

CLEON TOWNSHIP
MANISTEE COUNTY, MICHIGAN
STATE OF MICHIGAN

CLEON TOWNSHIP ORDINANCE NO. 2005-02

ADOPTED: MAY 11, 2005

EFFECTIVE: JUNE 28, 2005

CLEON TOWNSHIP ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF CLEON TOWNSHIP, MANISTEE COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, DUST, SMOKE, AND OTHER NUISANCE ACTIVITIES WITHIN SAID TOWNSHIP, AND TO PRESCRIBE THE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CLEON, MANISTEE COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This Ordinance shall be known and cited as the Cleon Township Anti-Noise and Public Nuisance Ordinance.

Section 2: Anti-Noise Regulations

- A. General regulation—no person or entity of any kind shall cause or create any unreasonable or unnecessary loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. Specific violations—noise or disturbances that shall be considered to cause or create an unreasonable noise or disturbance are hereby declared to be a violation of this section. Such noises and/or disturbances shall include, but are not limited to the following:
 - 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument, loud speaker, or other instrument or sound amplifying device between the hours of 11 p.m. and 7 a.m. in such a manner or with such volume as to unreasonably interfere with any other person's quiet enjoyment of his or her property.
 - 2. Yelling, shouting, hooting, or singing on the public streets between the hours of 11 p.m. and 7 a.m. or at any time or place so as to unreasonably interfere with any person's quiet enjoyment of his or her property.
 - 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of a school, church, hospital, or court.
 - 4. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably interfere with any other person's quiet enjoyment

- of his or her property; such as allowing or permitting any dogs to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
5. The operation of any 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 unreasonably interferes with any other person's quiet enjoyment of his or her property. The modification of any noise abatement device or any motor vehicle engine, or the failure to maintain the same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 6. The sounding of any horn or other device on any motor vehicle which emanates frequent or extended noise which shall unreasonably interfere with any other person's quiet enjoyment of his or her property, unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 7. The discharging of the exhaust of any steam engine, internal combustion engine, motor vehicle, motor boat engine, or drilling rigs except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain the same so the noise emitted by such vehicle or engine is increased above that emitted by such a vehicle as originally manufactured and which emanates frequent extended noise which shall unreasonably interfere with any other person's quiet enjoyment of his or her property, shall be in violation of this section.
 8. The erection, excavation, demolition, alteration, or repair of any building or premises, including streets and highways, in such a manner as to unreasonably interfere with any other person's quiet enjoyment of his or her property, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety.
 9. The creation of a loud or excessive noise which unreasonably interferes with any other person's quiet enjoyment of his or her property 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.
 10. 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 between the hours of 11 p.m. and 7 a.m. which unreasonably interferes with any other person's quiet enjoyment of his or her property.
 11. The operation of any machinery, equipment, or mechanical device so as to emit loud noise between the hours of 11 p.m. and 7 a.m. which unreasonably interferes with any other person's quiet enjoyment of his or her property.
 12. The operation of any race track, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, races, automobiles, or vehicles of any kind or nature where the noise emanating therefrom unreasonably interferes with any other person's quiet enjoyment of his or her property. Under no circumstances

shall any race track, proving ground, testing area, or obstacle course operate after 11 p.m. on any evening.

- C. Exceptions—none of the prohibitions hereinbefore enumerated shall apply to the following:
1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
 2. Excavation or repair of bridges, streets, highways, or other property by or on behalf of the State of Michigan, Manistee County, or Cleon Township, between sundown and 7 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
 3. Warning devices emitting sound for warning purposes as authorized by law.
 4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
 5. Night-time crop spraying and/or other night-time farming activities when found to be necessary.

Section 3: Public Nuisance Regulation

No person or entity of any kind shall create, cause, or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash, or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

Section 4: Validity

The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

Section 5: Violations: Civil Infraction

- A. Any violation of the provisions of this Ordinance shall constitute a civil infraction as defined in the Township's Civil Infraction Ordinance, Cleon Township Ordinance No. 2000-01, Part I and II, as amended.
- B. The provisions of this Ordinance shall be enforceable by the Manistee County Sheriff's Department, which is hereby designated as an "authorized official" for purposes of issuing civil infraction citations to enforce the provisions of this Ordinance. The provisions of this Ordinance may also be enforced by any other Township official who has been designated as an "authorized official" by the Township for purposes of enforcing this and any other Township ordinance pursuant to the Township's Civil Infraction Ordinance, Cleon Township Ordinance No 2000-01, Part I and II, as amended.
- C. Any person who violates any provision of this Ordinance shall be guilty of a civil infraction and subject to the procedures and penalties outlined in the Township's Civil Infraction Ordinance, Cleon Township Ordinance No. 2000-01, Part I and II, as amended.

It was motioned by Supervisor, Terry Ingleright, and seconded by Trustee, Anne Kaminski.

A Roll Call vote showed Todd Humphrey – absent, Terry Ingleright – yes, Anne Kaminski – yes, Linda Cudney – yes, Marlene Wood-Zylstra – yes.

Motion carried. Ordinance declared adopted.

A summary of the ordinance will be published in the Manistee News Advocate and sent to township attorney, Jane Johnson for wording approval.

CERTIFICATION

I, Marlene Wood-Zylstra, Clerk of the Township of Cleon, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of the Cleon Township Anti-Noise and Public Nuisance Ordinance, as adopted by Resolution on May 11, 2005.

EFFECTIVE DATE: JUNE 28, 2005

Marlene Wood-Zylstra

Marlene Wood-Zylstra
Cleon Township Clerk

*published in
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on May 27, 2005
eff. June 28, 2005*