerning a domestic violence incident by a person having the relationship described in subsection (1), the officer shall provide the complainant a written statement indicating the officer's name, badge number, report number and follow-up telephone number.
- (5) When an officer acts in good faith and exercises due care in making an arrest pursuant to subsection (1), the City shall indemnify, defend and hold the officer harmless as to any civil liability.
- (6) The penalties provided in Chapter 1 of this Code shall not be applicable to this section.

9:69. Trespass upon lands or premises of another.

- (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:
 - (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.

- (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.
- (2) Subsection (1) does not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon any of the following:
 - (a) An owner or occupant of the land or premises.
 - (b) An agent of the owner or occupant of the land or premises.
 - (c) A lessee of the land or premises.
- (3) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.
- (4) As used in this section, "process server" means a person authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, or supreme court rule to serve process.

9:70. Solicitation.

Except as otherwise provided in Chapters 79 and 81 of this Code, it shall be unlawful for any person to solicit the immediate payment of money or goods from another person, whether or not in exchange for goods, services, or other consideration, under any of the following circumstances:

1. On private property, except as otherwise permitted by Chapters 79 and 81, unless the solicitor has permission from the owner or occupant;
2. In any public transportation vehicle or public transportation facility;
3. In any public parking structure and within 12 feet of any entrance or exit to any public parking structure;
4. In any public alley and within 12 feet of any entrance or exit to any public alley, as that term is defined in Title I, Chapter 1, section 1:8 of the Ann Arbor City Code;
5. From a person who is in any vehicle on the street, except as otherwise allowed under the Michigan vehicle code, MCL 257.676b;
6. By obstructing the free passage of pedestrian or vehicle traffic;
7. Within 12 feet of a bank or automated teller machine;
8. By moving to within 2 feet of the person solicited, unless that person has indicated that he/she wishes to be solicited;
9. By following and continuing to solicit a person who walks away from the solicitor;
10. By knowingly making a false or misleading representation in the course of a solicitation;

11. In a manner that appears likely to cause a reasonable person of ordinary sensibilities to feel intimidated, threatened or harassed;
12. Within 12 feet of the entrance to or exit from the Nickels Arcade, located between State Street and Maynard Street; the Galleria, located between S. University and the Forest Street parking structure; and the Pratt Building, located between Main Street and the Ashley parking lot; the Ann Arbor District Library, located at the corner of 5th Avenue and William Street; or
13. From a person who is a patron at any outdoor cafe or restaurant.

Section 2: That Section 9:62 of Chapter 108 (Disorderly Conduct) to Title IX (Police Regulations) of the Code of the City of Ann Arbor be replaced as follows:

9:62 Acts Prohibited.

(1) Assault or Assault & Battery

No person shall commit an assault, or an assault and battery, upon any person.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(2) Disorderly Person- Intoxicated

No person shall be intoxicated in a public place and either endanger directly the safety of another person or of property, or act in a manner that caused a public disturbance. This subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500

(3) Prowling

No person shall knowingly prowl about premises owned or leased by another in without the express or implied consent of that person.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(4) Window Peeping

Knowingly go upon property owned or leased by another and peep through the window of a building on that property at any person without the express or implied consent of that person.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500

(5) Jostling

No person shall jostle or roughly crowd people unnecessarily in a public place.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(6) Blocking the Sidewalk

No person shall conduct themselves in any public place, or join with 1 or more other persons in a public place, if they should know that, singly or together with the others with whom they have joined, the person is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this paragraph is not to be interpreted to conflict with the regulations of the National Labor Relations Board regarding picketing in labor disputes, otherwise engaged a demonstration asserting ones 1st Amendment right.

A violation of this provision is a civil infraction, punishable by a fine not to exceed \$500.

(7) Disturbing the Peace

No person did make or excite a disturbance in either a business place, at an election place, in a street, lane, alley, highway, public grounds or park, in a public building, or at a public meeting where people are peaceably and lawfully assembled.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(8) Accosting & Soliciting

No person shall solicit or accost any other person in a public place for the purpose of inducing participation in an act of prostitution.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(9) Harassment

No person shall knowingly harass any other person.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(10) Resisting & Obstructing

No person shall knowingly obstruct any member of the Police Force, Fire Department, or any City employee in the discharge of their lawful duties or fail to obey the lawful order of or resist a Police or Fire officer, knowing the officer to be a member of the Police Force or Fire Department.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(11) Urination & Defecation

No person shall urinate or defecate on any public street or sidewalk, or on the floor of that part of any building open to the public, or any other public place not specifically designated for that purpose.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(12) Throwing Objects from/toward Moving Vehicles

No Person shall throw any object from any moving vehicle or toward any person or moving vehicle if they know or should know that damage to person or property, or alarm, which may foreseeably produce damage to person or property, is likely to result.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(13) Destruction of Personal Property

No person shall knowingly destroy, damage, deface or remove any public property or other property not their own.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(14) Inappropriate Call for Police/Fire Service

No person shall summon, without any good reason therefor, by telephone or otherwise, the Police Department, Fire Department, public or private ambulance, or any other public service for response to go to any address where the service called for is not needed.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(15) Indecent or Obscene Conduct

No person shall engage in any indecent or obscene conduct in any public place.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(16) Indecent Exposure

No person shall make any indecent exposure of their person in a public place. Breastfeeding shall not be considered indecent exposure under this section.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(17) Utility/Cable Theft

No person shall make or maintain an operating connection to gas, electric, water, sewer, internet, or cable television facilities without the permission of the owner or provider of such facilities.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(18) False Identification

No person shall intentionally misidentify themselves when requested to do so by a police officer after the officer observes that person commit a civil infraction or when the officer has probable cause to believe the person has committed a misdemeanor.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(19) Crowd Surfing

No person shall pass or assist in passing of any person, with or without that person's consent, above spectators in the event space.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(20) Cigarette vending

No person shall maintain a cigarette vending machine at any location which is open to the public.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

(21) Retail Fraud

While in a store or in its immediate vicinity, no person shall do any of the following:

- (a) While a store is open to the public, alter, transfer, remove and replace, conceal or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.
- (b) While a store is open to the public, steal property of the store that is offered for sale.
- (c) With the intent to defraud, obtain or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

A violation of this provision is a misdemeanor, punishable by up to 90 days in jail and/or a fine not to exceed \$500.

Section 3: This ordinance shall take effect and be in full force on April 15, 2022.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of January 18, 2022.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on January 27, 2022.

Jacqueline Beaudry, Ann Arbor City Clerk