

**CHAPTER 21**  
**NOISE CONTROL ORDINANCE**  
**PROPOSED CHANGES ARE PREFACED BY “P”**

**21.101 Purpose.**

It is the purpose of this Ordinance to prohibit noises which are so loud, obnoxious, raucous or occur at such hours as to disturb, annoy, injure or endanger the comfort, repose, health, peace and safety of others, within the Township.

**P** – It is the purpose of this Ordinance to promote the health, safety, and welfare of the people of Cedar Creek Township, by defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances *per se* and to prohibit noises which are so loud, obnoxious, raucous or occur at such hours as to disturb, annoy, injure or endanger the comfort, repose, health, peace and safety other others; providing the procedure for abatement of public nuisances, enforcement of this Ordinance, and recovery of costs incurred by Cedar Creek Township; and repealing all Ordinances or parts of Ordinances in conflict with this Ordinance. It is further the purpose of this ordinance to provide common sense enforcement regulations which reflect our community standards by ensuring that enforcement of these provisions shall be determined by the “reasonable person” standards.

**21.102 General Prohibition.**

**P – DELETE SECTION 2.1**

~~2.1 It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the township.~~

**P – CHANGE TO 88**

2.2 It shall be deemed a prima facie violation per se of this Ordinance for any noise having a decibel level of ~~85~~**88** decibels at a distance of 50 feet from the property from which the noise source is located.

**P- DELETE SECTION 2.3**

~~2.3 Except as a specific noise or noise-generating activity is allowed during the specified hours only, all prohibited noises shall be deemed illegal at all times. Except as a specific noise or noise-generating activity is prohibited during the certain hours, it shall be deemed legal at all other hours.~~

**21.103 Section 3.1 Specific Offenses Per Se. P – ADD Per Se**

The following acts **per se**, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

**P – FOR ALL FOLLOWING SECTIONS OF SPECIFIC OFFENSES PER SE**

~~**3.2 Horns, Signaling Devices, Etc.** The sounding of any horn or signaling device to which the purpose of this Ordinance is designed to prohibit, on any automobile, motorcycle, street car snowmobile or other vehicle on any street or public place of the Township, while the vehicle is not in motion, except as a danger warning. ; the creation by means of any such signaling device or~~

~~any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.~~ **The use of any automobile, motorcycle, snowmobile or vehicle so out of repair, so loaded in such a manner as to create loud grating, grinding, rattling or other noise.**

**3.3 Radios, Phonographs, Etc.** ~~The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto~~ **any persons in the vicinity.** The operation of any such set, instrument, phonograph, machine or device between the hours of ~~eleven o'clock~~ **9:00** p.m. and ~~seven o'clock~~ **7:00** a.m. in such a manner as to be plainly audible at a distance of 50' feet from the land, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

**NOTE: CHANGED FROM 7:00 A.M. TO 8:00 A.M. AND 11:00 P.M. TO 10:00 PM.  
AT 4/27/21 MEETING**

**3.4 Loud Speakers, Amplifiers for Advertising.** ~~The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument phonograph,~~ **use of mechanical loudspeakers, sound amplifiers, or other machines or devices for the producing or reproducing of sound which is cast upon the public streets on vehicles for the any purpose of commercial advertising or attracting the attention of the public to any building or structure. except if specific permission is granted by the Township Supervisor, Clerk or Treasurer.**

**NOTE: ADDED "OR DESIGNEE" 4/27/21 MEETING- changed to add Clerk or Treasurer 7/21/21**

**3.5 Yelling, Shouting, Etc.** ~~Yelling, shouting, hooting, whistling, or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel or other type of residence or of any persons in the vicinity~~ **any persons in the vicinity.**

**3.6 Animals, Birds, Etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

**3.7 Steam Whistles.** The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper township ~~authorities.~~ **authorities-CORRECT SPELLING**

**3.8 Exhausts.** The discharge into open air of exhaust of any steam engine, stationary internal combustion engine, motor boat, snowmobiles, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

**3.9 Defects in Vehicle or Load.** ~~The use of any automobile, motorcycle, snowmobile, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.~~ **P - DELETE THIS SECTION - 4/27/21 MEETING**

**3.10 Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales,

boxes, crates and containers.

