

CHAPTER 132: DISORDERLY CONDUCT

Section

- 132.01 Disorderly conduct
- 132.02 Definitions
- 132.03 Construction

§ 132.01 DISORDERLY CONDUCT.

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

(A) Commits an act in a violent and tumultuous manner towards another whereby that other is placed in danger of 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, except in exhibitions duly authorized and licensed by law;

(D) Interferes with another's pursuit of a lawful occupation by acts of violence;

(E) Obstructs, either individually or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way or place when ordered to do so by a law enforcement officer or other authorized official;

(F) Resists or obstructs the performance of duties by a law enforcement officer or other authorized official;

(G) Incites, attempts to incite, or is involved in attempting to incite a riot;

(H) Addresses abusive language or threats to any law enforcement officer, or any other authorized official of the city who is engaged in the lawful performance of his or her duties, or any other person when such words have direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment shall not be prohibited;

(I) Damages, befoils or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;

(J) 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 or common, whereby the public peace is broken or disturbed or the traveling public annoyed; or

(K) Fails to obey a lawful order to disperse by a law enforcement officer or other authorized official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is eminently threatened.

(Prior Code, § 9.12.010) Penalty, see § 10.99

Disorderly Conduct

§ 132.02 DEFINITIONS.

For the purpose of § 132.01, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INCITING RIOTS. Means, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or express of belief, not involving advocacy of any act or acts of violence or assertion of the rightness, or the right to commit, any such act or acts.

PUBLIC PLACE. Any place to which the general public has access in the right resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the use 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, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of another person or to the person or any other individual; or

(2) A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three 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 persons of any other individual.

(Prior Code, § 9.12.020)

§ 132.03 CONSTRUCTION.

Sections 132.01 and 132.02 shall not be construed to suppress the right of lawful assembly, picketing, public speaking or lawful means of expressing public opinion not in contravention with other laws.

(Prior Code, § 9.12.030)