**TOWNSHIP OF SULLIVAN**

**MUSKEGON COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

THE TOWNSHIP BOARD OF THE TOWNSHIP OF SULLIVAN HEREBY ORDAINS:

1. An ordinance securing the health, safety, and general welfare of the residents and property owners of the Township of Sullivan, Muskegon County, Michigan, by the regulation of noise; providing penalties for the violation of the same; replacing Sullivan Township Ordinance No. 9 “Anti-Noise Ordinance”; and repealing all ordinances or parts thereof in conflict with the same is adopted to read as follows:

**NOISE**

**SECTION 1 PENALTY**

Any person who violates any provision of this ordinance, or any person who permits a violation of this ordinance to occur on their property, is responsible for a civil infraction. Violation of this ordinance is subject to a fine of $100 for a first offense; $250 for a second offense; and $500.00 for a third or any subsequent offense plus costs, expenses, and attorney fees. Repeated violations of this ordinance are declared to be a nuisance subject to injunctive relief by a court of competent jurisdiction.

**SECTION 2 NOISE GENERALLY**

It is unlawful for any person to make, continue or cause to be made, and unlawful for a property owner to permit the same on their property, any loud, unreasonable, unnecessary, or unusual noise, or any noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the Township.

**SECTION 3 SPECIFIC VIOLATIONS**

The following enumerated acts are declared a violation of this ordinance if the same occurs between the hours of 9:00pm 11pm and 8:00am 7am and can be heard outside the boundaries of the parcel in which the act occurs:

1. The operation of power tools and equipment.
2. The operation of playing of any radio, television, phonograph, audio equipment, drum, or musical instrument or the creation of music.
3. The operation, repair, or maintenance of any vehicle; with malicious or intent to disturb others.
4. The operation of any racetrack, proving ground testing area, or obstacle course for vehicles of any kind not otherwise zoned for such use.
5. Construction, repair, demolition, remodeling, drilling, excavation work, or any similar activity except as permitted in Section 4 of this ordinance.
6. The operation or use of any loudspeaker, sound amplifier, public address system, or similar device amplifying sounds indoors or outdoors.
7. The collection of solid waste or source-separated materials on any property with a commercial or industrial use that is adjacent to a residentially zoned property.
8. Except as sanctioned by the State of Michigan on the specific dates and times below, the use or deployment of fireworks:
	1. December 31 until 1:00am on January 1.
	2. The Saturday and Sunday preceding Memorial Day until 11:45pm.
	3. June 29 to July 4 until 11:45pm.
	4. July 5 if it falls on a Friday or Saturday until 11:45pm.
	5. The Saturday and Sunday before Labor Day until 11:45pm.
	6. Letter h subject to change according to any future change in State Law
9. The detonation of any explosive device, explosive target, explosive material, Tannerite or other form of binary explosive which is not otherwise expressly permitted by State law.

**SECTION 4 EXEMPTIONS**

The following acts and noises are exempted from Section 3 of this ordinance:

1. The otherwise lawful acts or operations of government officials and agencies.
2. Emergency work necessary to restore a property or repair a structure to a safe condition immediately following a fire, accident, natural disaster, or act of God, or as otherwise necessary to restore public utilities or to protect persons and property from imminent danger.
3. Devices or acts creating sound made to alert persons to the existence of an emergency, danger, or attempted crime by law enforcement or other persons under the authority of law.
4. Regular activities or operations of an airport.
5. Any vehicle or equipment designed and used for the purpose of snow or ice removal when in use for such purpose.
6. Farming activities authorized by the Michigan Right to Farm Act.
7. Industrial zones businesses.

**SECTION 5 LICENSE FOR TEMPORARY EXEMPTION**

An application for a temporary license to exempt an act or noise from the provisions of this ordinance must be made in writing and submitted to the Township Clerk. Application shall be made at least 30 days prior to the date of the proposed act or noise including fundraisers, large parties with music, etc. An applicant must be a taxpayer of record or owner of the property on which the use, event, act, or noise will take place. The application must contain all of the following:

1. Name and mailing address of the applicant.
2. A statement of the requested act or noise for which a license is sought.
3. The property (address and legal description) and location of the act or noise in relation to adjoining property boundaries.
4. The dates and times for which the license is requested.
5. An estimate of the expected attendance for any act or noise for which a license is sought.
6. If the application is for an act or noise enumerated in Section 3(i) of this ordinance or a similar activity, written consent from all property owners with dwellings within a 1,000 foot radius of the proposed location.

Upon receipt of a properly completed application, the Township Clerk shall forward copies of the application to the Fruitport Charter Township Police and Fire Departments and other such agencies as the Township Supervisor shall deem necessary.

The Township Supervisor shall issue, deny, or issue with conditions a license for a specified use for specified dates and times within 5 business days Where an application is denied or license granted with conditions, notice shall be mailed to the applicant with the reasons for such decision. A denial may be appealed to the Township Board if the applicant files a written notice of appeal with the Township Clerk within 10 days of the date of the Township Supervisor’s decision. Review of appeal will take place at the next regularly scheduled Township Board meeting.

If a license is approved, written notice shall be issued from the Township to all property owners within 300 1000 feet of the location of the authorized act or noise and the Fruitport Township Police Department and Fire Departments. The cost of mailing any notices shall be paid by the applicant at the time of approval as an application fee.

2. This Ordinance is to become effective ten (10) days after adoption.

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Township of Sullivan, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Sullivan, at a regular meeting of the Township Board on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Libby Spencer

 Township Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**TOWNSHIP OF SULLIVAN**

**NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

 Please take notice that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, the Township Board of the Township of Sullivan adopted Ordinance No. \_\_\_ of the Township Code, summarized as follows:

1. An ordinance prohibiting acts or noise disturbing, injuring, or endangering the comfort, repose, health, peace, or safety of others within the limits of the Township or as otherwise enumerated therein; providing for temporary licenses; providing for the penalties for violations of the same; replacing Sullivan Township Ordinance No. 9; and repealing all ordinances or parts thereof in conflict with the same.

 Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Township Clerk, 8138 Hts. Ravenna Road, Ravenna, Michigan, during regular business hours.

 This ordinance amendment is effective ten (10) days from the date of this publication.

Published: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023 TOWNSHIP OF SULLIVAN

 By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Libby Spencer

 Township Clerk

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PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE