

CHAPTER 666
Peace Disturbances

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CROSS REFERENCES

Disorderly conduct generally - see M.C.L.A. Secs. 750.167 et seq.
 Gambling - see M.C.L.A. Secs. 750.301 et seq.; GEN. OFF. Ch. 628
 Prostitution - see M.C.L.A. Secs. 750.448 et seq.
 Peace disturbances by animals - see GEN. OFF. 606.02
 Noise - see GEN. OFF. Ch. 654
 Alcoholic liquor or drugs at open house parties - see GEN. OFF. 658.02
 Peace disturbances by peddlers - see B.R. & T. 856.09

GENERAL PROVISIONS

666.01 DISORDERLY CONDUCT.

No person shall commit a disorderly act in the City. The following acts shall be deemed to be disorderly acts and persons who perpetrate such acts shall be deemed to be disorderly persons. No person shall:

- (1) Generally. Conduct himself or herself in a noisy, boisterous, insulting or disorderly manner;
- (2) Begging. Be a vagrant or beggar;
- (3) Prostitution. Be a prostitute, solicit for immoral purposes or commit an indecent immoral act;
- (4) Prowling. Be a masher, window peeper or prowler;
- (5) Places for immoral purposes. Keep, let or permit the use of any place or vehicle for the purposes of prostitution or any other immoral purpose;
- (6) Assault. Assault, jostle, roughly crowd or annoy another;

- (7) Interference by motor vehicles. Drive or ride a vehicle along any public way so as to molest or interfere with the person of another;
- (8) Possession of stolen property. Be found with any stolen property;
- (9) Riots. By word or conduct commit such an act as may cause a civil commotion or cause or be likely to cause injury to public or private property or to life or person of another;
- (10) Missiles. Throw or cause to be thrown any missile that is likely to cause bodily injury or property damage.
- (11) Lights on motor vehicles. Use any light or flare on an automobile or otherwise in such a manner as to cause annoyance to others or be likely to endanger life or property;
- (12) Larceny. Commit a larceny from a person, construction sight, dwelling, store, factory, boat, church or other building;
- (13) Killing animals. Maliciously kill, injure or poison animals;
- (14) Destruction of personal property. Maliciously destroy or damage personal property;
- (15) Destruction of dwellings. Maliciously destroy or damage a house, barn or building of another;
- (16) Destruction of fences. Maliciously break down or damage fences or opening gates;
- (17) Destruction of vegetation. Maliciously destroy trees, plants, grass, crops or soil;
- (18) Destruction of boundary markers. Maliciously destroy or damage boundary markers, guide posts, light bulbs, etc.;
- (19) Destruction of timber. Maliciously destroy logs, timber, etc.;
- (20) Destruction of signs. Maliciously destroy or damage signs, bills and notices placed on private property;
- (21) Destruction of memorials. Willfully destroy or damage tombs and memorials of the dead;
- (22) Writings. Maliciously annoy another by writing;
- (23) Destruction of vessels. Willfully destroy vessels;
- (24) Destruction of water traffic devices. Willfully remove or destroy buoys, beacons or water vessel traffic control devices;
- (25) Wakes. Willfully create a wake on the Pigeon River;
- (26) Accusations. Taunt and accuse one of having been a convict or inmate of a jail, etc.;
- (27) False reports to Police Department. Report fictitious crimes to the Police Department;
- (28) Obstructing an officer. Resist, etc., any officer in the discharge of his or her duty;
- (29) Disobeying or assaulting a police officer. Disobey a police signal or commit an assault upon a peace or police officer;

- (30) Harmful substances on public property. Throw glass or a sharp substance on a beach, highway, walk or public property, or possess any glass container on any public beach;
- (31) Discrimination in accommodations. Refuse to permit a blind, deaf or audibly impaired person being led by harnessed dog to enter or use public accommodations;
- (32) Assault and battery. Commit an assault or assault and battery;
- (33) Breaking and entering. Break and enter, or enter without breaking without permission;
- (34) Removal of signs. Fail to remove any political or personal sign within seven days of the event. Such signs shall not be posted on public property or public utility poles. (Real estate for sale signs are exempt from this paragraph.)
- (35) Trespass. Trespass on any person's property for any purpose, or dock a boat at any public or private dock, without first obtaining permission to do so;
- (36) Obstructions by signs. Erect any sign which obstructs the vision of a motor vehicle operator entering any Village street, alley or highway; or
- (37) Garbage and rubbish. Deposit household trash or garbage in any of the receptacles placed along Main Street, the City Park or the breakwall area.

