

**HAYES TOWNSHIP
CLARE COUNTY, MICHIGAN
NOISE ORDINANCE
Ordinance No. 21-03**

At a meeting of the Township Board of Hayes Township, Clare County, Michigan, held at the Hayes Township Hall on June 20, 2022, at 7:00 p.m., Township Board Member Willett moved to adopt the following Ordinance, which motion was seconded by Township Board Member Rood.

An Ordinance to secure the public health, safety and general welfare of the citizens of Hayes Township, Clare County, Michigan, by the regulation and prohibition of certain noise within the Township, the exemption of certain noise from the Ordinance prohibitions, the designation of civil infractions and civil penalties for violations of the Ordinance, and the repeal and replacement of any other inconsistent ordinances.

HAYES TOWNSHIP, CLARE COUNTY, MICHIGAN ORDAINS:

SECTION 1: PURPOSE. The intent of this Ordinance is to provide Hayes Township with an enforceable noise ordinance that allows residents and visitors to Hayes Township to be free from noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities.

SECTION 2: TITLE. This Ordinance shall be known and may be cited as the Hayes Township Noise Ordinance.

SECTION 3: GENERAL PROHIBITED NOISE.

- A. No person or entity shall cause or create any unreasonable noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, in any office, hotel, motel, hospital, or residence.
- B. The following noises are hereby declared to be a violation of this Ordinance but shall not be deemed the exclusive noises that violate this Ordinance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of this Ordinance, subject to additional prosecution and civil penalties.
 - 1. **HORNS & SIGNALS** - the sounding of any horn or signal device on any automobile, motorcycle, bus, snowmobile, or other vehicle for any purpose other than to avoid an accident or collision, provide a signal of danger, or give warning of motion.
 - 2. **MUSIC** - the playing of any radio, television, phonograph, media player, or musical instrument in such a manner that it is plainly audible on a property other than that from which the sound is being emitted and that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

3. **VOCAL NOISES** - yelling, shouting, hooting, whistling, or singing on the public streets or public area between the hours of 10:00 pm to 8:00 am or on any private property where the noise is plainly audible on a property other than that from which the sound is being emitted, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
4. **ANIMALS** - the keeping of any animal, bird, or fowl that emits frequent, loud or extended noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
5. **AUTOMOBILES** - the operation of any automobile, motorcycle, snowmobile, or other vehicle in such a state of disrepair, or loaded in such a manner, as to result in loud grating, grinding, rattling, exhaust, or other noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
6. **SIRENS** - the blowing of any whistles or sirens, except as a warning of fire danger or emergency.
7. **ENGINE EXHAUST**- the discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, snowmobile, or motor boat engine, except through a muffler or other similar device that will effectively prevent loud noises resulting therefrom, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
8. **CONSTRUCTION** - the erection, excavation, demolition, alteration, or repair of any building or structure, other than between sunrise and sunset, where such activities result in the creation of an unreasonably loud noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, except in the case of urgent necessity in the interest of public health and safety, for the duration of such emergency.
9. **DEVICES TO ATTRACT ATTENTION** - the use of any drum, loudspeaker, or other instrument or device for attracting attention to any performance, show, sale, or display of merchandise, to create a noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
10. **YARD EQUIPMENT** - the use of any yard equipment including, but not limited to, chain saws, lawn mowers, leaf blowers, snow blowers, and insect control, other than between sunrise and sunset, to create a noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

11. METAL WORKING AND GRINDING AND WOODWORKING - the continuous activity of metal grinding, metal working, woodworking, or woodcutting that emits frequent, loud or extended noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

SECTION 4: EXEMPTIONS.

A. None of the prohibitions of the previous Section 3 shall apply to or be enforced against the following activities and conduct:

- 1. EMERGENCY VEHICLES** - any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in normal and customary activities related to preserving the public health and safety.
- 2. WARNING SIGNALS** - noises emitted from warning devices for the purpose of notifying individuals or the public at large, as authorized by law.
- 3. ROAD CONSTRUCTION, SNOWPLOWING, AND UTILITY MANAGEMENT** - excavation or repair of streets, highways, bridges or any utility management or work done by or on the behalf of Hayes Township, the County of Clare, the State of Michigan, or a public utility.
- 4. RAILROAD OPERATIONS** - all railroad operations meeting the maximum permissible noise levels permitted by law.
- 5. FIREARMS** - noise emanating from the discharge of firearms, provided that such discharge is done in a lawful manner as authorized under Michigan law or local ordinance.
- 6. SPECIAL EVENTS** – noises emitted from any special events duly authorized and in compliance with applicable laws such as under a Township large gathering ordinance.

B. The initial determination of whether any noise violates the prohibitions of this Ordinance shall be made by an individual authorized by the Hayes Township Board to enforce this Ordinance including, but not limited to, Authorized Township Officials under the Township’s Civil Infractions Ordinance or members of the Clare County Sheriff’s Department, subject to review by the Hayes Township Board upon written application made by the alleged violator within 15 days after the initial determination.

SECTION 5: VIOLATIONS. Any person or entity that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and shall be subject to a civil penalty. The civil penalty for a first violation is One Hundred Dollars (\$100.00); each successive subsequent violation after a first violation shall carry an additional One Hundred Dollar (\$100.00) fine respectively, up to a maximum of Five Hundred Dollars (\$500.00) per violation. Every day that a violation continues to exist shall constitute a separate violation. In addition to civil

infractions and civil penalties, this Ordinance may be enforced by a civil action against an alleged violator for injunctive or other relief authorized under law.

SECTION 6: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 7: REPEAL. All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective within thirty days following its publication.

YEAS: Jones, Buckley, Rood, Willett, Hoyt

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Debra Hoyt, Clerk of Hayes Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 21-03 adopted by Hayes Township on June 22, 2022. A summary of the Ordinance was duly published in the Clare County Cleaver newspaper, a newspaper that circulates within Hayes Township, on June 23 2022. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Clare County Clerk on July 5, 2022.

Debra Hoyt, Hayes Township Clerk

**HAYES TOWNSHIP, CLARE COUNTY
NOTICE OF ADOPTION
ORDINANCE NO. 21-03**

HAYES TOWNSHIP NOISE ORDINANCE

On June 20, 2022 the Hayes Township Board adopted the Hayes Township Noise Ordinance, Ordinance No. 21-03, which regulates and prohibits certain noise within the Township, exempts certain noise from the Ordinance prohibitions, designates civil infractions and civil penalties for violations of the Ordinance, and repeals and replaces inconsistent ordinances. The Ordinance has the following sections and catch lines: Section 1: Purpose; Section 2: Title; Section 3: General Prohibited Noise; Section 4: Exemptions; Section 5: Violations; Section 6: Severability; Section 7: Repeal; and Section 8: Effective Date, which is thirty (30) days after the publication of this Notice of Adoption. A true copy of the Ordinance is available for inspection and may be obtained at the Hayes Township Hall, 2055 E. Townline Lake Rd., Harrison, MI 48625.

Debra Hoyt
Hayes Township Clerk
(989) 539-7128