

CEDAR CREEK TOWNSHIP

COUNTY OF MUSKEGON, MICHIGAN

At a meeting of the Township Board of the Township of Cedar Creek, held in the Township Hall, 6556 Sweeter Rd, Twin Lake, Michigan, on the 10th day of March, 2022 at 6:00 p.m.

PRESENT: Charles Skinner, Linda Aerts, Heather Jarvis, Robert Wright

ABSENT: Peggy Foster

The following ordinance was offered by Member Jarvis and supported by Member Skinner.

ORDINANCE NO. 2022-01

AN ORDINANCE TO AMEND THE REGULATORY ORDINANCE

CEDAR CREEK TOWNSHIP ORDAINS:

Section 1. Chapter 21 of the Cedar Creek Regulatory Ordinance, Noise Control is hereby amended in its' entirety to read as follows:

21.101. Purpose.

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 of 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.

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

21.2 No person, firm or corporation shall make, assist, or maintain the continuance of any unreasonable or unnecessary loud noise as defined and set forth in this ordinance.

21.103 Specific Offenses 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:

- a. **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,

snowmobile or other vehicle while the vehicle is not in motion, except as a danger warning. 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.

- b. Radios, Phonographs, Etc.** The using, operating, or permitting to be played, used or operated of any radio, 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 any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50' from the land, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- c. Loud Speakers, Amplifiers for Advertising.** The use of mechanical loudspeakers, sound amplifiers, or other machines or devices on vehicles for any purpose except if specific permission is granted by the Township Board.
- d. Yelling, Shouting, Etc.** Yelling, shouting, whistling, or singing on the public streets between the hours of 10:00 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 any persons in the vicinity.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. Construction or Repairing of Buildings.** The erection, excavation, demolition, alteration or repairing of any building other than between the hours of 7:00 a.m. to 9:00 p.m. on weekdays, except in case of urgent necessity, or in the interest of public safety. Notification of these actions shall be made to the Township within 24 hours.
 - 1) In the case of a person who is erecting (including excavating), demolishing, altering or repairing any residence or accessory building owned by said person, the owner may conduct such activities at any reasonable hour, including, but not limited to, all daylight hours.
- j. 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.
- k. 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. This section shall not be construed as to apply to places of worship.
- l. 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, 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.

- m. 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.
- n. 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.
- o. 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 8:00 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. Safe Discharge of Firearms.** An individual shall not discharge a firearm which creates noise 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.
 - 1) In order to create a sound barrier, a safe back stop of 8' in height shall be required for non-hunting related discharge of firearms; not including aerial based targets.
 - 2) 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.
- q. 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 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.
- r. 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 \$500.00.
- s. Special Events.** Special Events as described in the Zoning Ordinance, are not exempt from the provisions of this ordinance.

21.104. 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.

Section 2. Chapter 21 of the Cedar Creek Code of Ordinances is hereby amended by the addition of subsection 105 thereto as follows:

21.105 Sanctions for Violations.

Any person, firm or corporation who violates, neglects, or refuses to comply with any of the

provisions of this Ordinance, with the exception of sub-section r, shall be responsible for a municipal civil infraction violation punishable by the following:


- 1) 1st offense – a Civil Infraction with a fine not exceeding one hundred dollars (\$100.00)
- 2) 2nd 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) 3rd 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.

Section 3. Publication; Effective Date. This ordinance shall be effective thirty days after publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Aerts, Jarvis, Skinner

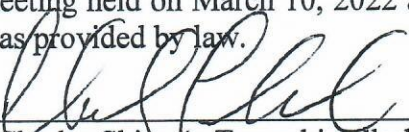
NAYS: Wright

ORDINANCE DECLARED ADOPTED.



Charles Skinner, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Cedar Creek Township Board at a regular meeting held on March 10, 2022 and I further certify that public notice of such meeting was given as provided by law.



Charles Skinner, Township Clerk

Adopted: March 10, 2022

Published: March 17, 2022

Effective: April 16, 2022