

**ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE**  
**COE TOWNSHIP, ISABELLA COUNTY, MICHIGAN**  
*Ordinance # 2014-02*  
*Adopted July 14, 2014*  
*Publication date: July 27, 2014 / Effective date: August 27, 2014*

An ordinance enacted to prevent, reduce and eliminate excessive noise and nuisances with Coe Township to secure, preserve, promote and protect the public health, safety and general welfare of the residents and property owners of Coe Township, Isabella County, Michigan; to provide for the enforcement hereof, and to provide penalties for the violation hereof including a provision that violations will constitute a misdemeanor, and to establish that any violation shall be a public nuisance.

**THE TOWNSHIP OF COE, ISABELLA COUNTY, MICHIGAN ORDAINS:**

**Section 1: Title/Statutory Authority**

This ordinance shall be known and cited as the Coe Township Anti-Noise and Public Nuisance Ordinance and is passed pursuant to authority granted at MCL 41.181.

**Section 2: Purpose**

It is the purpose of this Section to promote the general health, safety and welfare of the residents and property owners of Coe Township by preventing, reducing and eliminating excessive noises and nuisances in Coe Township.

**Section 3: Excessive Noises and Nuisances**

The following noises and disturbances are declared to be violations of this ordinance, however the enumeration of the same in this ordinance is not to be construed to exclude other violations not specifically enumerated.

- A. The playing of any radio, television or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet comfort or repose of other persons during the following days and hours: Monday through Friday between the hours of 10:00 pm and 7:00 am; On Saturday and Sunday between the hours of 11:00 pm and 7:00 am.
- B. Yelling, shouting, hooting or singing on the public streets or at any time or place as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity during the following days and hours: Monday through Friday between the hours of 10:00 pm and 7:00 am; On Saturday and Sunday between the hours of 11:00 pm and 7:00 am.
- C. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, or court.
- D. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort, or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby small business or residential property.

## ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

### Page 2

- E. 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 properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle as originally manufactured, shall be in violation of this section.
- F. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- G. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except, through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain the same so 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.
- H. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than daily between 7:00 am and 10:00 pm, except in such a case of urgent necessity in the interest of the public health and safety. In such case a permit shall be obtained from the ordinance enforcement officer(s) of the Township, which permit shall limit the periods that the activity may continue.
- I. The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading, or unloading of any vehicle, trailer, or other carrier or in connection with the repairing of any such vehicle in or near residential areas other than daily between 7:00 am and 10:00 pm
- J. 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 which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity during the following days and hours: Monday through Friday between the hours of 10:00 pm and 7:00 am; On Saturday and Sunday between the hours of 11:00 pm and 7:00 am.
- K. The operation of any loudspeaker or other sound-amplifying device upon any vehicle on the streets/roadways of the Township where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- L. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort, or repose of any persons other than daily between 7:00 am and 10:00 pm.
- M. The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, snowmobiles, racers, automobiles or vehicles of any kind or nature for public or private use in any area of the Township where the noise therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate within 300 feet of a small business or residential property.

## ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

### Page 3

N. The operation of compression brakes, commonly known as "jake brakes" within the Township.

#### **Section 4: Exceptions**

None of the prohibitions hereinbefore enumerated shall apply to the following:

- A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- B. Warning Devices emitting sound for warning purposed as authorized by law.
- C. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Township of Coe, or the County of Isabella, between sundown and 7:00 am when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- C. Rail road car exchange.
- D. Agriculture/Mill operations.
- E. Pre-approved public celebrations within the Township.

#### **Section 5: Public Nuisance Regulations**

No person, firm, or corporation shall create, cause or maintain any public nuisance with the Township by the unreasonable emission of dust, smoke, fly ash, or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

#### **Section 6: Enforcement Officer**

Coe Township and Isabella County Policing Agencies have enforcement powers of this ordinance as more fully hereinafter set out.

#### **Section 7: Enforcement and Penalties for Failure to Comply with this Ordinance**

Any person who shall violate any terms of this ordinance or any person who shall permit, encourage, promote, or cause violation of any terms of this ordinance to occur on his premises shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine not to exceed \$500.00 or imprisonment for a period not to exceed more than 90 days or both, plus cost of prosecution.

Nothing contained in this ordinance shall prevent Coe Township public officials, or private citizens from taking lawful action as is necessary to restrain or prevent any violation of this ordinance.

Nuisance provision: noises and disturbances in violation of this ordinance are hereby declared to be a nuisance abated and the owner or agent in charge of the premises where such nuisance is located may be adjudged guilty of maintaining a nuisance per se.

Each day a violation shall continue is to constitute a separate offense.

**ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE**

**Page 4**

**Section 8: Severability**

The provisions, sections, sentences and phrases of this ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this ordinance.

**Section 9: Miscellaneous**

This ordinance shall be published in the Morning Sun, a newspaper of general circulation within the boundaries of Coe Township and qualified under the state law to publish legal notices, promptly after its adoption, and the same shall be recorded in the ordinance book of Coe Township.

***This ordinance duly adopted on July 14, 2014 at a regular meeting of the Coe Township Board and will become effective on August 27, 2014.***

*Adopted date: July 14, 2014*

*Publication date: July 27, 2014*

*Effective date: August 27, 2014*

*Signed on 14th day of July, 2014 by \_\_\_\_\_.*  
*Patricia K. Sandel, Clerk of the Township of Coe*

*Attested on 14th day of July, 2014 by \_\_\_\_\_.*  
*Mary Kay Maas, Supervisor of the Township of Coe*