

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 5 DISORDERLY CONDUCT AND OBSCENITY

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##### 14-5-1 DEFINITIONS

**PUBLIC PLACE:** Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

**RIOT:** A public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual, or (2) a threat or threats of the commission of an act or acts of violence by one or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

**INCITE A RIOT:** Shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas, or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion to the rightness of, or the right to commit, any such act or acts.

**14-5-2 DISORDERLY CONDUCT PROHIBITED**

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place or in any place where a breach of the public peace occurs:

- A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;
- B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;
- D. Interferes with another's pursuit of a lawful occupation by acts of violence;
- E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City police or other lawful authority known to be such;
- F. Resists or obstructs the performance of duties by City police or any other authorized official of the City, when known to be such an official;
- G. Incites, attempts to incite, or is involved in attempting to incite a riot;
- H. Damages, befoils or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
- I. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
- J. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
- K. Acts with intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;
- L. Transmits in any manner to the Fire Department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such a fire exists;

- M. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing a bomb or explosive is concealed in such place;
- N. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;
- O. Enters upon the property of another for a lewd or unlawful purpose or, while trespassing, deliberately looks into a dwelling on the property through any window or opening in it.

*(Ord. 2011-56, 10/03/2011)*

### **14-5-3 EXEMPTIONS**

This Chapter shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

### **14-5-4 PENALTIES**

Any person convicted of violating Section 14-5-2, entitled "Disorderly Conduct Prohibited", of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

### **14-5-5 PUBLIC STREETS, ALLEYS**

*(Ord. 2011-56, 10/03/2011)*

It shall be unlawful conduct for any person to appear in or on any street, alley or other public place in the City, manifestly under the influence of alcohol, narcotics or other drugs to the degree that he or she (i) may endanger himself/herself or other persons or property and fails to cooperate with a police officer or other intermediary person in being assisted to his/her home, a treatment facility or other health facility, or (ii) annoys or disturbs other persons in his/her vicinity.

### **14-5-6 INDECENT EXPOSURE**

It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or in any such place to make any indecent exposure of his or her person or private parts thereof or the private parts of another or to conduct himself in a lewd or lascivious manner or to appear in any such place in a dress not belonging to his sex.

### **14-5-7 OBSCENE MATERIAL**

It shall be unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene book, magazine, pamphlet, paper,