

**STATE OF MICHIGAN**  
**COUNTY OF MANISTEE**  
**TOWNSHIP OF PLEASANTON**  
**ORDINANCE NO. 9-10-2012**

An ordinance for the purpose of regulating noise to secure the health, safety and general welfare of the residents and property owners of the Township of Pleasanton in Manistee County, Michigan, by regulation of noise which creates a public nuisance.

**THE TOWNSHIP OF PLEASANTON ORDAINS:**

**Section 1.** As used in this ordinance, the following definition shall apply:

- A. "Township" means the Township of Pleasanton
- B. "Unreasonable noise" means that noise which most persons of sound mind would object to as being distracting, offensive, interruptive, or annoying and/or injurious to the health, peace and quiet of residents and others in the township.
- C. "Unreasonably interference" means the noise makes it unpleasant, uncomfortable or even impossible for a person to engage in normal, regular, and lawful human activities in a peaceful, non-disruptive fashion.
- D. "Emergency vehicle" means any police vehicle, ambulance, fire engine or other vehicle responding to a health or safety emergency.
- E. "Person" means any individual, firm or other legal entity.

**Section 2.** General Prohibition

No person, firm, or other legal entity shall cause or create any unreasonable noise or a noise which unreasonably interferes with the lawful, peaceful activities of other persons. The listing of specific prohibitions in Section 3, below, is not to be construed to exclude other noises prohibited by this section.

**Section 3.** Specific Prohibitions

The following noises are deemed to be unreasonable and to unreasonably interfere with the lawful, peaceful activities of other persons. As such, they are prohibited by this ordinance.

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 12:00 AM (midnight) and 7:00 AM in such a manner or with such volume as to unreasonably interfere with any other person's the quiet enjoyment of his or her property.

2. Yelling, shouting, hooting or singing on the public streets between the hours of 12:00 AM (midnight) and 7:00 AM, 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 clearly be 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, rattling or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby and unreasonably 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 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.
6. The sounding of any horn or other device on any motor vehicle which emanates frequent or extended noise which shall unreasonably interfere with the 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 or any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that 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 AM 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 zoning administrator or ordinance enforcement officer of the township, which 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 12 AM (midnight) and 7:00 AM 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 12:00 AM (midnight) on any evening.

#### **SECTION 4.** EXCEPTIONS

The prohibitions of sections 2 and 3 above do not 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 bridge streets or highways or other property by or in behalf of the State of Michigan, Township of Pleasanton, or the County of Manistee, between sundown and 7:00 AM 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 shall be subject to the hours of 12:00 AM (midnight) and 7:00 AM as hours of noise restrictions.

**SECTION 5.** All Pleasanton Township Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

#### **Section 6 .** Penalty

A person who is found guilty of violating any provision of this ordinance shall be subject to a penalty of up to 90 days in jail or a fine in an amount up to \$500, or both.

#### **SECTION 7** Effective Date

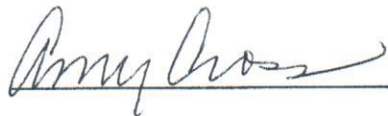
This Ordinance shall become effective thirty (30) days after publication in the manner provided by law.

Those voting in favor: Ertel, merrill, Cross, Girven.

Those voting against:

Those absent: Babcock

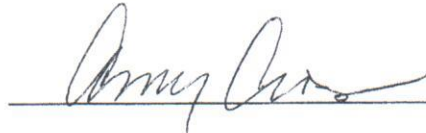
ORDINANCE DECLARED:



Amy Cross, Township Clerk

#### CERTIFICATION

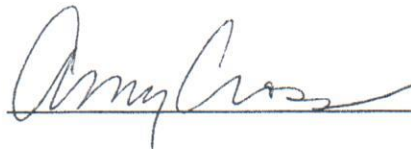
I, Clerk of Pleasanton Township, Manistee County, Michigan do hereby CERTIFY that the forgoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the 10th day of September, 2012.



Amy Cross, Township Clerk

#### PUBLIC RECORD CERTIFICATION

The undersigned custodian of the attached public record hereby certifies that the foregoing is a true and correct copy of the original public record in his/her possession or under his/her control



Amy Cross, Township Clerk

9-19-12

Date