

CHAPTER 14.

OFFENSES AND MISCELLANEOUS PROVISIONS

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ARTICLE I. IN GENERAL.

Section 14.1 Disorderly Conduct.

a. It shall be unlawful for any person within the corporate limits of the City to violate any of the following subsections of this section:

1. Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb, or health;

2. Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Any person who shall cause, provoke, or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another;
4. Any person who shall assemble or congregate with another or others for the purpose or with the intent to engage in gaming;
5. Any person who shall frequent any public place or business premises open to the public with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices, or devices;
6. Any person who assembles for the purpose of engaging in any fraudulent scheme, device, or trick to obtain any valuable thing in any place or from any person in the City, or who shall aid or abet therein;
7. Any person who shall use fighting words directed towards any person who becomes outraged and thus creates a turmoil;
8. Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation; or
9. Any person who shall congregate with another or others in or on any public way so as to halt or impede the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the City police or other lawful authority.

b. Any person who shall violate any subsection of this section may be charged with the offense of disorderly conduct and, upon conviction, may be found guilty of disorderly conduct.

**Section 14.2**            **Public Drunkenness.**

It shall be unlawful for any person to be and appear in an intoxicated condition in any public place or on the streets of the City when such condition is made manifest by boisterous, vulgar, profane, loud, or unbecoming language.

**Section 14.3**            **Open Containers of Alcoholic Beverages.**

- a. Definitions. The following words, terms, and phrases, when used in this section,

shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Open container* means any container which is immediately capable of being consumed from or the seal of which has been broken.

*Semipublic parking facility* means any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multifamily residential building.

b. Policy of City. It shall be unlawful for any person to have in his possession any alcoholic beverages in an open container while on the public streets, sidewalks, or rights-of-way, or in any public or semipublic parking facility within the City, including City recreational facilities. The prohibition in this subsection shall not refer to:

1. Any events to which permission for outdoor consumption of an alcoholic beverage license has been granted by the City Council;
2. any property owned by the Board of Regents of the state; or
3. Patrons of a sidewalk cafe as defined in the applicable zoning ordinance, if such establishment is otherwise licensed to sell alcoholic beverages.

c. Notice requirements. All licensed alcoholic beverage establishments are hereby requested to post, in a conspicuous location inside such establishment, a notice informing patrons that open containers are prohibited on the public streets, sidewalks, rights-of-way, or in any public or semipublic parking facility within the City.

**Section 14.4**                    **Posting Signs on Poles Without Consent.**

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone, or electric company's pole, or upon any public property or the private property of any person any bills, signs, or advertisements without the written consent of the owner.

**Section 14.5**                    **Discharge of Weapons.**

It shall be unlawful for any person to discharge a firearm, including a pistol, rifle, and shotgun, or to shoot an air gun, including a BB gun and pellet gun, within the City, except by law enforcement officers in the line of duty and the military when on drill or parade or at a funeral in honor of the dead; provided, however, that it shall not be unlawful for any person to shoot a BB gun upon private property if that person shall have first obtained the express permission of the property owner to do so.

**Section 14.6**

**Miscellaneous Offenses.**

The following, in addition to others enumerated in this Code, are declared and made offenses and are prohibited within the City. Any person guilty of violating the same shall, except in cases of manifest justification, be punished as prescribed in Chapter 1, Section 1.9, of this Code of Ordinances:

1. Fighting.
2. Loud quarreling or wrangling which disturbs the public peace.
3. Indecent or immoral language or behavior.
4. Resisting arrest or in any way obstructing or opposing the officers of the law in making an arrest or in the discharge of any duty whatsoever.
5. Obstructing in any manner whatsoever the streets, sidewalks, alleys, lanes, public square, drains, gutters, or ditches, either public or private.
6. Hitching animals to fences, trees, pillars, columns, houses, posts, or any other thing except a regular hitching post or rack erected for such purposes.
7. Riding or driving motorized vehicles, horses, ponies, bicycles, skates, and skateboards on sidewalks.
8. Causing or permitting nuisances of any kind to remain about one's premises.
9. Shooting firearms of any description or selling or exploding fireworks of any description.
10. Using fire or combustible material in a negligent manner without due precaution.
11. Disorderly meetings or assemblages of any kind.
12. Injuring or defacing, removing or in any manner wrongfully interfering with any public property, such as shade trees, tree boxes, lamps, lamp posts, bridges, crossings, fences, gates, awnings, signs, or any other property whatsoever of the City or any citizen or institution.
13. Writing, painting, drawing, or cutting any letter, word, sign, or character on, or in any way mutilating, defacing, disfiguring, or marring, any public facility, without exception, without the express consent of the City.



