

SHERMAN TOWNSHIP  
NEWAYGO COUNTY

(ORDINANCE NO. 30)

AN ORDINANCE TO REGULATE AND CONTROL NOISE AND NUISANCES, BOTH ON PUBLIC AND PRIVATE PROPERTY, AND TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF SHERMAN (“Township”) ORDAINS:

Section 1. **Noise Violations.**

(a) **Generally.** 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 Township, including, but not limited to the noises enumerated in this Section 1.

(b) **Horns and Signal Devices.** The sound of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time are all unlawful.

(c) **Musical Instruments; Electronically Amplified Sound.** It shall be unlawful to play any musical instrument or allow any electrically or electronically produced, reproduced or amplified sound to emanate from any place or premises between the hours of 10:00 p.m. and 7:00 a.m., so as to be heard more than one hundred (100) feet from the property line of such place or premises or so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose. This provision shall not be applicable to community events approved by the Township.

(d) **Shouting and Whistling.** Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 10:00 p.m. and 7:00 a.m., or the making of any such noise at any place at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence, or of any person in the vicinity is unlawful.

(e) Whistle or Siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire, emergency, or danger is unlawful.

(f) Engine Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom is unlawful.

(g) Construction Noises. Except for government projects, it shall be unlawful to erect, excavate, demolish, alter or repair any structure, or excavate any street or highway, other than between the hours of 7:00 a.m. and 10:00 p.m., without first obtaining a permit from the Township.

(h) Noise or Commotion in Vehicles. To make a commotion or make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood is disturbed, or where persons owning or occupying property in the neighborhood are disturbed or annoyed is unlawful.

(i) Sound Trucks. To operate or cause to be operated a sound truck or vehicle with radio or amplifier within the Township, without first having obtained a permit therefor from the Township is unlawful.

(j) Sound System in Parked or Moving Motor Vehicle. No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 10:00 p.m., or clearly audible at a distance of twenty-five (25) feet from the vehicle between the hours of 10:00 p.m. and 7:00 a.m.

(k) Power Chain Saw Noise. Power chain saws operated by internal combustion engines shall not be utilized between the hours of 10:00 p.m. and 7:00 a.m., unless a permit therefor is first obtained from the Township.

(l) Barking Dogs and Animal Noises. The keeping or possession of any dog, animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person or shall cause a disturbance of the peace, shall be unlawful.

(m) Exceptions. None of the prohibitions contained in this Section 1 shall apply to or be enforced against:

(i) Any authorized emergency vehicle when responding to an emergency call.

(ii) Necessary excavations or repairs of bridges, streets or highways by or on behalf of the Township, county or state during the night, when the public safety, welfare and convenience renders it impractical to perform such work during the day.

(iii) The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

(iv) Normal farm operations which are in compliance with all applicable state laws and requirements.

Section 2. **Littering**. No person shall litter.

Section 3. **Disturbance of the Peace Offenses**. No person shall:

(a) Create or engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.

(b) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or language.

(c) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

(d) Disturb or unreasonably interfere with any service of worship or any other assembly gathered for lawful purposes.

(e) Incite, cause, or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property.

Section 4. **Prohibition of Certain Nuisances**.

(a) **Smoke**. No person who is responsible for any chimney or smoke stack shall permit the omission therefrom, within the Township, dense smoke or smoke containing soot or other substances in sufficient quantity to permit a noticeable deposit thereof.

(b) **Creation of Noxious or Offensive Odors**. No person shall permit any item or matter to putrefy or decay, or be burned so as to cause, nor shall he or she in any other manner cause or occasion, noxious or offensive odors, fumes or gases in any place or places within the Township in such manner as to imperil the health or safety of any person or persons or so as to disturb unnecessarily and without reasonable cause the comfort of any person or persons within the Township.

(c) Dangerous Structures.

(i) No person shall own, keep, allow or maintain any building or structure which is unsafe or a menace to the health, morals or safety of the public.

(ii) Such nuisances may be abated, and the cost of abating such nuisances may be charged against the premises and the owner thereof by the Township pursuant to a lien.

(d) Abandoned Refrigerators and Airtight Containers. No person shall have in his or her possession, either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or any other similar airtight container of any kind large enough for a child to enter which has a snap, latch or other locking device thereon, without first removing the snap, latch or other locking device, or the doors, from such icebox, refrigerator, or other airtight container, in such a fashion as to render such container safe.

(e) Un-groomed vegetation:<sup>1</sup> *The following acts and conditions, when performed or existing upon any property, lot, or parcel of land within the Lake Residential and Suburban Residential within the Township of Sherman, are declared unlawful and are defined as and declared to be public nuisances which are injurious to the public health, safety, and welfare and/or have a tendency to degrade the aesthetic appearance and property values of or injure or potentially injure surrounding property: Dead, decaying or hazardous trees, overgrown grass, weeds or other vegetation dangerous to the public safety and welfare or which constitute a fire hazard. (this section added June 1, 2009)*

(f) No person shall create, exacerbate, maintain, or permit to be maintained a nuisance within the Township.

Section 5. **Penalties.** A violation of this ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be in violation of this ordinance and shall be responsible for a civil infraction violation. The civil fine for a municipal civil infraction violation hereunder shall be not less than \$100, in addition to all other cost, damages, expenses and remedies provided by law. Increased civil fines may be imposed for subsequent violations by a person of any requirement or provision of this ordinance. The fine for any offense which is a first repeat offense shall be not less than \$200, plus costs. A fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance (or substantially similar ordinance) committed by the same person within 12 months of a previous violation of the same provision of this ordinance (or substantially similar ordinance) or similar provision of this ordinance for which said person admitted responsibility or was adjudged to

be responsible. Each day during which any violation continues shall be deemed a separate offense. The Township shall have the option of pursuing both civil infraction ticket proceedings and legal and/or equitable relief in a court of competent jurisdiction.

Section 6. **Severability.** The sections and provisions of this ordinance shall be deemed severable. Should any section, clause or provision of this ordinance ever be declared to be invalid, in whole or in part, the same shall not effect the validity of this ordinance as a whole or any part thereof, other than the section, clause, sentence or provision declared to be invalid.

Section 7. **Effective Date.** This ordinance shall take effect thirty (30) days after this ordinance or a summary thereof is published in the newspaper as provided by law.

The forgoing ordinance was offered by Board Member Smalligan, and was supported by Board Member Derks, the vote being as follows:

YEAS: Derks, Obits, Smalligan, Stocking, Stroven

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

*Murry D Stocking*  
Murry D. Stocking, Township Clerk

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Sherman Township Board at a regular meeting held on June 4, 2004, at the Township Hall pursuant to the required statutory procedures.

Respectfully submitted by:  
*Murry D Stocking*  
Murry D. Stocking, Township Clerk

<sup>1</sup>Section 4, (e) added June 1, 2009.