

Anti-Noise and Public Nuisance Ordinance:						Length: 5 Pages			
Reviewed									
Revised	*10/05								

*denotes date of origin

Purpose of Ordinance:

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Grass Lake Charter Township, Jackson County, Michigan, by the regulation of noise within said Township.

I. Title of Ordinance:

This ordinance shall be known and cited as the Grass Lake Charter Township Anti-Noise and Public Nuisance Ordinance.

II. Unlawful acts: public nuisances

It shall be unlawful and it shall be deemed a public nuisance for any person to unreasonably make, continue, or cause to be made or continue any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace or safety of the public within the township. The following acts, among others, are declared to be unlawful noise violations:

A. *Radios, CD players and musical instruments.* Operating, playing or permitting the operation or playing of any radio, CD player, television set, amplified or un-amplified musical instrument, drum, loudspeaker, tape recorder, or other sound-producing device, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, or residence. The operation of any such set, instrument, CD player, machine, or device in such a manner as to be plainly and clearly audible on real property or in a dwelling unit other than that from which the noise originates or emanates shall be evidence of a violation of this ordinance.

B. *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing, or making any other loud noises on the public streets, sidewalks, bike pathways, or other streets or paths located within the township between the hours of 11:00pm and 7:00am the following day, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, or residence.

C. *Construction.* Operating or permitting the operation of any tools or equipment used in the construction, excavation, demolition, alteration or repair or any building, street or highway between the hours of 9:00pm and 6:00am the following day, Monday through Saturday, and in between the hours of 9:00pm Saturday and 8:00am the following Sunday, such that the sound there from is plainly audible in any dwelling, office, or residence, or on any residential property

other than the property from which the noise emanates or originates, unless a variance therefore is first obtained from the township supervisor.

- D. *Engines.* Operating or permitting the operation of any steam engine or internal combustion engine, whether stationary or mobile, so as to annoy or disturb the quiet, comfort or repose of a person of normal sensitivities in any office, dwelling or residence. This shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas, between the hours of 7:00am and 9:00pm the same day, nor shall it prohibit the operation of snow removal equipment at any time necessary. This shall not prohibit the operation of a farm implement or state licensed motor vehicle in a manner expressly permitted by state law.
- E. The emission or creation of any excessive noise which unreasonably interferes with the operations of any school or church is not permitted.
- F. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property is not permitted.
- G. The erection, excavation, demolition, alteration or repair of any building or premises in any part of Grass Lake Charter Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other people, other than between the hours of 7:00am and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Building Inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.
- H. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- I. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

III. **“Person” defined.**

In addition to its normal meaning, the term “person,” as used in this ordinance, means a person who causes or makes an unlawful noise, or a person who is in control of property or premises from which an unlawful noise originates or emanates.

IV. Exceptions for Emergency

The provision of this ordinance shall not apply to the emission of sound for the purpose of alerting persons of the existence of an emergency or the emission of sound in the performance of emergency work.

V. Variance to permit noise during prohibited hours

The township supervisor may grant an application of variance of this ordinance to permit construction noises and outdoor events during hours otherwise prohibited under this ordinance, after notice and hearing upon a showing that compliance with this ordinance would constitute an unreasonable hardship on the applicant, community or other persons.

VI. Abatement of public nuisance

The township supervisor may act to abate a public nuisance, as provided by law, without giving notice if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged to the person found to be in violation of this ordinance.

VII. Exceptions

None of the prohibitions hereinbefore enumerated shall apply to the following:

- A. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaging in necessary emergency activities.
- B. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Grass Lake Charter Township, or the County of Jackson, between sundown and 7:00am when the public welfare, safety and convenience render in impossible to perform such work during other hours.
- C. Normal operation of equipment for farming or construction.

Note: The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). To learn more you can log on to the GAAMPs website at <http://www.michigan.gov/mda> click on "Farming," then "Environment," and then click "GAAMPs" to access.

VIII. Public Nuisance Regulations

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township. The word "Nuisance" as used in this ordinance means any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. As defined herein, a nuisance includes, but is not limited to, conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter,

whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residue or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

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IX. Severability

If any section, subdivision sentence, regulation, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivision, sentences, regulation, clauses and phrases of this ordinance or the regulation as an entirety.

X. Penalties and Civil Fines/Cost

Any person, firm or corporation found violating the provisions of this Ordinance, is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Grass Lake Charter Township.

First Violation within a 3-year period*.....	\$50.00/per day
Second violation within a 3-year period*.....	\$100.00/per day
Third violation within a 3-year period*.....	\$200.00/per day
Fourth or subsequent violation within a 3-year period..	\$400.00/per day

*(*determined on the basis of the date of the violation(s))*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

XI. Supercedes

This Ordinance shall supercede Grass Lake Township Ordinance No 77-1.

XII. Effective Date

This Ordinance shall take effect immediately upon publication or posting as required by law following adoption by the Township Board. Adoptive Date 10-11-2005.

Marjorie A. Clark
Grass Lake Charter Township, Clerk
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