14. Loitering about without employment or visible means of support.
15. Drunkenness to the annoyance of any citizen, or to the annoyance of the public, or drunkenness upon the streets or in any public place.
16. Fast or immoderate riding or driving of animals.
17. Immoderately whipping, beating, or otherwise maltreating any animal.
18. Making noise at night calculated to disturb the public peace or hooting, halloing, or other noise to the disturbance of any citizen.
19. Giving false alarms of fire or false alarms of any kind.
20. Any conduct which manifestly tends to the disturbance of the public peace or the annoyance of the citizens.
21. Beating drums or playing or sounding instruments or horns to the annoyance of any citizen.
22. Keeping open any bar, saloon, or other place where spirituous, intoxicating, or stimulating drinks or beverages are sold, furnished, or kept, or where any billiards, pool, or other games are played after 12 o'clock midnight, or permitting persons to remain in or assembled in said places after 12 o'clock midnight.
23. Renting, living, occupying, maintaining, or keeping any house or part thereof for a bawdy house or for any other immoral purpose by the agent or owner thereof.
24. Keeping disorderly houses. Any person who shall permit parties of disorderly character or acting in any disorderly manner to assemble upon premises owned or occupied by him, or in any house, room, or place owned or occupied by him, shall be deemed guilty of keeping a disorderly house.

**Section 14.7**

**Obstructing Sidewalks by Congregating Thereon.**

It shall be unlawful for any person or persons to congregate in such numbers or in such a manner on the sidewalks of the City as to obstruct the free use and passage of same by other persons.

**Section 14.8**

**Ball Playing in Streets.**

It shall be unlawful for any person to play ball by throwing, tossing, or catching the same for amusement, pastime, or otherwise, on the streets of the City.

**Section 14.9**                    **Flowers, Shrubbery, Etc., Injuring.**

It shall be unlawful for any person to cut, break, dig up, destroy, mutilate, or otherwise injure or damage any of the trees, plants, shrubbery, flowers, or other public ornament or public convenience on the streets, sidewalks, or alleys of the City, or in public parks or on any of the public school grounds or in the cemeteries.

**Section 14.10**                    **Obstructing Police Control—Generally.**

a.        No person shall offer any resistance to the lawful orders of any police officer of the City.

b.        No person shall refuse to move on and clear the streets of the City when ordered by a police officer to do so.

c.        No person being part of an assemblage shall refuse to disperse when commanded to do so by any police officer of the city in the discharge of official duty.

d.        No person shall by word or act offer to assist another to escape from a police officer of the City.

e.        No person shall by word or act attempt to interfere with any officer of the City in the lawful discharge of official duty.

**Section 14.11**                    **Same—Resisting Arrest.**

It shall be unlawful for any person to resist or invite resistance to lawful arrest by or lawful orders from any police officer of the City.

**Section 14.12**                    **False Fire or Riot Alarms.**

It shall be unlawful for any person to make, give, send, or turn in, in any manner or way whatsoever, a false fire alarm or riot alarm, knowing the same to be false.

**Section 14.13**                    **Drinking in Public.**

It shall be in violation of this Code and punishable as such for any person to drink whiskey, beer, or any other intoxicating liquor in any public building or other public place of the City, except upon the premises of any licensed retail beer parlor or other establishment licensed therefor, such license granting on premises consumption.

**Section 14.14**            **Furnishing Alcoholic Beverages to Minors, Intoxicated Persons, or Habitual Drunkards.**

It shall be unlawful for any person to furnish or cause to be furnished, or to permit any person in such person's employ to furnish, alcoholic beverages to any minor, to any person who is noticeably intoxicated, or to any habitual drunkard whose intemperate habits are known to such persons.

**Section 14.15**            **Damage to City Property.**

Any person damaging any of the property of the City shall be punished as is prescribed in Chapter 1, Section 1.9 of this Code of Ordinances.

**Section 14.16**            **Malicious Mischief.**

No person shall in the City be guilty of any act of mischief which tends to injure the person or damage the property of any other person or any public property.

**Section 14.17**            **Begging.**

No person shall solicit alms on any street in the City or beg or ask for any financial aid or in any other way or manner seek financial assistance through the asking of charity; however, this section shall not apply to religious, benevolent, or charitable organizations.

**Section 14.18**            **Camping.**

No person shall camp on any street, square, or any other public place of the City.

**Section 14.19**            **Parades.**

a.        Registration and permit: Any person who wishes to organize, form, or conduct a parade as defined herein shall be required to register such parade with the Chief of Police at least 24 hours in advance of the event and to obtain a permit therefor.

b.        *Definition:* For the purposes of this section, "parade" shall mean any march, ceremony, demonstration, exhibition, or procession of any kind upon any public street of the City.

c.        *Application:* Application for a permit to conduct a parade shall be made to the Chief of Police in writing, shall be signed by the person responsible for the conduct of the parade, and shall contain the following information:

1.        The date and time proposed for the parade;

2. The route of the proposed parade;
3. The number of vehicles, if any, and number of persons whose participation is anticipated in the proposed parade;
4. The name and address of the person or organization sponsoring or promoting the proposed parade;
5. The name and address of the person making the application for a parade permit.

