

Chapter 110

DISORDERLY CONDUCT

§110-1. Prohibited acts.

§110-2. Defecating or urinating in public places.

§110-3. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Sec. 11-2-8 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms and other weapons -- See Ch. 134.

Loitering -- See Ch. 173.

Noise -- See Ch. 186.

Nuisances -- See Ch. 194.

Peace and good order -- See Ch. 202.

§110-1. Prohibited acts.

No person within the Village of Albany shall:

A. In any public or private place, engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.

B. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.

C. With intent to annoy another, make a telephone call, whether or not conversation ensues.

D. Indecently expose his or her person.

E. Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.

F. Cause a false fire alarm.¹

G. Make false police reports.²

§110-2. Defecating or urinating in public places.

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the village or upon any private property in open view of the public or in the halls, rooms without rest room facilities, stairways or elevators of public or commercial buildings or to indecently expose his person.

§110-3. Violations and penalties.

A. Attempt.

(1) Whoever attempts to commit an act prohibited by this chapter of the Village of Albany may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of this chapter and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

B. Parties to acts prohibited.

(1) Whoever is concerned in the commission of an act prohibited by this chapter is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this chapter.

(2) A person is concerned in the commission of an act prohibited by this chapter if he:

(a) Directly commits the act;

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.