666.02 CROWDS; RIOTS.

No person shall make or assist in making any improper noise or disturbance, improper diversion, quarrel or riot by which the peace and order of the community are disturbed. No person shall collect or stand in crowds or remain loitering on the public ways or other places so as to interfere with the free and uninterrupted passage of other persons.

666.03 DISTURBING LAWFUL MEETINGS.

No person shall disrupt or aid in disrupting in any manner any service of worship or any other assembly that has a lawful purpose.

ANTI-NOISE

666.10 TITLE.

This subchapter shall be known and cited as the City Anti-Noise Ordinance.
(Ord. 2012-02. Passed 5-14-12.)

666.11 DEFINITIONS.

The following terms used in this subchapter defined as follows:

- (a) "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common

logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N-m² (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10-fold increase or decrease to 1/10 the former intensity.

- (b) “dB(A)” means the sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute.

(Ord. 2012-02. Passed 5-14-12.)

666.12 ANTI-NOISE REGULATIONS.

(a) General regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the City.

(b) Specific violations. The following noises and disturbances are hereby declared to be a violation of this subchapter; provided, however, that the specification of the same is not hereby to be construed to exclude other violations of this subchapter not specifically enumerated:

- (1) The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to reasonably upset or disturb the quiet, comfort or repose of other persons.
- (2) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- (3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- (4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicles as originally manufactured shall be in violation of this section.

- (6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
- (8) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the City in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public. In such case, a permit shall be obtained from the City, which permit shall limit the periods that the activity may continue.
- (9) The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other earner or in connection with the repairing of any such vehicle in or near residential areas.
- (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (11) The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the City with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- (12) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- (13) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the City where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(c) Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (2) Excavation, maintenance, or repair of bridges, streets or highways or other property, including snow and sweeping, by or on behalf of the State of Michigan, City of Caseville, or the County of Huron, between 11:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (3) Warning devices emitting sound for warning purposes as authorized by law.
- (4) Public events and concerts that are approved by the City Council, would be exempt from decibel limitations provided level is reasonable and does not extend beyond 11:00 p.m.
- (5) Other sound emanating devices that project sounds, above the limitations, can be exempt if approved by the City Council.
(Ord. 2012-02. Passed 5-14-12.)

666.13 ANTI-NOISE REGULATIONS BASED UPON DB(A) CRITERIA.

Any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be prima facie evidence that the specific sound is in violation of this chapter.

(a) Regulations for decibel measurement of noise origination from private properties.

- (1) Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.
- (2) Zoning Districts, Limitations 7:00 a.m. to 11:00 p.m., and Limitations 11:00 p.m. to 7:00 a.m.

Zoning District	dBA Rating Limit	
	From 7:00 a.m. to 11:00 p.m.	From 11:00 p.m. to 7:00 a.m.
Residential (and any area within 500 feet of a hospital regardless of zoning district)	55	50
Industrial	75	65
Commercial	65	55

- (3) Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.
- (4) The following exceptions shall apply to these regulations under this subsection (a):
- A. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued and is currently in effect.
 - B. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
 - C. Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified above in this subsection (a) by more than 20 dB(A).
 - D. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
 - E. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the City Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 1. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the City Zoning Ordinance if available.
 2. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

- (b) Regulations for decibel measurement of motor driven vehicles on public roads. All noise emitted from motor-driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet or 15 meters from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7-1/2 meters) and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this subchapter.
- (1) Vehicle, Weight, and dB(A) Maximum Limitation, Respectively:
 - A. Trucks & buses: Over 10,000 lbs. gross weight; 82 dB(A).
 - B. Trucks & buses: Under 10,000 lbs. gross weight; 74 dB(A).
 - C. Passenger cars: Any weight; 74 dB(A).
 - D. Motorcycles, snowmobiles & minibikes: Any weight; 82 dB(A).
 - E. All other self-propelled motor vehicles: Any weight; 74 dB(A).
 - (2) Measurements of noise: All measurements of dB(A) according to subsections (a) and (b) of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.
(Ord. 2012-02. Passed 5-14-12.)

666.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Violation of any provision of Sections 666.10 through 666.13 shall be deemed a misdemeanor. Any person, firm or corporation found violating the provisions of those sections, shall upon conviction, be punished by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of Sections 666.10 through 666.13 may also be enforced by suit for injunction, damages or other appropriate legal action.
(Ord. 2012-02. Passed 5-14-12.)