

Thetford Township
Genesee County, Michigan

NOTICE OF ORDINANCE ADOPTION/SUMMARY

TO: THE RESIDENTS AND PROPERTY OWNERS OF THETFORD TOWNSHIP,
GENESEE COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting on July 22, 2015 the Thetford Township Board adopted Ordinance 2015-06-08 which is summarized as follows:

SECTION I --- TITLE: Disturbing the peace definitions

- Nuisance Factors
- Public Place

SECTION II --- DISTURBING THE PEACE:

No person shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Thetford.

For the purposes of this article, **DISORDERLY PERSON** shall be any person who shall engage in any act or practice hereinafter enumerated and any person who shall aid or abet such person to do such act or to engage in such practice:

- (1) Through (23) Provides Specific Disturbances
- (A) through (K) Describes Specific Acts of Loud or Boisterous Conduct
- (24) through (32) Provides Specific Disturbances

SECTION III --- EXCEPTIONS TO NOISE PROHIBITIONS

SECTION IV --- EXEMPTIONS

This ordinance does not apply to:

- Agricultural fields machinery used and maintained in accordance with the manufacturer's specifications;
- Emergency operation by fire and rescue services, police agencies, or public utilities and their contractors;
- A source or condition expressly subject to any State or federal noise-control law or regulation that is more stringent than this Chapter;
- Sound, not electronically amplified, created between 7 a.m. and 11 p.m. by sports, amusements of the entertainment events or other

public gatherings operating according to the requirements of the appropriate permit or licensing authority. This included athletic contests, carnivals, fairgrounds, parades, band and orchestra activities, and public celebrations.

SECTION V --- WAIVERS: Application to waive procedures

SECTION VI --- PENALTY AND LAW ENFORCEMENT:

- A person who shall violate any provision of this article shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) Dollars or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.
- A person served with an appearance ticket for a violation of this article may waive his or her rights to an arraignment on such charge and voluntarily enter a plea of guilty thereto and pay a fine of one hundred (\$100.00) Dollars at the office of the Township Treasurer, but only if said person has never before been convicted of any violation of this article.
- A citizen will not be required to sign a complaint for a violation of this article if such complaint can be validly signed by the enforcing officer.

SECTION VII --- INVALIDITY

SECTION VIII --- EFFECTIVE DATE: Provides for Ordinance to take effect 30 days after publication as required by law.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance 2015-06-08 may be inspected and a copy of same may be purchased by contacting the Thetford Township Clerk as indicated below.

Leanne Pennington, Clerk
Thetford Township
4014 E. Vienna Road
Clio, MI 48420
810-686-5200

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MT. MORRIS/CLIO HERALD

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d., Clio, MI 48420

Michael J. Harrington, being first duly sworn, says that he is the publisher of **THE MT. MORRIS/CLIO HERALD** a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published.

_____ August 19, _____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015
_____	A.D. 2015	_____	A.D. 2015

Michael J. Harrington

Subscribed and sworn to before me this 19th day of August A.D. 2015

Marcine Jo Keeler
Marcine Jo Keeler Notary Public, Genesee County, Michigan
Acting in Genesee County

My Commission Expires February 25, 2019

THETFORD TOWNSHIP, GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2015-06-08

AN ORDINANCE TO CONTROL NUISANCE (NOISE, DISTURBING THE PEACE AND DISORDERLY PERSONS) IN THETFORD TOWNSHIP AND TO PROVIDE A PENALTY FOR ANY VIOLATIONS THEREOF;

THETFORD TOWNSHIP ORDAINS:

SECTION 1. - Disturbing the peace definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever any words and phrases used herein are not defined but are defined in the State Penal Code, any such definition therein shall be deemed to apply to such words and phrases used herein.

NUISANCE FACTORS: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic flashes, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of non-abutting street frontage by traffic.

PUBLIC PLACE: Any road, street, park, parking lot, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to public view, or to which the public has access.

SECTION 2. - Disturbing the peace.

No person shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Thetford.

