



1751 CODY ESTEY RD  
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ORDINANCE # 99-1

**RE: HARASSMENT & DISORDERLY CONDUCT**

**1.1 DEFINITIONS**

- (1) "Public Places": Any street, alley, park, government-owned or government-controlled building, common hallways or public room or any dwelling of greater than two units, or any other place to which the public has lawful access.
- (2) "Masculine Pronouns": Shall be construed to include both male and female persons.
- (3) "loiter": To stand or recline in one place or to move slowly about.

**1.2 ACTS PROHIBITED.** No person shall:

1. Commit an assault, or an assault and battery upon any person.
2. Be intoxicated in a public place and either endanger directly the safety of themselves or another person or of property.
3. Be present in any public place with his ability to walk, talk, or see significantly impaired by the use of any controlled substance as defined by Public Act 196 of 1971, as amended, provided, however, that this subsection shall not be construed to apply to a person whose facilities have been impaired by medication prescribed by a physician and taken as directed.
4. Knowingly prowl about premises owned or leased by another in the nighttime, without the express or implied consent of that person.
5. Beg in any public or private place.
6. Knowingly go upon property owned or leased by another and peep through the window of a building on that property at any person, without express or implied consent of that person.
7. Engage in any fight in a public place.
8. Remain in any public place after regular closing hours after being told to leave by one authorized to give such an order.
9. Conduct himself in any public place, or join with one or more other persons in a public place, if he knows or should know that, single or together with the others with whom he

has joined, he is unreasonably obstructing the free and uninterrupted passage of the public along any street or sidewalk, provided that this paragraph is not to be interpreted to conflict with the regulations of the National Labor Relations Board regarding picketing in labor disputes.

10. Persist in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is, in fact, unreasonably causing such a disturbance, provided, however, that notice need not be given when such person affected reasonably believes that to do so would constitute a risk to their personal safety.
11. Persist in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is, in fact, unreasonably causing such a disturbance.
12. Solicit or accost any other person in a public place for the purpose of inducing participation in an act of prostitution.
13. Transport any person, for consideration, to a place where the business of prostitution, gambling or the illegal sale of liquor is carried on, for the purpose of enabling such person to be a customer of any such business.
14. Harassment generally. A person commits the crime of harassment if, with intent to harass, annoy, or alarm another person, he:
  1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
  2. In a public place uses abusive or obscene language, or makes an obscene gesture; or
  3. Follows a person in or about a public place or places; or
  4. Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.
15. Knowingly permit a person in any place owned or controlled by him to disturb the public peace by loud and boisterous conduct.
16. Knowingly obstruct or resist any member of the police force or fire department in the discharge of his lawful duties, or fail to obey the lawful order of said officer, knowing him to be a member of the police force or fire department.
17. Urinate or defecate on any public street or sidewalk, or on the floor of that part of any building open to the public or any other place in view of the public not specifically designated for that purpose.
18. Throw any object from any moving vehicle, or toward any person or moving vehicle if



he knows or should know that damage to person or property, or alarm, which may foreseeable produce damage to person or property, is likely to result.

19. Summon, without any good reason therefore, by telephone or otherwise, the police or fire department, any public or private ambulance or any other service of any kind to go to any address where the service called for is not needed.
20. Telephone, visit, or otherwise communicate with any person repeatedly or cause the same to be done for the primary purpose of harassing such other person or his family.
21. Make any indecent exposure of his person in a public place.
22. Make or maintain an operating connection to public utility or cable television facilities without permission of the owner of such facilities.
23. When in proximity to a fire or other hazard, refuse or knowing fail to obey a reasonable official request or order to move for the purpose of maintaining public safety.

