

**CHARTER TOWNSHIP OF WASHINGTON
MACOMB COUNTY, MICHIGAN
WASHINGTON TOWNSHIP CODE OF ORDINANCES**

ORDINANCE NO. 150

THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF WASHINGTON, MICHIGAN IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED 150, TO PROHIBIT DISORDERLY CONDUCT AND EXCESSIVE NOISE IN THE TOWNSHIP.

THE TOWNSHIP BOARD OF WASHINGTON, COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Washington Township Disorderly Person Ordinance.

SECTION 2. PURPOSE

The purpose of this Ordinance is to protect the public health, peace, safety and welfare of property and persons in the Township from disorderly persons and excessive noise.

SECTION 3. ENABLING AUTHORITY

This Ordinance is adopted pursuant to, and in accordance with Act 246, Public Acts of 1945 as amended, MCL 750.167 and MCL 750.170.

SECTION 4. DEFINITIONS AND PROHIBITION

A. No persons shall conduct himself or herself in a disorderly manner in the Charter Township of Washington, Macomb County, Michigan. For purposes of this Ordinance, a person conducts himself or herself in a disorderly manner when he or she does any act or engages in any practice hereinafter listed, or aids or abets any person who does any such act or engages in any such practice hereinafter listed:

(1) Engages in excessive, unnecessary, or unusually loud noise which

disturbs the comfort and quiet repose of the residents or the neighborhood;

- (2) Engages in any indecent or obscene conduct in any public place.
- (3) Permits any place occupied or controlled by him or her to be unreasonably noisy or boisterous, or to be occupied by persons acting in a disorderly manner as herein defined;
- (4) Disturbs the public peace and quiet by loud, boisterous, or vulgar conduct; or makes, aids, gives countenance to, or assists in making any improper noise, disturbance, breach of the peace or diversion tending to a breach of the peace, in any place within the Township;
- (5) Permits any loud or boisterous noise, congregation, disturbance, or party, by which the peace and good order of the Township are disturbed, in or about his or her premises, or premises controlled by such person.
- (6) Engages in fighting or jostling in a public place;
- (7) Guns or races the engine of any motor vehicle, including every motorcycle or motor driven cycle, or runs or operates a motor vehicle, motorcycle, or motor driven cycle without a muffler in good working order (one which in constant operation prevents excessive or unusual noise and annoying smoke); a person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cut out bypass, or similar device upon a motorcycle, motor driven cycle, or any motor vehicle at any place within the Township;
- (7) Creates any loud noises or uses any loud speaker, sound amplifier or other electrical or mechanical devise intended to increase the volume of sound at any place or places within the Township in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons between the hours of 11:00 p.m. and 7:00 a.m.
- (8) Engages in public intoxication or drunkenness;
- (9) Engages in public urination or defecation;
- (10) Trespasses or unlawfully enters or remains on the premises of another to the annoyance or disturbance of the lawful owner or occupant thereof.

(11) Loiters by obstructing any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians; or by obstructing the entrance to any business establishment without doing so for some lawful purpose and contrary to the expressed wish of the owner, lessee, managing agent or person in control of the building or premises.

B. "Public Place" means any place to which the general public has access and a right of resort for business, entertainment or for lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, restaurant, tavern or other place of business and also public grounds, areas or parks.

C. Disorderly conduct does not include the conduct of or participation in duly approved activities such as picnics, concerts, bazaars, parades, festivals, and other similar activities so long as such activities are conducted in a reasonable manner at a reasonable time and in a reasonable place.

SECTION 5. VIOLATIONS AND PENALTY

Any person who violates the provisions of this Ordinance shall upon conviction thereof be guilty of a misdemeanor and subject to a penalty not to exceed five hundred dollars (\$500) or imprisonment in the county jail for a period not to exceed ninety (90) days, or both such fines and imprisonment.

SECTION 6. REPEALING OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. PUBLICATION

A true copy of this Ordinance shall be posted in the Office of the Township Clerk

and on the Washington Township website in accordance with MCL 42.8(3)(b) and 42.22.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately upon the second publication and adoption by the Washington Township Board in accordance with MCL 42.22.

CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Washington, Macomb County, Michigan, at a meeting held on the 20th day of June A.D., 2012.

I further certify that the following Township Board Members were present at the meeting: Bosheers, Grimes, Jacobson, O'Leary, Rapp, Richardson, Verellen

and the following Township Board members were absent: None

I further certify that Member Verellen moved for the adoption of the Ordinance, and that motion was supported by Member Bosheers

I further certify that the following Township Board Members voted for the adoption of the Ordinance: Bosheers, Grimes, Jacobson, O'Leary, Rapp, Richardson, Verellen

and that the following Township Board Members voted against adoption of the Ordinance: None

Kathy Bosheers,
TOWNSHIP OF WASHINGTON CLERK

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Washington, do hereby certify that on June 27, 2012 the foregoing Ordinance, or Summary thereof, was posted in the Office of the Township Clerk and on the Washington Township website in accordance with MCL 42.8(3)(b) and 42.22.

Kathy Bosheers,
TOWNSHIP OF WASHINGTON CLERK