**3.11 Construction or Repairing of Buildings.** The erection, ~~(including excavating)~~ excavation, demolition, alteration or repairing of any building other than between the hours of 7:00 a.m. to ~~6:00~~ 9:00 p.m. on weekdays, except **in case of urgent necessity, in the interest of public safety and then only upon permission having been first obtained from the Township Supervisor, Clerk or Treasurer;**

**NOTE: ADDED "OR DESIGNEE" 4/27/21 MEETING-changed to add Clerk or Treasurer 7/21/21**

**P – DELETE a AND KEEP b – 4/27/21 MEETING**

~~(a) In case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 p.m. and 7 a.m., and if he shall further determine that no loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 p.m. and 7 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work; and~~

(b) In the case of a person who is erecting (including excavating), demolishing, altering or repairing any residence or accessory building owned by said person. In such case, the owner may conduct such activities at any reasonable hour, including, but not limited to, all daylight hours.

**P – CHANGE TITLE TO RESIDENTIAL OPERATIONS.**

~~**3.12 Schools, Courts, Churches, Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.~~

**Residential Operations.** The operation of any business, trade or occupation located in a residential section of the township, between the hours of 9:00 p.m. and 7:00 a.m. which makes an unusual, loud, frequent or disturbing noise to any persons in the vicinity.

**P – DELETE HAWKERS, PEDDLERS – 4/27/21 MEETING**

~~**3.13 Hawkers, Peddlers.** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.~~

**3.14 Drums.** The use of any drum other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

**P- This section shall not be construed as to apply to places of worship. MEETING 8/17/21**

**3.15 Metal Rails, Pillars and Columns, Transportation Thereof.** The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, ~~trays~~, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

**3.16 Pile Drivers, Hammers, Etc.** The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel pneumatic hammer, derrick, steam or electric noise or other appliance, the use of which is attended by loud or unusual noise.

**3.17 Blowers.** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

P – NEW SECTION 3.18 and 3.19 – 9/1/21 MEETING

**3.18 Explosive Noises.** The creation of any explosive noise produced by spring, coil device, pneumatic means, and/or chemical reaction including gun powder, explosive demolition, or similar repeated discharge of any device that creates an explosive noise other than as permitted by state law or Township ordinance, between the hours of 7:00 p.m. or sunset, whichever is earlier, and 9:00 a.m. This section shall not apply to any and all allowed hunting which is permitted within the approved dates and timeframes established by the Michigan Department of Natural Resources regulations or other state laws.

P – Additional language proposed to both (a) and (b) and sections are switched to make (a) Safe back stop language and (b) discharge language at 10/25/21 MEETING

**3.19 Safe Discharge of Firearms.** An individual shall not discharge a firearm within 150 yards (450 feet) of an occupied building, dwelling, house, residence, or cabin, or any barn or other building used in the connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property.

(a) A safe back stop of 8' in height shall be required for non-hunting related discharge of firearms; not including aerial based targets.

(b) This section shall exclude the discharge of a firearm deemed to be in self-defense or in the defense of others and does not apply to any and all allowed hunting which is permitted within the approved dates and timeframes established by the Michigan Department of Natural Resources regulations or other state laws.

P – DELETE SECTION 21.104 AND 21.105 – 4/27/21 MEETING

~~21.104. Section 4. Sound Trucks.~~

~~4.1 In the interpretation of this chapter the following definitions shall apply:~~

~~4.2 "Sound Truck." The words "sound truck" as used herein shall mean any motor vehicle, or horse drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.~~

~~4.3 "Sound Amplifying Equipment." The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. (Rev. 3/93.)~~

~~21.105. Section 5. Commercial Advertising by Sound Truck Prohibited.~~

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the township of Cedar Creek with sound amplifying equipment in operation.