### **1.3 UNAUTHORIZED PERSONS ON SCHOOL PROPERTY**

1. Any person found to be creating a disturbance in any private, public or parochial school or on the surrounding school grounds, or on field or recreational areas or other grounds lawfully used for school activities while such activities are in progress, shall leave immediately when so directed by the principal or by any other person designated by the principal.
2. No person shall enter and remain in any public, private or parochial school building during regular or special sessions or other authorized activities of such schools, who is not a regularly enrolled student, teacher, authorized volunteer or other school district employee, unless he shall have first and immediately proceeded to the administrative offices and identified himself to the principal or principal's designee.
3. It shall be unlawful for any person to enter and remain in any public, private or parochial school, or on surrounding school grounds within two hundred fifty (250) feet of the school building, after being requested to leave by the principal or his/hers designee.

### **1.4 LOITERING.**

1. No person shall loiter on public street, sidewalk or the premises of a public building under circumstances that warrant alarm for the safety or health of any person or property in the vicinity.
2. The following are circumstances which may be considered in determining whether alarm is warranted:
  - a. The person is one of a group of people threatening, making threatening gestures at or other otherwise menacing person in the area.
  - b. The person appears to be illegally consuming or using or concealing illegal consumption or use of alcoholic beverages or controlled substance.

c. The person is one of a group which is blocking the free passage of pedestrian or vehicle traffic on a street or sidewalk.

3. Prior to arrest for an offense under this section, a police officer shall afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explaining his presence and conduct or by requesting him to leave the area.

## **2.1 NUISANCE DEFINED AND PROHIBITED**

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create, or maintain any nuisance.

## **2.2 DANGEROUS STRUCTURES AND PREMISES.**

No person shall maintain any structure which is a menace to the health, morals or safety of the public. No person owning or occupying any premises shall permit any condition to exist thereon which endangers the public health or safety.

## **2.3 LITTERING OF STREETS**

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, wash water or other noxious or unsightly materials.

## **2.4 NOISE CONTROL - GENERAL**

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, unusual, or unnecessary noise, which either annoys, disturbs, injures, or endanger the comfort, repose, health, peace, or safety of others within the limits of the Township.

## **2.5 SPECIFIC ACTS PROHIBITED**

Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

1. The playing of any radio, phonograph, or musical instrument of any character in such a manner or with such volume, at any time or place as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence or any person in the vicinity.
2. The keeping of any animal or bird which by frequent or loud or long continued noise shall disturb the comfort and repose of any person in the vicinity.
3. The discharge into the open air of exhaust of any steam engine, compressed air machine, stationary internal combustion engine, motor vehicle, or any other machine, except through



12. The practicing and training of any drum corps, band, orchestra, or other musical organization, or the practice by individuals on the various musical instrument, which produce a noise or disturbance, and which annoy the peace, repose, and comfort of the residents in the vicinity thereof.

## **2.6 NOISE CONTROL - VEHICULAR**

### **1. DEFINITIONS**

- a. "Muffler" shall mean any device used upon a motor vehicle whose purpose is the reduction of exhaust noise of any engine or of any other motor noises, including, but not limited to the noise of exhaust gases.
- b. "Sound level" or "Noise level," shall mean the noise emanating from any motor vehicle and measured as described herein with a Sound Level Meter meeting specifications of the American Standards Association and set in the "A" weighting and "fast" meter response position. "Acceptable Sound Levels" shall refer to a sound level which has a value of 90 decibels or less. The sound level of the vehicle shall be measured as the vehicle passes on a straight path through a zone of full-throttle acceleration which is 65 feet long under the following conditions:
  - I. Vehicle in second gear, except for vehicles with automatic transmission, in which case the forward drive position resulting in greatest acceleration shall be used.
  - II. Vehicle approaches zone of acceleration at a steady speed of approximately 20 miles per hour, the throttle is open fully as the vehicle enters the zone and throttle is closed as the vehicle leaves the zone.
  - III. Sound level of Vehicle is measured at a point 25 feet from the center line of the vehicle path, as measured on a line perpendicular to this center line and intersecting it at the midpoint of 65 foot acceleration zone.
  - IV. the test shall be made at a point not less than 70 feet from a major obstruction such as a building.

