

Amplified Sound

Noise Ordinance Considerations
2025 – Department of Law

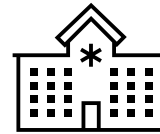


Recent Timeline: Community Initiated Complaints

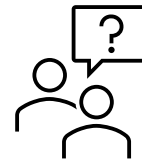
Longstanding issue related to use of loudspeakers in public places. In general 1st Amendment Considerations are applicable.



Prior to 2023 most complaints related to Fulton Street - The Heritage Clinic for Women. Complaints from nearby residents related to sound. The Heritage Clinic for Women closed in the fall of 2023.



Since spring of 2024 complaints have been received from Heritage Hill neighborhood residents related to 445 Cherry Street – Planned Parenthood. Complaints from nearby residents related to sound.



Should additional time, place, and manner restrictions be applied to amplified sound in our city?

Current City Ordinance Title IX, Chapter 151, Article 5



Sec. 9.63. - Prohibited Noise.

- No person shall:
 - (4) Operate any device creating amplified sound on any public property or public right-of-way that is louder than average conversational level at a distance of one hundred (100) feet or more, measured vertically or horizontally, from the source.



Special Events and Protest/Picketing Events

- Most special events allow limited amplified sound since they are ordinarily relieved from the general provisions of our city noise ordinance.
- Protest/Picketing Events that are not permitted must generally comply with the noise ordinance. Amplified may be used but must not be louder than average conversational level at a distance of one hundred (100) feet or more.



Attorneys:
George T. Sinas
Michael E. Larkin
James F. Graves*
Bryan J. Waldman*
Stephen H. Sinas
Thomas G. Sinas*
Brian A. McKenna
Catherine E. Tucker

Joel T. Finnell
Lauren E. Kissel
Kevin Z. Komar
Theodore M. Larkin
Brian K. Lawson
Briarue M. Risner
Thomas R. Schultz
Kelly A. Todd*
Max Waldman
Steven H. Weston

Of Counsel:
Debra A. Freid
Timothy J. Donovan
Bernard F. Finn

*Also Licensed in Illinois
*Also Licensed in Arizona
+Also Licensed in Minnesota
■Also Licensed in Kentucky



SINAS, DRAMIS, LARKIN, GRAVES & WALDMAN, P.C.

sinasdramis.com

Offices:
3380 Pine Tree Road
Lansing, MI 48911
(o) 517-394-7500
(f) 517-394-7510

435 Cherry St. SE
Grand Rapids, MI 49503
(o) 616-301-3333
(f) 616-301-3344

4000 Portage St., Ste. 110
Kalamazoo, MI 49001
(o) 269-443-8415
(f) 269-443-8416

24825 Little Mack Ave., Ste. 200
St. Clair Shores, MI 48080
(o) 313-202-2000
(f) 313-965-4315

302 E. Liberty St., Ste. 200
Ann Arbor, MI 48104
(o) 734-864-4300
(f) 734-864-4300

Via U.S. Mail and email

Please Respond to the Grand Rapids Office

January 14, 2025

Philip Strom, Esq.
Deputy City Attorney
Grand Rapids City Attorney
300 Monroe Ave. NW
Grand Rapids, MI 49503

RE: Amplified Loudspeakers on Cherry St. SE

Dear Mr. Strom,

Happy New Year. I hope this letter finds you well. I am not sure if we have met before. I certainly have fond memories of working with Anita when we were Trustees of the Grand Rapids Bar Association, so please tell her that I said hello and that as a former prosecutor, I extend my gratitude to both of you for your service to this wonderful city.

I am writing to offer my partnership and to request yours in connection with an ongoing problem that is impeding quality of life for businesses and residents in one of Grand Rapids' most cherished places. I am referring to the recent outbreak of amplified noise on Cherry St. in Heritage Hill. I was provided your name by a longtime Heritage Hill resident Mary Kenyon, who shared with me the attached letter dated August 8, 2024, which I understand was submitted to your office along with many testimonials of affected neighbors. I understand that you also visited the area on a few occasions this summer/fall, and I thank you for your interest in this issue.



DANA NESSEL
ATTORNEY GENERAL

MEMORANDUM

January 7, 2025

TO: Dana Nessel
Attorney General

FROM: Ann M. Sherman
Solicitor General

Danielle Hagaman-Clark
Criminal Bureau Chief
Scott Shimkus
Assistant Attorney General

RE: Protesting/picketing and the First Amendment

QUESTIONS PRESENTED

You have asked us to prepare a memo outlining the First Amendment right to protest and picket, the ways in which protesting and picketing can be constitutionally regulated in order to preserve the rights of others, and factors that might be helpful in deciding if and how to regulate these activities. This memo also focuses more in-depth on some key areas—notably, polling locations, private residences, educational institutions, medical facilities, funeral sites, and the State Capitol—where questions about protesting and picketing often arise. First Amendment questions are fact-intensive, and this memo cannot address every scenario that might arise. The goal of this memo is to offer useful guidance to both lawmakers and law enforcement officers, who must carefully balance the constitutionally protected rights of protesters and picketers with the rights of those who are impacted by such activities.

Time, Place, and Manner Considerations

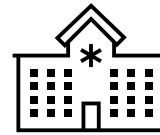
Protesting and picketing are generally protected speech under the First Amendment. Cities may need to regulate these activities to protect the public interest, including by applying ordinances that address noise, traffic safety, trespassing, disorderly conduct, resisting and obstructing, and destruction of property.

