

Chapter 278. Disorderly Conduct

Article VI. Offenses Directed Against Public Order

§ 278-35. Disorderly conduct.

A person commits the offense of disorderly conduct if he or she:

- A. Engages in fighting or in violent, tumultuous or threatening behavior;
- B. Makes unreasonable noise which tends to cause a public danger, alarm, disorder or nuisance;
- C. Uses threatening, abusive or obscene language or makes an obscene gesture, which by their very use inflict injury or tend to incite a breach of the peace;
- D. Without lawful authority, disturbs any lawful assembly or meeting of persons;
- E. Obstructs vehicular or pedestrian traffic;
- F. Possesses or consumes alcoholic liquor in any public park, public place of amusement, or area under the jurisdiction of the City of Royal Oak that is owned and/or administered by the City of Royal Oak;
- G. Urinates in a public place, except at public toilets.
- H. Engages in an illegal occupation or business;
- I. Loiters in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed;
- J. Knowingly loiters in or about a place where an illegal occupation or business is being conducted;
- K. Is found jostling or roughly crowding people unnecessarily in a public place;
- L. Commits the offense of failure as a disorderly person to disperse if he or she participates with two more other persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law;
- M. Permits or suffers any place occupied or controlled by him or her to be a resort of noisy, boisterous, or disorderly persons.
- N. A person commits the offense of public intoxication if he or she appears in a public place under the influence of alcohol, a controlled substance, other drugs or combination thereof and he or she is either endangering directly the safety of another person or of property, or is acting in a manner that causes a public disturbance.
- O. Commits the offense of window peeping.
[Added 7-18-2005 by Ord. No. 2005-08]

§ 278-36. Disturbances of the peace by trucks.

- A. It shall be unlawful for any person to cause to be loaded or unloaded any truck, trailer, or combination thereof

between the hours of 8:00 p.m. and 7:00 a.m. where such commercial establishment is located within 500 feet of any dwelling.

- B. It shall be unlawful for any truck to be stopped with its engine idling or its refrigeration motor operating between the hours of 8:00 p.m. and 7:00 a.m. on the premises of a commercial establishment located within 500 feet of any dwelling, or on a residential street adjacent to such commercial establishment.
- C. It shall be unlawful to make any deliveries of materials, supplies, equipment and other related items to a construction site between the hours of 8:00 p.m. and 7:00 a.m.

§ 278-37. Disturbances of the peace, construction activity.

- A. It shall be unlawful for any person to cause noise louder than the noise normally present at the location when no construction is in progress by the erection (including excavation), demolition, alteration, or repair of any building, street, highway, or parking area, except between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, 10:00 a.m. to 6:00 p.m. Sunday. The following exceptions shall apply to this section:
 - (1) The prohibition contained herein shall not apply to necessary excavations or repairs of streets, highways, or public utilities on behalf of the City, county, state, or public utility during the night, when it is necessary to protect the public health, safety, and welfare.
 - (2) Where the City Engineer has issued a special permit for street work.
 - (3) Unless the Building Official authorizes a special permit based upon one of the following conditions:
 - (a) It is in the interest of the general public health, safety, and welfare where a situation constituting an emergency exists. If said condition is determined to exist by the Chief Building Official, he or she shall issue a permit to undertake the necessary activity to alleviate the emergency or until the circumstances causing the emergency no longer exist.
 - (b) Extenuating circumstance(s) exist which would constitute an unnecessary hardship.
- B. When it is necessary to store construction or construction-related materials and equipment at the work site, said materials and/or equipment will be stored in an orderly fashion and in such a way as to protect the public health, safety, and welfare. Where necessary to comply with the building code and other provisions of this chapter, said materials, supplies, or equipment will be covered and/or screened.
- C. Sufficient refuse storage containers shall be provided for on-site, to handle and prevent debris and refuse from littering the site or surrounding property. When full, the containers shall be removed and replaced. Said containers shall be so designed as to prohibit rodents and others from gaining access to the refuse. The location of said containers shall be approved by the Building Official to minimize the impact on residential property.
- D. At all times the necessary steps shall be taken to ensure that dust, soil, or other material shall not become airborne and travel beyond the construction site property lines. Such steps could include water, chemical treatment, or other ground cover treatment as approved by the Building Official. In addition, fencing and/or screening pursuant to the City's building code may be required by the Building Official. Such activity will be maintained throughout the duration of the construction activity or until a permanent covering is installed.
- E. The Building Official, Director of Public Safety, and their authorized representatives which shall specifically include, but not by way of limitation, all police officers and building inspectors for the City of Royal Oak, are hereby authorized to enforce this section.