### **2. ACTS PROHIBITED.**

- a. Horns, signaling devices, et cetera: The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Township, except as a danger warning; the creation by means of any such signalling device of any unreasonably loud or raucous sound; the sounding of any such device for an unnecessary and reasonable period of time; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signalling device when traffic is for any reason held up.
- b. General Prohibition. It shall be unlawful for any person to operate a vehicle producing, or operated in such a manner to create unreasonably loud, disturbing, unnecessary or excessive and raucous noises.

a muffler or other device which will effectively prevent loud or explosive or disturbing noises therefrom.

4. The operation of a loud unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates, or other containers.
5. Yelling, shouting, whistling, loud talking or singing on the public streets, particularly between the hours of 10 p.m. to 7 a.m. or at any other time or place so as to annoy, or disturb the quiet comfort or repose of persons in an office, dwelling, hotel or any other type of residence or of any persons in the vicinity.
6. The use of any drums, loud speakers, musical devices, or other instruments or devices for the purpose of attracting attention by the creation of noises to any performance, show or sale or display of merchandise.
7. The use of mechanical loud speakers, on or from motor vehicles in a manner that causes the sound entitled therefrom to be heard on private property, except when a specific permit is first granted by the Township Board. The Township Board shall cause such a permit to issue when it finds the following:
  - a. The applicant has a noncommercial message that cannot be effectively communicated to the public by the other means of communication available.
  - b. The applicant will limit the use of the loud speakers to times, locations and sound levels which will not unreasonably disturb the public peace.
  - c. The applicant will not use said equipment to residential areas between 6 p.m. and 9 a.m.
8. The blowing of any steam whistle attached to any stationary boiler or whistle operated by compressed air, except to give notice of the time to begin or stop work or as a warning of fire or danger or except upon request by proper public authorities
9. The erection, excavation, demolition, alteration, or repairing of any building in a residential or business district other than between the hours of 7 a.m. to 8 p.m. on week days, except in case of urgent necessity, in the interest of public safety and then only upon permission having been first obtained from the Township Board.
10. The carrying on or operation of any business, trade, or occupation, located in a residential section of the Township between the hours of 10 p.m. and 7 a.m., which makes an unusual, loud, frequent, or disturbing noise, causing a nuisance and disturbance to any person residing in the vicinity.
11. The firing of fire arms, fire crackers, air guns, or other combustible substances for the purpose of making a noise or disturbance.



- c. Engine exhaust. No person shall operate any motor vehicle in any public place within the Township, unless such motor vehicle is equipped with an effective muffler in good working order and in constant operation to prevent excessive or raucous noise.
  - I. An exhaust system consisting of one or more pipes without baffles or sound absorbing means, whether straight or curved and whether of constant or varying cross section, shall be deemed not to contain an effective muffler.
  - II. It shall be unlawful to modify or remove parts of a standard muffler, or to utilize trumpet or other amplifiers as part of the exhaust system of a motor vehicle.
  - III. For the purposes of this Section (2) (c), if noise is in excess of the acceptable sound level and shall emanate from a vehicle, such evidence shall constitute and be admitted as presumptive evidence that it was producing excessive or raucous noises.
  - IV. No person in the Township of Pinconning shall sell, give for use upon, install or use on any motor vehicle operated in the Township, any type of muffler that shall cause the noise emitted by the motor of such vehicle to be above the acceptable sound level or in violation of this Ordinance.
- 3. Sound Level Tests. In any criminal prosecution relating to operating a vehicle in violation of this Ordinance, where a person who, after being first advised and acknowledging in writing that he is not required by law to give his consent to a sound level test, shall have given his written consent to a sound level as shown by such test of the person's vehicle, shall be admissible and shall give rise to the following presumptions; and in the event such tests are given, the results of such tests shall be made available to the person so charged, or his attorney, prior to the day of the trial, and must be introduced into evidence by the prosecution upon demand of the defendant.
  - a. If there was at that time noise at or below the acceptable sound level, such fact shall not give rise to any presumption that the defendant was or was not operating a vehicle producing excessive and raucous noises in violation of this Ordinance, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
  - b. If there was at the time noise in excess of the acceptable sound level, it shall be presumed that the defendant was operating a vehicle producing excessive and raucous noise in violation of this ordinance.