d. *Review of application:* The Chief of Police shall forward the application to the Mayor who shall review the information set forth in the application, ascertain the extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade, determine the availability of police forces to escort the proposed parade and direct traffic in conjunction with the proposed parade, and determine in light of these circumstances whether or not the proposed parade will unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public.

e. *Disposition:* In the event the Mayor determines in view of all the circumstances that the proposed parade will unreasonably burden and interfere with the normal use of the streets or sidewalks of the City by the general public, such official shall deny the request for a parade permit. However, should such official determine on the contrary that the proposed parade will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the City by the general public, such official shall grant the parade permit. In either case, the Mayor shall indicate his disposition on the application and shall notify the applicant of the action taken.

f. *Exemption:* The provisions of this section shall be inapplicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.

**Section 14.20**                    **Curfew for Minors under 18 Years of Age.**

- a. For the purpose of this section, the following definition shall apply.

*Public place* shall mean any street, highway, alley, or right-of-way, to include sidewalks, any park, playground, mall, or other place or building open to the public; any cemetery, school yard, body of water or watercourse, any privately or publicly owned place of amusement, entertainment, or public accommodation including parking lots, and other areas adjacent thereto; and any vacant lot or land.

- b. It shall be unlawful for any minor under the age of 18 years to loiter, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any



place unsupervised by an adult having the lawful authority to be at such places between the hours of 11 p.m. on any day and 6 a.m. of the following day; provided, however, on Fridays and Saturdays the effective hours are between 12 midnight and 6 a.m. of the following day; and provided further that the provisions of this section shall not apply in the following instances:

1. When a minor is accompanied by his/her parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor;
2. When the minor is upon an emergency errand directed by his/her parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor;
3. When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;
4. When the minor is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion; and
5. When the minor is in a motor vehicle with parental consent for normal travel with interstate and intrastate travel through the City being excepted in all cases from this ordinance.

c. It shall be unlawful for the parent, guardian, or other person having custody or control of a child under the age of 18 years to permit or, by insufficient control, to allow the child to be in or upon the public streets or other places within the City as listed in paragraph B of this section between the hours of 11 p.m. of any day and 6 a.m. the following day, or on Fridays and Saturdays between the hours of 12 midnight and 6 a.m. the following day except in circumstances set out in items 1 through 5 of paragraph B of this section. Any person charged with violation of this section for the first time shall be given a warning citation. Upon a subsequent violation, the person shall be charged with such violation and, if found guilty, shall be subject to punishment as provided in Chapter 1, Section 1.9, of this Code of Ordinances.

**Sections 14.21 - 14.25**

**Reserved.**

## ARTICLE II. NOISE ORDINANCE.

### Section 14.26      Excessive, Unnecessary, and Unusually Loud Noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the City of Poulan. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

a.      *Horns, Signaling Devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, street car, or other vehicle on any street or public place within the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b.      *Radios, Phonographs, etc.* The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

c.      *Loud Speakers, Amplifiers for Advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

d.      *Yelling, Shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 6 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

e.      *Animals, Birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

f. *Steam Whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

g. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

h. *Defect in Vehicle or Load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such other manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

i. *Loading, Unloading, Opening Boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

j. *Construction or Repairing of Buildings.* The erection (including excavation), demolition, alteration, or repair of any building other than between the hours of 7 a.m. and 6 p.m. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 6 p.m. and 7 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 p.m. and 7 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

k. *Schools, Courts, Churches, Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

l. *Hawkers, Peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

m. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.

n. *Metal Rails, Pillars, and Columns, Transportation Thereof.* The transportation of



rails, pillars, or columns of iron, steel, or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

o. *Street Railway Cars, Operation Thereof.* The causing, permitting, or continuing any excessive, unnecessary, and avoidable noise in the operation of a street railway car.

p. *Pile Drivers, Hammers, etc.* The operation between the hours of 6 p.m. and 7 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector,, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the operation of any pile driver, steam or electric hoist, or other appliance within the hours of 6 p.m. and 7 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 p.m. and 7 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.;

q. *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

r. *Other loud and excessive noise.* Any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of any person, any office, or any dwelling, hotel, or other type of residence after 7 P.M. Monday through Thursday and 11:00 P.M. on Friday and Saturday nights.

#### **Section 14.27            Application for Special Permit.**

Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the City Commission. Any permit granted by the City Commission hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Commission may grant the relief as applied for if they find:

1. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or
2. The activity, operation, or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and



3. That no other reasonable alternative is available to the applicant; and
4. The City Commission may prescribe any conditions or requirements they deem necessary to minimize the adverse effects upon the community or the surrounding neighborhood.

**Section 14.28**            **Violation, a Misdemeanor.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed \$1,000 and/or imprisoned in the City Jail for up to 180 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as provided hereunder.

**Sections 14.29 - 14.35**            **Reserved.**