

**TOWNSHIP OF ARCADIA
COUNTY OF MANISTEE, STATE OF MICHIGAN**

ORDINANCE NO. 190

ADOPTED: APRIL 10, 2025

EFFECTIVE: MAY 17, 2025

**TOWNSHIP OF ARCADIA NOISE DISTURBANCE AND PUBLIC NUISANCE
ORDINANCE**

An ordinance adopted pursuant to *MCL 41.181* to protect the public health, safety, and general welfare of persons and property by regulating noise disturbances and public nuisances within the Township; to provide civil sanctions and remedies for violation of the ordinance; and to repeal conflicting provisions of any previously adopted ordinance, but preserve from repeal any non-conflicting ordinance or parts thereof which pertain to the same subject matter, including any such provisions of the Zoning Ordinance.

**TOWNSHIP OF ARCADIA
MANISTEE COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and may be cited as the Township Of Arcadia Noise Disturbance and Public Nuisance Ordinance.

SECTION 2

DECLARATION OF PURPOSE

This ordinance is adopted to address the adverse health effects of environmental/community noise as determined by findings of such authorities as the World Health Organization and the United States Environmental Protection Agency, including the following specific effects: noise induced hearing impairment; interference with speech communication; disturbance of rest and sleep; psychophysiological, mental-health and performance effects; effects on residential behavior and annoyance; and interference with intended activities. This ordinance is also intended to address the potential adverse effects on property values presented by noise disturbances, and other sources of public nuisance, as regulated herein. The overriding purpose of this

ordinance is therefore to prevent noise activities and other public nuisance activities which may jeopardize the health, safety, and general welfare of persons and property or degrade property values or the quality of life in the Township of Arcadia.

SECTION 3

DEFINITIONS

For purposes of this ordinance the following terms shall have the specified meaning:

- A. “Motor vehicle” means any vehicle which is propelled or drawn on land or water by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, motorhomes, go-carts, motorcycles, motor-scooters, mini-bikes, boats or other watercraft, snowmobiles, and off-road vehicles.
- B. “Noise disturbance” means any activity or condition involving sound that creates an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, intensity, pulsation, harmonic pure tone(s), duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- C. “Receiving property” means private or public property on which the occupants and/or other persons perceive by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.
- D. “Off-road vehicle” means any motorcycle, snowmobile, all-terrain vehicle, or other motor-driven vehicle which is designed and intended primarily for use off of public roadways, and/or which is in fact primarily used off of public roadways, and/or which is not licensed for regular use upon public roads as a motor vehicle.
- E. “Person” means any individual, corporation, or other entity of any kind.
- F. “Point of reception” means a place in a dwelling or other building on receiving property, or a place outside of a building on receiving property, at which an occupant of the receiving property perceives by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.

- G. "Public nuisance" means any activity or condition that injures, endangers, or creates an unreasonable disturbance to the public health, safety, and general welfare of persons or property, or that otherwise renders a reasonable person insecure in life or property, and shall include but not be limited to the following:
 - 1. Noise disturbance, as defined herein, and regulated in Section 4 of this ordinance.
 - 2. Any activity or condition causing heat, glare, lighting, fumes, odors, dust, smoke, or vibration discernible beyond the premises on which the source of same is located in such a manner as to create an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- H. "Public right-of-way" means any street, highway, sidewalk, trail, or similar place for vehicular or pedestrian public use.
- I. "Unreasonable disturbance" means a noise disturbance or other public nuisance activity or condition that would adversely affect the health, safety, or general welfare of a reasonable person of ordinary sensibilities and ordinary sensitivity to noise or to other activities or conditions regulated by this ordinance, at the point of reception of such noise or other activity or condition regulated by this ordinance.

SECTION 4

NOISE DISTURBANCE AND OTHER PUBLIC NUISANCE REGULATIONS

- A. General regulation. No person shall cause, create, or allow to be caused or created on any premises in the Township of Arcadia any noise disturbance or other public nuisance.
- B. Specific noise disturbances. Noise from any of the following activities or conditions on public or private property which creates an unreasonable disturbance on any noise receiving property is hereby declared to be a noise disturbance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
 - 1. The playing of a radio, phonograph, musical instrument, or other sound-producing device.

2. Yelling, shouting, hooting, or singing.
 3. The keeping of any animal, bird, or fowl.
 4. The use of construction, demolition, or excavation equipment between sundown and sunrise.
 5. The operation of any motor vehicle without a muffler or similar sound-reducing device manufactured for such vehicle, and in good working order.
 6. Music or other noise from, in, or on a moving or stationary motor vehicle.
- C. Specific other public nuisances. Each of the following activities and conditions is hereby declared to be a public nuisance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
1. Exterior lighting that is designed and/or located and/or operated in such a manner as to direct the source of the light upon a public right-of-way or other real property under different ownership or occupancy.
 2. Fumes or other odors of a noxious or otherwise overwhelming impact.
 3. Dust discernible by accumulation, or smoke penetrating a dwelling or other premises with windows and doors closed.
 4. Vibrations causing aural or visceral discomfort.
- D. Sound content disregarded. The regulations of this ordinance pertaining to noise disturbances are not intended to make a noise activity or condition a violation of this ordinance based solely on the message or other substantive content of the noise.

SECTION 5

EXCEPTIONS

- A. The regulations in Section 4 of this Ordinance shall not apply to noise or other conditions regulated by this ordinance caused by any of the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Agricultural operations such as planting, harvesting and irrigation, providing the equipment being used is operating normally; and ordinary and customary livestock noises.
3. Equipment used in commercial business operations conducted during regular business hours, providing the equipment being used is operating normally.
4. Excavation or construction/repair of bridges, streets, highways, or other public property by or on behalf of the State of Michigan, County of Manistee, or any municipal governmental body.
5. Warning devices emitting sound for warning purposes as authorized by law.
6. Normal golf course maintenance activities.
7. Township sponsored or approved events, such as community festivals, fairs, parades, holiday activities, and similar public or quasi-public temporary events.
8. Aircraft operating in accordance with applicable federal regulations.
9. Household generators operating as designed to generate electricity during a power outage.
10. Otherwise lawful fireworks displays on any national holiday or other day on which the Michigan Fireworks Safety Act (2011 Public Act 256) or any other applicable state law prohibits a local ordinance regulating such displays.
11. Essential public services, including rubbish collection, using customary vehicles/equipment operated and maintained in a reasonable manner.

SECTION 6

VIOLATIONS AND ENFORCEMENT

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows,

consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance.

- B. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense, and is subject to an additional citation.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st offense	\$150.00	-----
2 nd offense	\$325.00	-----
3 rd offense	\$500.00	-----

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Township of Arcadia or by such other person or persons as the Township Board may designate from time to time. All certified law enforcement officers of the Manistee County Sheriff's Department are hereby designated as Ordinance Enforcement Officers of the Township of Arcadia for an indefinite term, for the purpose of enforcing this Ordinance, and for that purpose shall have the authority and duties of Ordinance Enforcement Officers as specified in Township of Arcadia Ordinance No. 160 (Ordinance Enforcement Officer Ordinance).

SECTION 7

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 8

REPEAL/NON-REPEAL

Any previously adopted ordinance or part thereof on the same subject matter as this ordinance which conflicts with a provision of this ordinance is hereby repealed in its entirety; provided this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance (presently in effect or as may subsequently be adopted), or any other non-conflicting provision of any other ordinance pertaining to the same subject matter.

SECTION 9

EFFECTIVE DATE

This Ordinance shall become effective 30 days after publication as required by law.

Tracy Catlin, Clerk
Township of Arcadia