## **2.7 DANGEROUS CONTAINERS**

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the said

snap-lock or doors from said ice box. Refrigerator or container.

## **2.8 DRIVE-IN RESTAURANTS.**

### **DEFINITIONS.**

1. "Drive - In Restrant" shall mean any establishment where food, frozen dessert and / or beverage is sold to the consumer, and where motor vehicle parking space is provided and where such food, frozen dessert, and /or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside the building as well as inside the building.
2. "Waste Materials; shall mean paper cups, straws, napkins, garbage, beverages, and all other waste matter intended for disposal, which, if not placed in a proper receptacle, tends to operate a public nuisance by rendering property unclean, unsafe, and unsightly.

## **2.9 OWNER NOT TO MAINTAIN NUSLANCE**

It shall be unlawful for any owner, manager or person in charge of any drive-in restrant to cause, create, allow or maintain any nusiance on its parking area whereby the peace, good order, or sanitation of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed.

## **2.10 PREMISES FREE FROM REFUSE**

1. It shall be the duty of the owner, manager or person in charge of said drive-in restrant, to keep the premises whereon said drive-in restrant is located, together with the parking area and that portion of any alley adjoining said drive-in restrant shall be provided with a sufficient number of containers.
2. No person shall place, throw, or deposit any waste material upon the outside premises or parking lot of a drive-in restrant or upon any street, alley, or property adjoining a drive-in restaurant, except in proper receptacles provided for that purpose.

## **2.11 INTOXICATING LIQUORS**

No person, on the premises of a drive-in restaurant, whether in or out of a motor vehicle, shall consume, knowingly have in his possession or under his control, any beer, wine, or intoxicating liquor. It shall be the duty of the owner, manager or person in charge of the premises to post a notice of this provision in a conspicuous place at the enterance of premises.

## **2.12 NOISE AND DISTURBANCES BY PATRONS.**

No person or persons on the premises of a drive-in restaurant shall race the motor of any vechile, needlessly bring to a sudden start or stop any motor of any vehicle, blow any horn, or make or cause to be made any loud or raucous noise, nuisance or disturbance whereby the quiet and good order of the premises or of the neighborhood is disturbed.

## **2.13 DRIVING THROUGH**



It shall be unlawful for the operator of any motor vehicle to drive through the designated drive (through) area of any drive-in restaurant, without stopping and making, or attempting to make a purchase.

### 3.1 **PENALITY**

Any person who shall violate any of the provisions of this ordinance shall be subject to a fine of not more than \$500.00 or imprisonment in the County Jail not to exceed 90 days or both, such fine and imprisonment in the discretion of the Court

### 3.2 **SEPARABILITY**

If any section, subsection, sentence, clause, phase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

### 3.3 **EFFECTIVE DATE**

This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted at a scheduled meeting of the Township Board of the Township of Pinconning, County of Bay, and State of Michigan on the 11 day of MAY, 1999.

YEAS:

NAYS:

Donald H. Moore  
Carole L. Sabourin  
Sharon Stalsberg  
Mary Kuister  
Paul Jacques

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I the undersigned, duly qualified and acting Township Clerk, Pinconning Township, Bay County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting of the Pinconning Township Board of Trustees held on the 11 day of MAY, 1999.

Donald H. Moore  
Donald H. Moore, Pinconning Township Clerk

\_\_\_\_\_  
Address  
\_\_\_\_\_

Attest:

Sharon Stalsberg  
Sharon Stalsberg  
Pinconning Township Supervisor