

**BEAR LAKE TOWNSHIP
ORDINANCE NO. 1 OF 2011**

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF BEAR LAKE TOWNSHIP, MANISTEE COUNTY, MICHIGAN, THROUGH THE REGULATION OF EXCESSIVE NOISE WITHIN BEAR LAKE TOWNSHIP, MANISTEE COUNTY, WHICH CONSTITUTES A HAZARD TO THE PUBLIC HEALTH, WELFARE AND QUALITY OF LIFE WITHIN THE TOWNSHIP OF BEAR LAKE, MANISTEE COUNTY; AND TO PRESCRIBE PENALTIES FOR VIOLATION OF THE REGULATIONS UNDER THIS ORDINANCE.

THE TOWNSHIP OF BEAR LAKE, MANISTEE COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This ordinance shall be known and cited as the Bear Lake Township Noise Ordinance.

Section 2. Definitions. As used in this Ordinance.

"Emergency vehicle, machinery or alarm": Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

"Emergency work": Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

"Noise Disturbance": Any sound which annoys or disturbs the peace of another person of normal human sensitivities which is heard beyond the property line of the person creating the noise.

"Person": Any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity recognized by law.

"Possession of animal or animal that whine, yelp, bark, howl, or make other sounds common to its species": Any person or persons owning or possessing an animal such as a dog, cat, bird or other animal not generally used for farm purposes or operations.

"Property line": The line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on the public street or other public right-of-way, the "property line" shall be nearest boundary of the public right-of-way.

Section 3. Prohibited Noise and Activities.

- (a). Prohibitions. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted between the hours of 11:00 p.m. and 7:00 a.m. and which results in a noise

disturbance of any person.

- (1). Yelling, screaming, shouting and/or engaging in loud and boisterous activities.
- (2). The operation or playing of any radio, television, phonograph, MP3 player, compact disc, computer, audio equipment of any type, drum or musical instruments. Also, the creation or activity of live, synthesized or recording music.
- (3). The sounding of any bell, chime, siren, whistle or similar device except as permitted under Section 4 of this Ordinance.
- (4). The operation or use of loudspeaker, sound amplifier, public address system or similar device used to amplify sound indoors or outside the premises except as provided under Section 4 of this Ordinance.
- (5). No person shall possess an animal that whines, yelps, barks, howls, screeches or makes other sounds common to its species such that the noise from such sounds can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street with such noise being emitted in a habitual manner. For purposes of this subsection, "habitual" means whining, yelping, barking, howling, or making other sounds common to its species incessantly for a period of five(5) minutes or intermittently for ten(10) minutes or more to the disturbance of any other person at any time of day or night.

Section 4. General exemptions. The following activities and noises are exempted from the requirements of Section 3.

- (a). Otherwise lawful regular or permitted activities or operations of governmental units or agencies.
- (b). Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger including, law enforcement activity.
- (c). Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
- (d). Any vehicle or equipment designed and used for the purpose of snow and/or ice removal, or garbage/trash removal, when in use for such purposes.
- (e). Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law, federal law, or local ordinance.
- (f). Noise emanating from animals trained and utilized by law enforcement agencies or agencies engaged or contracting with parties for the purpose of search and rescue and related activities.
- (g). Any activity defined as a "farm operation" by the Michigan Right to Farm Act, 1980 PA 93 MCL 286.47 *et seq.*

Section 5. Severability.

The several Sections of this Ordinance shall be deemed severable and should any Section, clause, or provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan or contrary to any applicable federal law and therefore voided by any court of competent jurisdiction, the same shall not effect the validity of this Ordinance as a whole or any part thereof, other than the part or Section so declared to be unconstitutional, unlawful or invalid.

Section 6. Penalties.

- (a). A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00, plus court costs. Each day that a violation continues after due notice has been served in accordance with this Ordinance shall be deemed a separate offense.
- (b). Any action taken under this Section 6(a) shall not prevent the township from having the right to proceed civilly to abate or terminate the prohibited activity specified in Section 3 of this Ordinance.

Section 7. Enforcement.

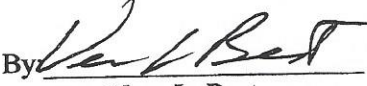
The Bear Lake Township Zoning Administrator and/or the Manistee County Sheriff Department is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8. Separate court action.

Nothing in this Ordinance shall prohibit Bear Lake Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. The violation of this Ordinance is deemed to be a nuisance *per se*.

Section 9. Effective adoption and date.

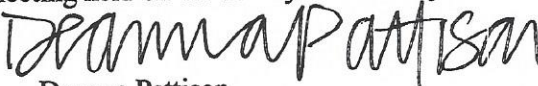
- (a). This Ordinance shall become effective thirty(30) days after its publication as required by law.
- (b). This Ordinance was adopted by the Township Board of Bear Lake Township, County of Manistee, State of Michigan, at its regular meeting held on February 15, 2011.

By 
Vern L. Best
Bear Lake Township Supervisor

CERTIFICATION

I, Deanna Pattison, Clerk of the Township of Bear Lake, Manistee County, Michigan, do hereby CERTIFY that the above is a true and correct copy of the Ordinance as adopted by the Township Board of Bear Lake Township at a Township Board meeting held on the 15 day of February of 2011.

February 15, 2011


Deanna Pattison
Bear Lake Township Clerk