

**Chapter 662**  
**Peace Disturbances**

662.01	Offenses relating to public peace and morals	662.09	Penalty
662.02	Noise creating activities		

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.
Prostitution - see M.C.L.A. Secs. 750.448 et seq.
Noise from mufflers - see TRAF. 410.04(UTC 5.90)
Barking or howling dogs - see GEN. OFF. 606.05
Nuisances - see GEN. OFF. Ch. 654
Noise in parks - see S.U. & P.S. 1062.01
Michigan Vehicle Code – see M.C.L.A., Secs. 257.1 et seq.

**662.01 OFFENSES RELATING TO PUBLIC PEACE AND MORALS**

A. Public Place Defined. As used in this section, "public place" means any place of business or assembly open to or frequented by the public, and any other place which is open to public view or to which the public has access.

B. Prohibited Acts. No person shall:

1. Be under the influence of alcohol or any narcotic drug in a public place and who is endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance;
2. Engage in any indecent, insulting, immoral or obscene conduct in any public place;
3. Engage in peeping in the windows of any inhabited place;
4. Make any immoral exhibition or indecent exposure of his or her person;
5. Engage in any disturbance, fight or quarrel in a public place;
6. Play any game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose;
7. Permit or suffer any place occupied or controlled by him or her to be a resort of noisy, boisterous or disorderly conduct;
8. Prowl about any alley or the private premises of any person in the nighttime, without authority or the permission of the owner of such premises;
9. Wrongfully throw or propel any snowball, missile or object toward any person or vehicle, or on the private property of another person;
10. Trespass or unlawfully remain upon premises of another;
11. Enter a motor vehicle without the owner's permission;
12. Accost a person or endeavor to entice him or her into a vehicle;
13. Willfully make to a law enforcement officer any false, misleading or unfounded statement for the purpose of interfering with the law enforcement officer's duties or with the intention of misleading any law enforcement officer; or

14. Willfully make to a firefighter any false, misleading or unfounded report for the purpose of interfering with the firefighter's duties or with the intention of misleading any firefighter of this City.

(Ord. Unno. Passed 12-23-63.) (Ord. 14-03 Deleted Item 4 "Fire, discharge, sell, display or possess any fireworks except of the type and under conditions permitted by Chapter 30 of the Penal Code of the State of Michigan, as amended by Act 242 of the Public Acts of 1949, as amended, and those permitted by the Chief of Police;" 6-17-14) (Ord. No. 18-05, Deleted Items 1, 5, 6, 7, 9, 10, 12, 13, 14, 16, 17, 18, 20, 21, 23, 26, Amend Items 19, 25,27, 28, Renumber list and added new Item 11 passed 04-04-18) (Ord. 19-05, deleted and replaced 662.01 B. 1. adopted 3-19-19)

- C. Violations as Misdemeanors. Whoever violates any provision of this section is guilty of a misdemeanor and shall be subject to the penalty provided in Section 662.99.

## **662.02 NOISE-CREATING ACTIVITIES**

- A. General Restrictions: No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any unreasonable or unnecessary loud noise or disturbance which unreasonably upsets the comfort, health, peace, quiet or safety of a person or persons in the City or their property.
- B. Specific Violations of Noise Regulation: The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be constructed to exclude other violations of this ordinance not specifically enumerated:
1. Radio, television, musical instruments. The playing of a 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 unreasonably upset or disturb the quiet, comfort or repose of other person or persons. The operation of such instrument or sound producing devices in such a manner as to be plainly audible on a property or in a dwelling unit other than that from which the sound originates shall be prima facie evidence of a violation of this section. The operation of such a device from a vehicle shall be prima facie evidence of a violation of this section if the sound produced is audible at a distance of fifty (50) or more feet from the vehicle.
  2. Shouting or whistling. Yelling, shouting, hooting, whistling, singing or the making of other loud noises on public property between the hours of 9:00 p.m. and 8:00 a.m. or the making of such noises at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity.
  3. School, church and court zones. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, or court.
  4. Loud motor vehicles. The operation of an 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 which unreasonably upsets or disturbs the quiet, comfort or repose of other person or persons. The modification or elimination of any noise abatement device on any motor vehicle or engine or the failure to maintain such a device so that the noise emitted by such

vehicle or engine is increased above that emitted by the vehicle as originally manufactured shall violate this section.

5. Horn and signal devices. The sounding of any horn or other device on any vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
6. Engine exhaust. 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.
7. Construction noises. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the City, and including the streets and highways, in such a manner as to emanate noise unreasonably upsetting or disturbing to other person or persons, other than between the hours of 8:00 a.m. and 9:00 p.m. on any day, except in cases of urgent necessity in the interest of public health and safety. In such cases of urgent necessity, a permit shall be obtained from the City Manager or Public Safety Director, which permit shall limit the periods when the activity may continue.
8. Loading areas. The creation of a loud or excessive noise unreasonably upsetting or disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
9. Devices to attract attention. 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 upsetting or disturbing to other person or persons in the vicinity. Also, the operation of a 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 device emits loud and raucous noises easily heard from nearby adjoining residential property.

C. The prohibitions of Sections A and B shall not apply to the following:

1. Emergency vehicles. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Highway and utility maintenance and construction. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the City of Manistee, the County of Manistee, or any public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.
3. Warning devices. Warning devices emitting sound for warning purposes as authorized by law.
4. City approved activities. City sponsored or approved parades, festivals, fairs or events. (Ord. Unno. Passed 12-17-63.) (Ord. No. 18-05, Deleted entire language in Section 662.02 and replaced with new language )

**662.99 PENALTY**

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