

**Village of Lakeview Ordinance No. 2019-09**

**Peace Disturbances Ordinance**

**Section 1: Title**

1.1. This Ordinance shall be known and may be cited at the "Village of Lakeview Peace Disturbances Ordinance."

**Section 2: Offenses Relating to Public Peace and Morals**

2.1. **Public Place Defined.** As used in this Ordinance, "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.

2.2. **Prohibited Acts.** No person shall:

1. Be under the influence of alcohol or any narcotic drugs 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;
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 the Lakeview District Fire Department; or
15. Consume marihuana in a public place, other than an area on private property designated by the owner as an area where marihuana may be consumed and is restricted to individuals 21 years of age or older.

2.3. Violations as Misdemeanors. Whoever violates any provision of Section 2.2 is guilty of a misdemeanor and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than five hundred dollars (\$500.00), or both, in the court's discretion.

### **Section 3: Noise-Creating Activities**

3.1. 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 Village or their property.

3.2. 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 construed 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 motorboat 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 Village, 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 Village Manager or Police Chief, 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 Village 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.

3.3. Exemptions. The prohibitions of Section 3.1 and 3.2 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 Village of Lakeview, the County of Montcalm, 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. Village approved activities. Village sponsored or approved parades, festivals, fairs or events.

3.4. Penalty. A first violation of any provision of this Section by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a

fine of not less than one hundred dollars (\$100.00) for a first violation, not less than two hundred and fifty dollars (\$250.00) for a second violation, and not less than five hundred dollars (\$500.00) for a third or subsequent violation, and any other penalties or remedies imposed by the court. Each day of violation shall constitute a separate offense.

#### **Section 4: Prohibition on Skateboarding**

- 4.1. Regulations. Except as provided in section 4.2, it shall be unlawful for any person to ride, propel, push, or otherwise operate a skateboard.
  1. Within the Business District (being defined as both sides of Lincoln Avenue including both sidewalks, between First Street and Fourth Street) between the hours of 8:00 AM and 6:00 PM Monday through Friday, and between the hours of 8:00 AM and 3:00 PM on Saturdays and Sundays.
  2. In any manner so as to cause any injury or potential injury to any person, including the person using the skateboard, or in any manner so as to cause any damage or potential damage to any property not owned by the person using the skateboard.
- 4.2. Exemption. The foregoing shall not apply in private facilities specifically designated for the use of skateboards or on any private property where the owner or person in lawful possession has given permission for such use.
- 4.3. Penalty. A first violation of any provision of this Section by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than ten dollars (\$10.00) for a first violation, not less than twenty five dollars (\$25.00) for a second violation, and not less than fifty dollars (\$50.00) for a third or subsequent violation, and any other penalties or remedies imposed by the court. Each day of violation shall constitute a separate offense.

#### **Section 5: Curfew for Minors**

- 5.1. Regulations. No minor under the age of 12 shall loiter, idle or congregate in or on any public street, highway, alley, park, plaza, public or private parking facility, vacant lot or other public place between the hours of 10:00 PM and 6:00 AM. No minor under the age of 18 shall not loiter, idle or congregate in or on any public street, highway, alley, park, plaza, public or private parking facility, vacant lot or other public place between the hours of 11:00 PM and 6:00 AM.
- 5.2. Exemptions. The provisions of section 5.1 shall not apply in the following instances:
  1. When a child is accompanied by a parent, guardian or other adult person having the lawful care and custody of the child;
  2. When a child is upon an emergency errand directed by a parent or guardian or other adult person having the lawful care and custody of a child;
  3. When a child is returning directly home by the most direct and efficient route, from a school activity, entertainment, recreational activity or dance;

4. When a child is returning directly home, by the most direct and efficient route, from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;
5. When a child is on the sidewalk abutting a child's resident or abutting the residence of a next-door neighbor if the neighbor did not complain to the enforcement officer about a child's presence;
6. When a child is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly, or free exercise of religion; and
7. When a child is in interstate travel through the Village.

5.3. **Assisting Minors; Penalty.** Any person 18 years of age or older who assists, aids, allows, permits or encourages any minor under the age of 18 years to violate Section 5.1 is guilty of a municipal civil infraction. A violation is punishable by a fine of not less than twenty five dollars (\$25.00) for a first violation, not less than fifty dollars (\$50.00) for a second violation, and not less than one hundred dollars (\$100.00) for a third or subsequent violation, and any other penalties or remedies imposed by the court. Each day of violation shall constitute a separate offense.

5.4. **Responsibility of parent or guardian.** In addition to any penalties imposed by Section 5.3 of this Ordinance, the parent or guardian of a minor in violation of Section 5.1 is also held to be responsible for enforcement of this Section.

## **Section 6: Enforcement**

6.1. This Ordinance may be enforced by any duly authorized individual on behalf of the Village and by police officers operating within the Village. This includes the Lakeview Village Manager, any Lakeview Police Officer, or a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lakeview including the Montcalm County Sheriff Department, and the Michigan State Police.

## **Section 7: Ordinances Repealed**

7.1. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

## **Section 8: Severability**

8.1. If any section, clause, or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

## **Section 9: Effective Date**

9.1. This Ordinance shall take effect and be in force upon the expiration of twenty days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lakeview.