

OLIVE TOWNSHIP  
CLINTON COUNTY, MICHIGAN

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE  
ORDINANCE NO. 15

**PREAMBLE**

AN ORDINANCE TO SECURE AND CONTRIBUTE TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF OLIVE TOWNSHIP, CLINTON COUNTY, MICHIGAN BY REGULATION OF NOISE, AND EMISSION OF DUST, SMOKE, FLY ASH OR NOXIOUS ODORS OR GLARE WITHIN SAID TOWNSHIP; TO DEFINE TERMS AND PROHIBITED CONDUCT AND EXCEPTIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

The Township of Olive, Clinton County, Michigan, ordains:

**Section 1. Title.**

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

**Section 2. Definitions.**

The following terms used in this Ordinance shall have the following meanings:

- (a) **Audible** means being heard or the capability of being heard by a person(s) with ordinary hearing.
- (b) **Construction** means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excludes demolition for or of public right-of-way, structures, utilities, or similar property.
- (c) **Demolition** means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (d) **Emergency** means any situation or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

- (e) **Emergency work** means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency following a public or private calamity or accident.
- (f) **Muffler** means a device used for lessening the sound of escaping gasses of an internal combustion engine.
- (g) **Noise or noise disturbance** means any sound that is loud, unnecessary, unusual, or unreasonable and which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of persons with normal sensitivities.
- (h) **Agricultural areas** mean those areas that allow the possession and keeping of animals such as, but not limited to, horses, cows, sheep, chickens, and other animals commonly found on agricultural use properties.
- (i) **Person** means any individual, association, partnership, limited liability company or corporation, and includes any officer, employee, department, agency, or instrumentality of the state or any political subdivision thereof.
- (j) **Residence or residential area** means any areas used for living purposes, such as one- and two-family homes, apartments, condominiums, and hotels or motels.

**Section 3. Anti-Noise Regulations.**

- A. No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the Township, including, but not limited to:
  - 1. Sounding any horn or signal device on any automobile, motorcycle, bus or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary or an unreasonable duration, or unreasonably loud or harshly.
  - 2. Playing or amplifying any radio, phonograph, stereo, tape or disc player, car stereo, musical instrument or other electronic sound producing device in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of persons in any place of business or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity. The operation of any such device in a manner so as to be plainly audible on a property or in a dwelling unit

other than that in which it is located or the operation of a car stereo so as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be *prima facie* evidence of a violation of this section.

3. Yelling, shouting, hooting 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 unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
4. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
5. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in any area where such barking can be clearly heard from nearby residential property.
6. 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 unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons and/or the modification or elimination 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.
7. 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.
8. The discharging outside of any enclosed building of the exhaust or any steam engine, internal combustion engine, motor vehicle, or motor boat engine, except through a muffler or other similar device which will effectively prevent loud or explosive noises.
9. 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 unreasonably annoying to other persons, 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 be obtained from the Township, which permit shall limit the periods that the activity may continue.

10. The creation of loud or excessive noise unreasonably 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.
11. 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 unreasonably disturbing to other persons in the vicinity.
12. 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.
13. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
14. The operation of any race track, proving ground, testing area or obstacle or other 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 therefrom is audible beyond the property lines upon which such activity is occurring. Under no circumstances shall any race track, proving ground, testing area or obstacle or other course operate before 9:00 a.m. on any morning and after 9:00 p.m. on any evening.

B. 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 on behalf of the State of Michigan, Olive Township, or the County of Clinton. between sundown and 7:00 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. Noises created by agricultural operations, including animals, birds, etc. usually kept and used for agricultural purposes.
5. Construction projects between the hours of 7:00 a.m. and sundown.
6. Railroad operation.
7. Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of residential grounds.
8. Noises emanating from the discharge of firearms; provided, however, that the discharge of firearms is authorized under Michigan law and all local ordinances.

#### **Section 4. Public Nuisance Regulations.**

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors or glaring lights which are offensive or disturbing to adjacent property owners and residents or persons in the area

#### **Section 5. Validity.**

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provisions thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

#### **Section 6. Penalties.**

Any person, firm or corporation found violating the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

#### **Section 7. Effective Date.**

This Ordinance shall become effective thirty (30) days from and after its adoption and publication as required by law.

OLIVE TOWNSHIP

By: Earl Barks  
Earl Barks, Supervisor

By: Mistie McKane  
Mistie McKane, Clerk

I, Mistie McKane, Clerk of the Township of Olive, hereby certify that the foregoing Ordinance was adopted on the 13<sup>th</sup> day of September, 2004 and a summary published on the 19<sup>th</sup> day of September, 2004.

Mistie McKane  
Mistie McKane, Clerk