But these ordinances should be applied reasonably and judiciously. Laws and ordinances that are prior restraints on speech deserve particularly close scrutiny.

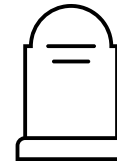
Permissible Content Neutral Regulations



Protesting and picketing that occur too close to polling locations



Protesting and picketing that impacts medical facilities



Protesting and picketing that impacts a funeral



Other more complex regulations around schools and residences.

Activities that impact medical facilities

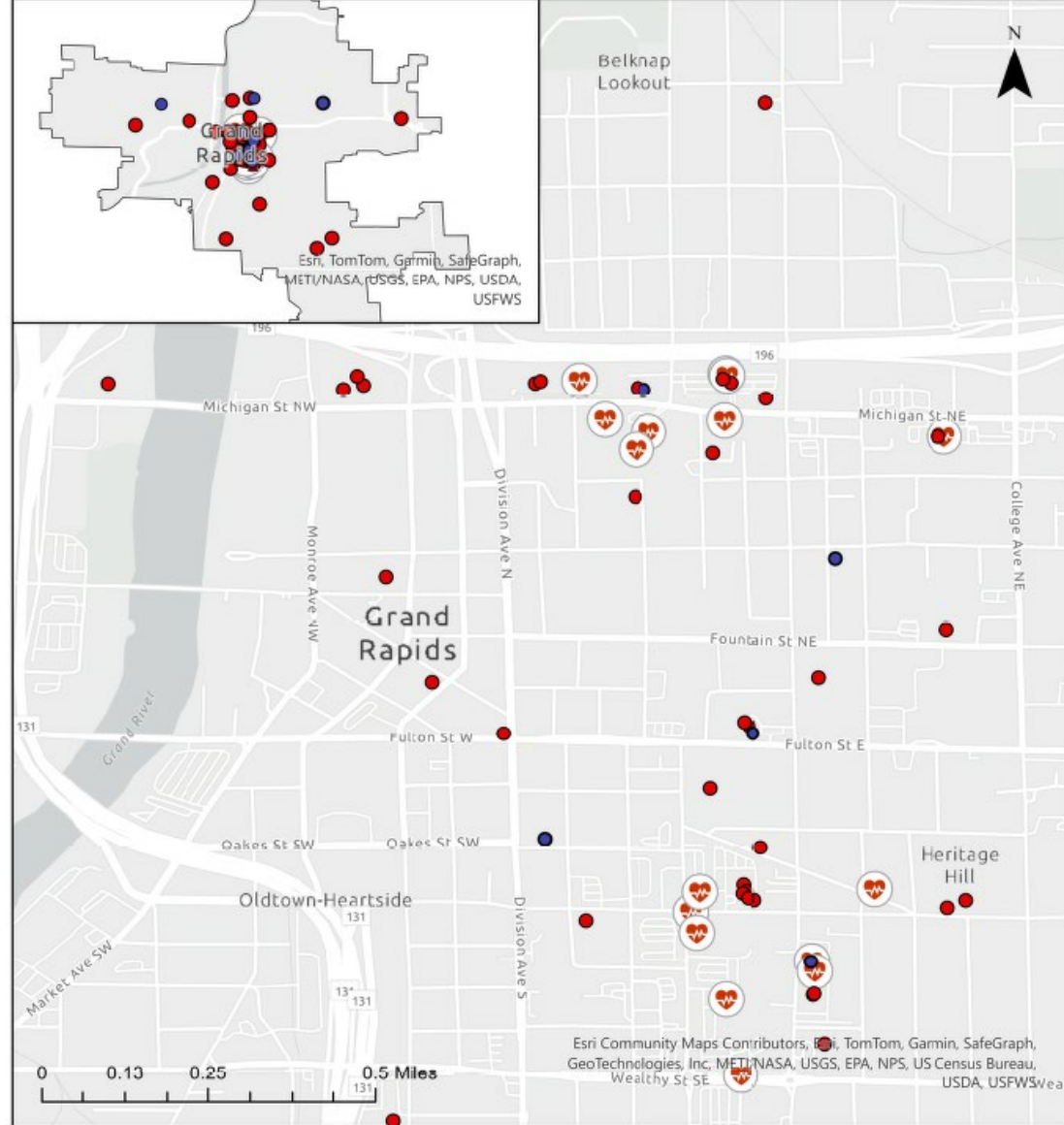
- An additional concern with respect to medical facilities is adequate access to the facility for patients and family members. *New York ex rel. Spitzer v. Operation Rescue National (2001)*.
- Yet another concern is the constitutional “right to be let alone” and to avoid unwanted communication. *Hill v. Colorado (2000)*.

Considerations for limiting free speech around medical facilities

Some concerns are in tension with free-speech rights. One of those concerns is the health and wellbeing of patients.

- In *Madsen v. Women’s Health Ctr., Inc.*, the U.S. Supreme Court upheld noise restrictions and a buffer zone around clinic entrances based on concerns about ensuring the health and well-being of the clinic’s patients. “Noise control,” the Court said, “is particularly important around medical facilities during surgery and recovery periods.” “The First Amendment does not demand that patients at such a facility undertake Herculean efforts to escape the cacophony of political protests.”





Healthcare Facilities, Grand Rapids Michigan

Legend

- Behavioral Health Facilities
- All Clinical Types
-  Hospital Facilities
-  City Boundary

Discussion and Questions

Thank you