

TOWNSHIP OF SULLIVAN
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 9

ANTI-NOISE ORDINANCE

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Sullivan Township, Muskegon County, Michigan, by the regulation of noise within said Township; to prescribe penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF SULLIVAN HEREBY ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the Sullivan Township Anti-Noise Ordinance.

SECTION 2- PROHIBITED ACTS

- A. No person, firm or corporation shall cause, to cause to be made or permit to be continued any unreasonable or improper noises or disturbances to the health, peace, repose, safety or quiet of the residents or property owners of the Township of Sullivan between the hours of 11 p.m. and 7 a.m. (Amended 10/3/23 to include times)
- B. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the enumeration herein shall not be construed to exclude other violations of this Ordinance not specifically enumerated:
 - 1. Radios, phonographs, sound equipment. The using, operation, or permitting to be played, any radio receiving set, TV, musical instrument, phonograph, or other machine/device for the producing or reproducing or amplification of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine/device is located.
 - 2. The operating or playing of such devices in such a manner as to be plainly audible at a distance of fifty(50) feet from the building, structure, or vehicle in which it is located.

3. Yelling, shouting, hooting or singing in public so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
 4. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud, unnecessary, intentional and malicious noise like grating, grinding, rattling, exhaust or other noise disturbing to the quiet, comfort or repose of other persons. (Amended to include intentional & malicious 10/3/23)
 5. The erection, excavation, demolition, altercation or repair of any building, premises, street or highway in such a manner as to emanate noises or disturbances unreasonably annoying to other persons other than between the hours of 7 a.m. and sundown on weekdays, except in cases of urgent necessity, in the interest of public health and safety. (Amended from 6am to 7am 10/3/23)
 6. The emission or creation of any excessive noises on any street which unreasonably interferes with the operation of any church, business, personal office or workspace or of such. (Amended to include business and personal office/workspace 10/3/23)
 7. The operation of any racetrack, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation or where the noise emanating therefrom is unreasonably disturbing and annoying to other persons in the vicinity.
 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 1:00 am on January 1.
 2. The Saturday and Sunday preceding Memorial Day until 11:45 pm.
 3. June 29 to July 4 until 11:45 pm.
 4. July 5 if it falls on a Friday or Saturday until 11:45 pm.
 5. The Saturday and Sunday before Labor Day until 11:45 pm.
 6. #9 subject to change according to any future change in State Law.
- C. None of the prohibitions herein before enumerated shall apply to any of the following:
1. Any police vehicles, ambulances, fire engines, or emergency vehicles while engaged in necessary emergency activities.
 2. 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. (Amended to include #2 10/3/23)

3. Excavation or repair of bridges, streets, highways by or on behalf of the Township of Sullivan, State of Michigan, or County of Muskegon, between the hours of 11 p.m. and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours. (Amended from 6pm to 11pm 10/3/23)
4. Farming activities authorized by the Michigan Right to Farm Act. (Amended to include #4. Also deleted complete paragraph of Scientifically Measured noise 10/3/23)

SECTION 3 – VIOLATIONS (Amended & Adopted 8/3/2021)

1. Any person who disobeys, neglects, or refuses to comply with any provisions of this ordinance, or who causes, allows or consents to any of the same, shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. Each violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court, any other relief available under the Revised Judicature Act of 1961, being 236 PA 1961. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

SECTION 4 – LICENSE FOR TEMPORARY EXEMPTION

1. 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 must be made at least 30 days prior to the date of the proposed act or noise including fundraisers, large parties with music, etc.
2. This application for temporary exemption also includes the detonation or causing the explosion of any device or substance, such as exploding targets or Tannerite or other forms of binary explosive not otherwise expressly permitted by State law, at such volume or location so as to unreasonably annoy or disturb the peace, quiet, comfort and repose of persons in the vicinity. (Amended & Adopted 8/3/2021) (Amended to place #2 under License for Temporary Exemption 10/3/23)
3. 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:
 - a. Name and mailing address of the applicant.
 - b. A statement of the requested act or noise for which a license is sought.
 - c. The property (address and legal description) and location of the act or noise in relation to adjoining property boundaries.
 - d. The dates and times for which the license is requested.
 - e. An estimate of the expected attendance for any act or noise for which a license is sought.
 - f. If the application is for an act or noise enumerated in Section 2 of this ordinance or a similar activity, written consent needed 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 1,000 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 for by the applicant at time of approval as an application fee. (Amended to include Section 4 10/3/23)

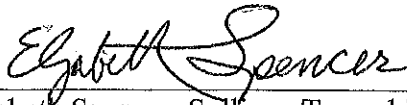
This ordinance is to become effective ten (10) days after adoption.

CERTIFICATION OF ADOPTION

I, Elizabeth Spencer, Clerk of Sullivan Township, hereby certify that the foregoing Ordinance was unanimously adopted by the board members with the Open Meeting Act of the State of Michigan at the meeting held on August 3, 2021.

Published August 4, 2021

I, Elizabeth Spencer, Clerk of Sullivan Township, hereby certify that the Amendments in the foregoing Ordinance was unanimously adopted by the Board members with the Open Meetings Act of the State of Michigan at the meeting on October 3, 2023.



Elizabeth Spencer, Sullivan Township Clerk

Published: 12-04, 2023

Effective: 10-13, 2023