

COLDSPRINGS TOWNSHIP UNREASONABLE AND UNNECESSARY NOISE
ORDINANCE # 1 of 2022
Amended May 13, 2024

The Coldsprings Township Unreasonable and Unnecessary Noise Ordinance is an ordinance to prevent, reduce, and eliminate unreasonable and unnecessary noise that disturbs the peace and quiet of the residents and visitors of Coldsprings Township, Kalkaska County, Michigan; to provide for the enforcement thereof and to provide penalties for the violation thereof.

SECTION I
TITLE

This ordinance shall be known as the Coldsprings Township Unreasonable and Unnecessary Noise Ordinance.

SECTION II
PURPOSE

The purpose of this ordinance shall be consistent with the United States Constitution, the State of Michigan Constitution and the authority granted by Public Act 246 of 1945, as amended, being MCL 41.181, et seq., which authorizes township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare of persons and property, and which allows townships to enforce its ordinances, and provide sanctions for such violations.

Coldsprings Township finds and declares that there are times when people produce noise to the extent that it unreasonably and unnecessarily disturbs the health of other persons who reside in the vicinity of the noise, with the consequence of being detrimental or inimical to the health, safety, morals, and general welfare of the citizens of Coldsprings Township. According to Scientific American, ambient sounds or noises can negatively affect overall health by increasing stress levels and further aggravating stress-related health issues which include coronary disease, high blood pressure, migraine headaches, and/or even peptic ulcers. It is not the intent of this Ordinance to infringe upon or regulate a person's right to free speech. This Ordinance is intended to be content-neutral.

That to improve and maintain the general character of Coldsprings Township, to protect its health, safety, morals, and general welfare of the community; and that the necessity and the public interest for the provisions enacted in this ordinance is hereby declared to be a public purpose and a public use. Therefore, it is the purpose of this ordinance to prevent, reduce, and eliminate unreasonable and unnecessary noise within the Township that occurs within the vicinity of occupied properties.

SECTION III
ANTI-NOISE REGULATIONS

- A. No person shall cause or create any unreasonable and unnecessary noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of Coldsprings Township which occurs as set forth herein.
1. Person shall be defined to include but not limited to a corporation, company, partnership, firm, association, or society, as well as a natural person.
- B. Except as otherwise provided herein, any noise that originates from the list contained in paragraph D below, when that noise is recorded at a level of greater than 80 decibels (dB) by Sound Level Meter when measured not further than 30 feet of a complainant's home or business (but within the complainant's boundary lines) shall presumed to be unreasonable and unnecessary and is hereby declared to be a violation of this Ordinance.
1. Any such Sound Level Meter shall be maintained in good working order by law enforcement or by the Township for the use to enforce this Ordinance.
 2. The person operating the Sound Level Meter shall be trained in its proper use.
- C. Except as otherwise provided herein, any noise that originates from the list contained in paragraph D below and is found by law enforcement or other person authorized by the Township to unreasonably and unnecessarily annoy or disturb the quiet, comfort, or repose of the reasonably prudent person shall be a violation of this Ordinance regardless of whether such sound was tested by a Sound Level Meter.
1. Before a citation shall be given under this provision, law enforcement or other person authorized by the Township shall first give that person notice that the sound being emitted unreasonably and unnecessarily annoys or disturbs the quiet, comfort, or repose of the reasonably prudent person.
- D. The following noises and disturbances are hereby declared to be a violation of this Ordinance:
1. The sounding of any horn or signal device on any automobile, motorcycle, or other vehicle for any purpose other than to avoid an accident or collision.
 2. The playing of any radio, television, phonograph, loudspeaker,

stereo system, or any musical instrument, drum, or other instrument or combination of musical instruments.

3. Yelling, shouting, hooting, or singing.
 4. The operation of any automobile, motorcycle, watercraft or other vehicle (on land or in water) that is so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or exhaust sounds.
 5. The screeching of tires and revving of engines.
 6. Allowing dogs to bark for more than 30 minutes.
 7. Any other mechanically created noise.
 8. Fireworks except as allowed by State and Local law.
 9. The creating of noise for the purpose to unnecessarily annoy another.
- E. None of the prohibitions hereinbefore enumerated shall apply to any of the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 2. Any activity, such as an outdoor concert or other gathering of people provided that the property owner from where the concert and or gather will take place first obtains a permit from the Township.
 - a. However, such concert or other gathering shall not start before 11:00 am and must be completed by 10:00 pm of the same day.
 - b. No more than three permits per year shall be approved for the same property.
 - c. Notice by first class mail shall be given to all property owners within 300 feet of the subject property where the concert or gathering will take place at least one week before the Concert or gathering takes place.
 3. The noise created by the repair, maintenance or construction of any structure or driveway, including but not limited to snowplowing and snow blowing.

4. The noise created by the cutting of firewood (chainsaws, hydraulic wood-splitters, manual wood-splitting and the like.)
5. The noise created from the maintenance of property such as mowing and weed whacking with machines designated for such purpose.
6. The Noise created from maintaining or creating landscaping, such as heavy equipment operation.
7. Noise associated with any activity defined as a “farm operation” by the Michigan right to Farm Act, 1980 PA 93; MCL 286.47 et. seq.
8. Noise emanating from the discharge of firearms provided that such discharge is otherwise authorized under Michigan law.
9. Noise emanating from the operation of well-maintained off-road vehicles and snowmobiles on trails specifically designated for their use.
10. Noise associated with community celebrations authorized by Coldsprings Township.
11. Noise regulated and allowed by State law or federal law.

SECTION IV VALIDITY

The several provisions of this Ordinance are declared to be separate and the holding of any court that any section or provision hereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION V PENALTIES FOR VIOLATION

- A. Any person who violates any provision of this is responsible for a municipal civil infraction, subject to payment of a civil fine:
 1. First violation within a 1-year period: \$100.00 plus cost of prosecution.
 2. Second violation within a 1-year period: \$200.00 plus cost of prosecution.
 3. Third violation within a 1-year period: \$300.00 plus cost of prosecution.

4. 4th or subsequent violation within 3-year period* --- \$ 500.00

*determined of the basis of the date of violation(s)

In addition to the above-prescribed civil fines, additional costs may be assessed by Kankaska County Courts.

- B. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.
- C. A violation of this ordinance shall be deemed a nuisance per se for those persons who fail to correct and/or remedy noticed violation(s) within the time period proscribed herein.
- D. This section shall not be construed to be the Coldsprings Township Board's sole and exclusive remedy. The Coldsprings Township Board, at its discretion, hereby reserves the right to pursue equitable relief and money damages from a court of competent jurisdiction; including but not limited to the filing of a civil lawsuit permitting the Township the authority to seek a restraining order to prevent future violations and to seek the cost to prosecute such a civil action. Such actual costs and attorney fees shall be assessed on the person as well on the property owner(s) personally and such costs and attorney fees shall be assessed as an additional property tax, which may be treated as any other property tax, including being subject to property tax forfeit and foreclose.

SECTION VI SEVERABILITY

Should any part or section or subsection, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so invalidated.

SECTION VII EFFECTIVE DATE

The provisions of this ordinance are hereby ordered to take effect ten (10) days after the first publication of this ordinance.

Approved on this 13th day of May 2024 by the Coldsprings Township Board.

By: Gayenell Gentelia
Coldsprings Township Clerk

By: Raymond Hoffman
Coldsprings Township Supervisor