

# CLEMENT TOWNSHIP NOISE AND PUBLIC NUISANCE ORDINANCE

## Ordinance No. 2021-01

An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to secure the public health, safety and general welfare of residents, property owners and persons within the Township of Clement, Gladwin County Michigan by the regulation of noise and other types of nuisances and to prescribe the penalties for the violation thereof.

### **SECTION 1 – Title**

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

### **SECTION 2 – Anti-Noise Regulations**

- A. General Regulation. No person, firm, corporation or other legal entity shall cause, create or maintain any unreasonably loud noise or disturbance which is injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties. Any such noise or disturbance is hereby declared a nuisance per se.
- B. Specific Violations. The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or interfere with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties are declared to be a violation of this Ordinance. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.
  - a. It shall be unlawful between the hours of 12:00 am and 7:00 am Sunday through Thursday and 1:00 am and 7:00 am Friday and Saturday and holiday weekends for any person to make, create, maintain or permit any loud, unnecessary noise of such character, intensity, or duration, either steadily or intermittently, at any place which annoys, disturbs, endangers or impairs the comfort, health convenience, safety, welfare, enjoyment and peace and quiet of other person in the vicinity.
  - b. It shall be unlawful at any time of the day or night to keep any animal, dog, or bird which by causing frequent or long-continuing noise, or barking, causes a disturbance as defined in paragraph 1 above.
  - c. Operating any automobile, motorcycle or other vehicle or engine that causes unreasonable noise, including but not limited to noise resulting from exhaust, mechanical defect or modification which, by creation of unreasonable noise, shall be disturbing to other persons in the vicinity. The modification or removal of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.
  - d. Erecting, excavating, demolishing, altering or repairing any building or premises in any part of the township, and including streets and highways, in such a manner as to emanate unreasonable or excessive noise, or disturbance annoying to other persons, other than between the hours of dawn and sundown of any day.

- e. Operating any commercial race track, proving ground, testing area, obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township where the noise emanating from it would be disturbing and upsetting to another person in the vicinity.
- C. Exceptions. None of the above listed prohibitions shall apply to the following:
- a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities;
  - b. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, County Road Commission or other entity with jurisdiction of same.
  - c. Farming.
  - d. Industrial activities conducted in a properly zoned industrial area.
  - e. Warning devices emitting sound for warning purposes as authorized by law.
  - f. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

### **SECTION 3 – Public Nuisance Regulations**

No person, firm or corporation shall create, cause, maintain or allow any activity within the township that emits smoke, dust, fly ash, organic or inorganic particulates or noxious odors which are injurious to or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of person in the vicinity or on nearby properties excluding campfires and other controlled burning in compliance with government regulations. Emissions of smoke, dust, fly ash, organic or inorganic particulates or noxious odors which travel beyond or are detectable beyond the boundaries of the property from which they originate shall be prima facie evidence of a violation of this section. Any such activity is hereby declared a nuisance per se.

### **SECTION 4 – Violations, Penalty and Persons Responsible**

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than Five Hundred (\$500) dollars, plus 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 sixty-five (\$65) dollars or more than five hundred (\$500) dollars be ordered. The owner, resident or occupant in control of premises upon which a violation of this Ordinance occurs is responsible for the violation to the extent as the person(s) who conduct the activity giving rise to the violation. All violations of this Ordinance are declared nuisances per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

### **SECTION 5 – Severability**

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or nay part thereof other than the part so declared to be invalid.

**SECTION 6 – Effective Date**

This Ordinance shall become effective thirty (30) days after the date of its publication.

Adopted by the Township Board, Township of Clement, Gladwin County, Michigan at a meeting of the Township Board held on the 13th day of October, 2021.

YEAS: Karon Hoffman, Eric House, Carolyn Ochab, Kim Davis, Albert Lee

NAYS: (0)

ABSENT/ABSTAIN: (0)

ORDINANCE DECLARED ADOPTED

\_\_\_\_\_  
Karon Hoffman, Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eric House, Clerk

\_\_\_\_\_  
Date