

TOWNSHIP OF FROST
COUNTY OF CLARE, STATE OF MICHIGAN

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE #21

ADOPTED: 12-19-2000

EFFECTIVE: 02-01- 2001

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Frost Township of Clare County, Michigan, by the regulation or noise within said Township; to prescribe the penalties for the violation thereof.

BOARD OF FROST TOWNSHIP

CLARE COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Frost Township Anti-Noise and Public Nuisance Ordinance, Number 21.

SECTION II

ANTI-NOISE REGULATIONS

A. General Regulation – no person, firm or corporation shall cause or create any loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the township.

B. Specific Violations – the following noises and disturbances are hereby declared to be a violation of this ordinance provided, however, that the specification of the same is not hereby to be construed to exclude other violations of this ordinance not specifically enumerated:

1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to upset or disturb the quiet, comfort or repose of other persons.
2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00pm and 7:00am, or at any time or place so as to upset or disturb the quiet, comfort or repose of any persons in the vicinity.
3. The emission or creation of any excessive noise which interferes with the operation of any school, church, hospital or court.
4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall 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.
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 noise resulting from exhaust, which is clearly audible from nearby properties and disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device 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 in violation of this section.
6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement on any motor vehicle or engine, or the failure to maintain same so 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.
8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the township, and including the streets and highways, in such a manner as to emanate noise or disturbance annoying to other persons, other than between the hours of 7:00am and 10:00pm 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.

9. The creation of a loud or excessive noise disturbing to other persons in the vicinity 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 which, by the creation of such noise, shall be disturbing to other persons on the vicinity.
11. 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 device emits loud and raucous noises easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit loud noise which is disturbing to the quiet, comfort or repose of any person except between the hours of 7:00am and 10:00pm.
13. The operation of any race track, proving ground, testing area or 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 there from would be disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 10:00pm on any evening.

C. Exceptions – none of the prohibitions herein before 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, or highways or other property by or on behalf of the State of Michigan, Frost Township, or the County of Clare, between sundown and 7:00am 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.

SECTION III

The following exceptions shall apply to these regulations under this Section 3, Subsection A

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long a valid building permit has been issued by the township and is currently in effect.
2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
3. Noise occurring between 7:00am and sundown caused by home or building repairs or from maintenance of grounds are excluded.
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. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the township zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 - a. The noise level emitted by such use at the time became a legal non-conforming uses as a result of the enactment of an amendment of the township zoning ordinance if available.
 - b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial, agricultural or industrial) where such a use is specifically allowed as permissible use.

SECTION IV

PUBLIC NUISANCE REGULATIONS

No firm or corporation shall create, cause or maintain any public nuisance within the township by the 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 V

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 VI

PENALTIES

Any person, firm or corporation found violating the provisions of this ordinance shall be in violation of a civil infraction.

Minimum/Maximum

First Violation	\$50.00 to \$500.00
Second Violation	\$125.00 - \$500.00 within 3-year period
Third Violation	\$250.00 - \$500.00 within 3-year period
Fourth and subsequent violation	\$400.00 - \$500.00 of the same ordinance violation

SECTION VII

ENFORCEMENT

This Ordinance shall be enforced by such person or persons as may be designated by the Frost Township Board.

SECTION X

ADOPTION AND EFFECTIVE DATE

This Ordinance was adopted by the Township Board of the Township of Frost, County of Clare, State of Michigan at its regular Board Meeting held on December 19, 2000. It shall become effective February 1, 2001.

Emerson Davis
Frost Township Clerk

*The original copy of this Ordinance and the Meeting Minutes are on file with the Township Clerk and may be inspected at any time.