

**ONEKAMA TOWNSHIP
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE
PP 2019-06**

An ordinance # 2019-06 (replaces 2005-2) of the Onekama Township Ordinances to secure the public health, safety and general welfare of the residents and property owners of noise which creates a public nuisance.

THE TOWNSHIP OF ONEKAMA, MANISTEE COUNTY, MICHIGAN ORDAINS:

Section 1. The Township of Onekama Code of Ordinances is hereby amended by the addition of a revised Ordinance of 2005-2, revision number PP 2019-06 which shall read as follows:

2019-06 REGULATION OF NOISE

2019-06 A Definitions

The following terms used in this chapter are defined as follows:

2019-06 B Anti-Noise Regulations

- A. General Regulation – no person, firm or corporation shall cause or create any unreasonable or unnecessary 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 that shall cause or create any unreasonable noise or disturbance are hereby declared to be a violation of this chapter; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this chapter not specifically enumerated:
 - 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument, loud speaker or other instrument or sound amplifying device between the hours of 1 a.m. and 7 a.m. in such manner or with such volume as to unreasonably interfere with any other person's quiet enjoyment of his or her property.
 - 2. Yelling, shouting hooting or singing on the public streets between the hours of 1 a.m. and 7 a.m., or at any time or place so as to unreasonably interfere with any person's quiet enjoyment of his or her property.
 - 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of a school, church, hospital or court.
 - 4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably interfere with any person's quiet enjoyment of

his or her property; 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, ratline, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonable interferes with any person's quiet enjoyment of his or her property. The modification of any noise abatement device or any motor vehicle engine, or 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 which emanates frequent or extended noise which shall unreasonably interfere with any person's quiet enjoyment of his or her property, unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
7. The discharging of the exhaust of any steam engine, internal combustion engine, motor vehicle, motor boat engine, or drilling rigs except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above the emitted by such a vehicle as originally manufactured and which emanates frequent or extended noise which shall unreasonably interfere with any person's quiet enjoyment of his or her property, shall be in violation of this section.
8. The erection, excavation, demolition, alteration, or repair of any building or premises, including streets and highways, in such a manner as unreasonably interferes with any other person's quiet enjoyment of his or her property, other than between the hours of 7:00 a.m. 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 limit the periods that the activity may continue.
9. The creation of a loud or excessive noise which shall unreasonably interfere with any person's quiet enjoyment of his or her property 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 between the hours of 1 a.m. and 7 a.m. which unreasonably interferes with any other person's quiet enjoyment of his or her property.
11. The operation of any machinery, equipment, or mechanical device so as to emit loud noise, with the exception of machinery on a working farm, which shall unreasonably interfere with any person's quiet enjoyment of his or her property.

12. 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 where the noise emanating there from unreasonably interferes with any person's quiet enjoyment of his or her property. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 12 a.m. on any evening.
- C. Exceptions – None of the prohibitions hereinbefore 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 in behalf of the State of Michigan, Township of Onkama, or the County of Manistee, between sundown and 7 a.m. 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.
 4. Legally licensed businesses that offer dancing, entertainment, and/or similar activities, including activities at the Manistee County Fairgrounds shall be subject to the hours of 1:00 a.m. and 7:00 a.m. as hours of noise restriction.

Section 2. Penalties and/or Enforcement of Ordinance

A. Any person or other entity who violates any of 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 or that given in any amended Municipal Civil Infraction ordinance approved by the Onkama Township Board:

- 1st violation within a three (3) year period - \$100*
- 2nd violation within a three (3) year period - \$200*
- 3rd violation within a three (3) year period - \$300*
- 4th or subsequent violation within a three (3) year period - \$400*

*Determined on the basis of the date of the same violation(s).

B. Additionally, the violator shall pay costs, which may include all direct or indirect expenses at which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. Provisions of this Ordinance may also be enforced by a suit for injunctive relief.

Section 3. All Onekama Township Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. This Ordinance shall become effective thirty (30) days following its introduction, adoption and publication as required by law.