

Chapter 660
Offenses Relating to Persons

660.01	Minors' curfew.	660.04	Prohibition on sale and consumption of marihuana in public places.
660.02	Disorderly conduct.	660.99	Penalty.
660.03	Certain noises and disturbances prohibited.		

CROSS REFERENCES

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913

660.01 MINORS' CURFEW.

(a) No person under the age of seventeen years shall loiter or remain upon any streets, alleys, or other public places in the City of Litchfield after 10:00 p.m., except Fridays and Saturdays, when the hour shall be midnight, unless such person is accompanied by his or her parent, guardian, or other person having legal custody and control of such minor.

(b) No parent, guardian, or other person having the legal care and custody of any minor under the age of seventeen years, shall allow or permit any such minor, while in his or her legal custody, to loiter or remain unaccompanied upon any of the streets, alleys or other public places in the City within the time set forth in subsection (a) hereof, unless there exists a reasonable necessity therefor.

(c) The provisions of this Section do not apply to any minor upon any streets, alleys, or other public places in the City to the extent the minor is:

- (1) In a vehicle involved in interstate travel;
- (2) Engaged in employment activity, or going to or from employment without any detour or stop;
- (3) Involved in an emergency;
- (4) In attendance at an official school, religious, or other recreational activity sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from such activity without any detour or stop; or
- (5) Exercising First Amendment rights, including the free exercise of religion, freedom of speech, and the right of assembly.

(Ord. 72-4. Passed 7-12-72; Ord. 2016-05. Passed 4-19-16.)

660.02 DISORDERLY CONDUCT.

(a) Public Place Defined. As used in this Section, the term "public place" shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

- (b) Prohibited Acts. No person, within the City, shall:
- (1) Commit an assault or an assault and battery on any person;
 - (2) Be intoxicated in a public place and either endanger directly the safety of another person or of property, or act in a manner that causes a public disturbance;
 - (3) Engage in any indecent, insulting, or immoral or obscene conduct in any public place;
 - (4) Discharge any firearm;
 - (5) Ignite, discharge, or use any consumer fireworks, as defined in Section 2(f) of the Michigan Fireworks Safety Act, M.C.L.A. 28.452(f), between the hours of 1:00 a.m. and 8:00 a.m.;
 - (6) Engage in peeping in the windows of any inhabited place;
 - (7) Swim or bathe in any public place without wearing proper apparel;
 - (8) Make any immoral exhibition or indecent exposure of his or her person;
 - (9) Willfully destroy, damage, or in any manner deface any property not his or her own, or any public school building, or any public building, bridge, fire hydrant, street light, street sign, or parking meter, or mark or post handbills on, or in any manner mar the walls of, any public building, or destroy, take, or meddle with any property belonging to the City, or remove the same from the building or place where it may be kept, placed, or stored, without proper authority;
 - (10) Engage in any disturbance or fight in a public place;
 - (11) Collect or stand in crowds in any public place, or arrange, encourage, or abet the collection of persons in crowds in any public place, for illegal or mischievous purposes;
 - (12) Unnecessarily jostle or roughly crowd persons in any street, park, or public building;
 - (13) Loiter on any street or sidewalk or in any park or public building or conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;
 - (14) Play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose;
 - (15) Engage in any act of prostitution;
 - (16) Attend, frequent, operate, or be an occupant or inmate of any place where prostitution, illegal gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation is permitted or conducted;
 - (17) Solicit or accost any person for the purpose of inducing the commission of any illegal act;
 - (18) Knowingly transport any person to a place where prostitution, illegal gambling, or other illegal conduct is practiced or allowed for the purpose of enabling such person to engage in an act of prostitution, illegal gambling, or other illegal conduct;
 - (19) Keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for illegal gaming, or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets used for illegal gaming to be kept, maintained, played, or sold on any premises within the City occupied or controlled by him or her;
 - (20) Permit or suffer any place occupied or controlled by him or her to be a resort of noisy, boisterous, or disorderly persons, to the extent the actions of such noisy, boisterous, or disorderly persons constitute a violation of City ordinance;
 - (21) Prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises; or

(22) Spit on any sidewalk or on the floor of seat of any public carrier, or on any floor, wall, seat, or equipment of any place of public assemblage.

(Ord. 2014-03. Passed 6-17-14; Ord. 2016-05. Passed 4-19-16.)

660.03 CERTAIN NOISES AND DISTURBANCES PROHIBITED.

(a) No person shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the city.

(b) Except as otherwise specifically permitted by act of the City Council, the following noises and disturbances are hereby declared to be a violation of this Section; provided, however, that the specifications of the same are not thereby to be construed to exclude other violations of this Section not specifically enumerated:

- (1) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion; or, if in motion, only as a danger signal for the purpose of avoiding an accident or collision. The creation by means of any such horn or signal device of any unreasonably loud or harsh sound, the sounding of such device for an unnecessary and/or unreasonable period of time, and the use of any such device operated by engine exhaust, is also declared unlawful and prohibited.
- (2) Radios, Televisions, Phonographs, or Musical Instruments. Using, operating, or permitting the use or operation of any radio, receiving set, television set, phonograph, musical instrument, or other machine or device designed for the production or reproduction of sound, in such a manner or with such volume so as to unduly annoy or disturb the peace, quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any persons in the vicinity, or with a volume louder than is reasonably necessary for the convenient hearing of the person or persons who are in the room, vehicle, or chamber in which the device is operated and who are voluntary listeners. The operation of any of the above-referenced devices between the hours of 11:00 p.m. and 7:00 a.m. or in such a manner that the noise is plainly audible at a distance of greater than fifty (50) feet from the source of the noise will be prima facie evidence of a violation of this subsection.
- (3) Loudspeakers, Amplifiers, and Instruments for Advertising. Using, operating, or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound, which is cast upon the public streets for the purpose of commercial advertising or to attract the attention of the public to any building or structure.
- (4) Yelling and Shouting. Yelling, shouting, hooting, whistling, or singing on the public streets of the city or any other public place, between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to unduly annoy or disturb the peace, quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (5) Engine Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other motor vehicle, except

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

- (6) Defect in Vehicle or Load. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or otherwise in such condition or manner as to create loud and unnecessary grating, grinding, rattling, or other unreasonably loud or annoying sound.
 - (7) Loading or Unloading: Opening Boxes. Creation of an unreasonably loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and/or destruction of any bales, boxes, crates, pallets, or containers.
 - (8) Construction or Repair Activities. Any construction, repair, excavation, or alteration of any premises or building or other improvement located thereon, which activity is audible beyond the property lines of the premises, except between the hours of 7:00 a.m. and 10:00 p.m. Notwithstanding the foregoing, should the City Manager or his designee determine that it is not unreasonably detrimental to the interests of the public health, safety, and welfare to permit such activities beyond the time restrictions set forth above, the City Manager may issue a permit allowing for such activities during such times outside of those set forth above and continuing on those days and over such a period of days as the City Manager deems reasonable and prudent in the exercise of his or her discretion.
 - (9) Schools, Churches, and Hospitals. The creation of any excessive noise on any street adjacent to any school or other institution of learning, hospital, church or other place of worship, or court, while the same is in operation or session, which noise unduly interferes with the work, operation, or services of the relevant facility, or which disturbs or unduly annoys the occupants of the facility, provided that conspicuous signs are displayed on such streets in the vicinity of the facility indicating that the same is a street upon which such a facility is located.
 - (10) Hawkers and Peddlers. Shouting and crying of peddlers, hawkers, and vendors which disturbs the peace, quiet, and repose of those in the vicinity.
 - (11) Transportation of Materials. The transportation of any material over the streets and other public places within the city in such a manner as cause unreasonably loud noises or so as to unduly disturb the peace, quiet, and repose of such streets or public places.
 - (12) Pile Drivers, Hammers, etc. The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoists, or other similar appliances or devices, the use of which is attended by loud or unusual noise.
 - (13) Blowers, Fans, and Engines. The operation of any blower, power fan, or internal combustion engine, the operation of which causes loud noise due to the explosion of operating gases or fluids, unless the noise of the blower or power fan is muffled or the engine is equipped with a muffler device sufficient to deaden or otherwise reduce the noise to a reasonable level.
- (c) None of the prohibitions enumerated in this Section shall apply to any of the following:
- (1) Any police vehicle, ambulance, fire engine, or emergency vehicle, while engaged in necessary emergency activities.

- (2) The excavation or repair of bridges, streets, or highways by or on behalf of the city, county, or state, when the public welfare, safety, and convenience render it impossible or impractical to perform such work at different times or in a different manner.
 - (3) The repair of any public utility infrastructure or equipment when the public welfare, safety, and convenience render it impossible or impractical to perform such work at different times or in a different manner.
 - (4) The operations of generators during power interruptions planned or unplanned.
- (d) City Council Approval.
- (1) Any individual or entity proposing to conduct any activity or operate any sound producing device which is reasonably expected to produce a sound or occur at a time such as would constitute a violation of this Section may apply to the City Council for a permit to allow such activity or the use of such device. In determining whether to issue such a permit, the City Council shall consider:
 - A. The proposed date, time, and location of the activity or operation of the device;
 - B. The nature and proximity of other dwellings, buildings, and/or uses;
 - C. The type of proposed activity and/or device; and
 - D. The purpose of the proposed activity and/or use of the device.
 - (2) Any permit issued by the City Council under this Section shall specify the date, time, location, and duration of the permitted activity and/or device usage. The City Council may impose such other restrictions or conditions upon the issuance of the permit as it may deem appropriate and/or necessary in the interest of the public health, safety, and welfare.
- (e) The provisions of this Section are deemed to be in addition to any other noise regulations set out in the city code.
- (f) A violation of this Section shall constitute a municipal civil infraction.
(Ord. 2016-06. Passed 4-19-16.)

660.04 PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES.

- (a) In conformance with Sections 4.1(e) and 6.2(b) of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City of Litchfield.
- (b) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- (c) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns,

occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

(Ord. 2018-06. Passed 1-15-19)

660.99 PENALTY.

(a) A violation of Section 660.01 shall constitute a municipal civil infraction.

(b) A violation of subsections (13), (14), (20), and (22) of Section 660.02 shall constitute a municipal civil infraction.

(c) A violation of subsection (5) of Section 660.02 shall constitute a municipal civil infraction and shall be punished solely by a fine of not more than \$500.00.

(d) A violation of subsections (1), (2), (3), (4), (6), (7), (8), (9), (10), (11), (12), (15), (16), (17), (18), (19), and (21) of Section 660.02 shall constitute a misdemeanor.

(Ord. 2016-05. Passed 4-19-16.)