P – DELETE SECTION 21.106 (REPLACED BY 3.18 & 3.19 ABOVE)

## **20.106 ~~Guns, Firearms and Gun, Sporting, Skeet, and Trap Clubs.~~**

~~6.1 For purposes of this section guns and firearms are intended to generally include all forms of devices which fire a powder load capable of projecting a missile or object through a barrel, whether same are rimfire, centerfire, or open charges. The term includes but is not limited to guns, rifles, muzzleloaders, pistols, and shotguns.~~

~~6.2 Any hunting, fishing, trap, skeet, or similar sporting club is prohibited from allowing the discharge of firearms on its premises between the hours of 6 p.m. and 11 a.m.~~

~~6.3 Noise levels greater than that set out in Section 2.2 shall be prohibited at all times.~~

P – 9/1/2121 MEETING

P – 1/25/22 ADDED “with the exception of.....” to Penalties first sentence

**21.107 Section 7. Person Defined; Charging With Violations.** Any owner, lessee, or occupant of land and in the case of a corporation, partnership, or association, the board members, partners, officers, or directors, any likewise **like-individuals, regardless of title**, be charged with a violation of this Ordinance, if the source of noise prohibited by this Ordinance is found to be on the land owned or occupied by the person charged at the time of the violation. Whenever the word “person” is used in this Ordinance, it shall be deemed to include a firm, corporation, partnership, or association, or fraternal organization.

P – 1/25/22 MEETING – NEW 108 Disobeying Commands of a Police Officer AND 109 now Penalties.

**21.108 Section 8. Disobeying Commands of a Peace Officer.** Any person who disobeys the command of a Police Officer to cease violating this ordinance shall be guilty of a misdemeanor which carries a penalty of up to 30 days in jail and/or a fine not to exceed \$500.

**PENALTIES SECTION MOVED PER ATTORNEY RECOMMENDATION TO “SANCTIONS FOR VIOLATIONS”. JAN. 26, 2022**

### **21.108 Penalties. Sanctions For Violations.**

Any person, firm or corporation who violates, neglects, or refuses to comply with any of the provisions of this Ordinance ~~shall be deemed guilty of a misdemeanor, and upon conviction, be subject to a fine of not more than \$500 or imprisoned in the Muskegon County Jail for a term not exceeding 90 days, or both,~~ **with the exception of sub-section r, shall be responsible for a municipal civil infraction violation punishable by the following:**

- 1) 1<sup>st</sup> offense – a Civil Infraction with a fine not exceeding one hundred dollars (\$100.00)
- 2) 2<sup>nd</sup> offense - a Civil Infraction with a fine not exceeding two hundred dollars (\$200.00) for a second violation of this article within one (1) year.
- 3) 3<sup>rd</sup> offense - a Civil Infraction with a fine not exceeding five hundred dollars (\$500.00) for each additional violation of this article within one (1) year.

- 4) In addition to the foregoing fines, a person, firm or corporation who violates this ordinance shall also be responsible for all other costs, damages, and expenses incurred by the Township enforcing the ordinance. Each day during which any violation continues shall be deemed a separate offense, and a continuing violation shall subject the offender to continual penalties. The foregoing penalties are in addition to all other remedies available to the Township by law, including, but not limited to, enforcement orders and injunctive relief as a remedy for a municipal civil infraction violation. In addition, the Township may also institute an action in Circuit Court to abate, enjoin or take other appropriate action to remedy a violation of this ordinance, and the Township shall be entitled to all costs and attorney's fees incurred in bringing that action. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

**21.109 Section 9. Severability Clause.**

Each provision of this Ordinance is declared to be separate from all others and in the event one portion is declared unconstitutional, all other provisions shall remain in full force and effect.