For the purposes of this article, **DISORDERLY PERSON** shall be any person who shall engage in any act or practice hereinafter enumerated and any person who shall aid or abet such person to do such act or to engage in such practice:

- (1) Commit an assault, or an assault and battery on any person or be engaged in or aid in any fight, quarrel, or other disturbance;
- (2) Be intoxicated in a public place and endanger directly the safety of another person or of property or act in a manner that causes a public disturbance;

- (3) Consume or offer any alcoholic liquor to any person in any automobile while parked or being driven on any public street or highway, or consume or offer any alcoholic liquor or beverage in any public place not license as a place of sale or consumption of alcohol;
- (4) Engage in any incident or insulting language or conduct in any public place which is expected or intended to arouse the person addressed to anger or which is likely to invite a breach of peace;
- (5) Fire, discharge, display, or possess any firearms, air rifle, air pistol, bow and arrow, sling shot, or other dangerous weapon within or into the township property except as the same may be licensed or required by law;
- (6) Fire, discharge, display, or possess any firearms except of the type and under the conditions permitted by the Penal Code of the State of Michigan and Code of the Township of Thetford;
- (7) Engage in the peeping in of windows of any inhabited place;
- (8) Beg in any public place in a manner which causes alarm or apprehension in any person;
- (9) Swim or bathe in any public place without wearing apparel that conforms to commonly accepted standards so as to prevent any indecent exposure of the person;
- (10) Employ loud or boisterous language in any public place so as to cause physical inconvenience, annoyance or alarm to the public, or laugh, talk, or otherwise disturb any school, meeting, or congregation lawfully assembled, whether for purposes religious, political, or otherwise;
- (11) Intentionally expose the genitalia or his or her body, including the exposure by a woman of her breasts in any public place or a place open to view of the public at large, or engage in any public masturbation, urination or similar conduct;
- (12) Print, publish, show, sell, offer for sale, exhibit or distribute, or process any indecent or obscene pictures, drawings, engravings, paper, car book, or pamphlet, image, representation, matter or thing in any public place;
- (13) Willfully destroy, take, damage, alter or in any manner deface any property of another or that which is not his own, or remove same from the building or place where it may be kept, place or stored, without proper authority, or mark or post hand bills on, or in any manner mark the walls of any building, fence, tree, or pile within the Township or other property belonging to the township;
- (14) Insult, flirt, fondle, accost, molest, or otherwise annoy, either by mouth, sign, motion or any act, any person in any public place in a manner which is intended or expected to arouse or incite apprehension or anger in the person addressed;

- (15) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds whose common object, with or without prior concert, is to commit an unlawful act, or a lawful act by unlawful means;
- (16) Jostle or roughly crowd persons in any public place;
- (17) Loiter, stand, sit, or lie in or upon any public street or sidewalk or in any park or public building so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon; after first having been warned by a police officer, or where a "no loitering" sign or signs have been posted;
- (18) Engage in any act of prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal act;
- (19) Attend, frequent, operate, or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxication liquor, or where any other illegal business or occupation is permitted or conducted;
- (20) Any person who shall willfully enter, upon the lands or premises of another without lawful authority, after having been forbidden to do by the owner or occupant, agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom or who violates a posted sign which forbids trespassing;
- (21) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person to engage in gambling or in any illegal act;
- (22) Keep or maintain, or permit the use of, a gambling room, table, or equipment, or any policy or pool tickets to be used for gambling of any premises occupied, or controlled by him; or place, receive or transmit any bet on the outcome of any race, contest, or game of any kind whatsoever;
- (23) The following noises and disturbances of public peace and quiet are hereby declared to be a violation of this article; provided, however, that the specifications of the same is not thereby to be construed to exclude other violations of this article not specifically enumerated:
 - (A) *Loud or Boisterous* Conduct.
 - (B) *Sounding of horns.* The sounding of any horn of signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.

- (C) *Playing of radios.* The playing of any radio, phonograph or any musical instrument in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- (D) *Yelling, hooting, singing.* Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- (E) *Animal noises.* The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (F) *Grating, grinding, rattling noises of vehicles.* The operation of any automobile, motorcycle or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (G) *Erection, excavation, demolition, alteration, or repairs.* The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the building inspector of the township, which permit shall limit the period that the activity may continue.
- (H) *** Loading, unloading vehicles; opening, destroying boxes, bales.* The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the *loading* or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers. (Nighttime hours only as indicated in K below)
- (I) *** Drums, loudspeakers, instruments.* The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (J) *** Race tracks, testing areas, etc.* The operation of any race track, proving grounds, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or *nature* in any area of the township not specifically zoned for such an operation and/or where the noise emanating therefrom would be reasonably disturbing and annoying to other persons in the vicinity. (Nighttime hours only as indicated in K below)

- (K) **** Explosives, firearms, and similar devices.** The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right-of-way, except in the course of any State and Federally recognized hunting seasons. (Nighttime hours only as indicated in K below)

(Noise ordinances are regulated by day and nighttime hours unless otherwise stipulated)

* Daytime Hours: Sun-up to Sun-down

** Nighttime Hours: Sun-down to Sun-up

- (24) Make, aid, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to be a breach of the peace;
- (25) Obstruct, resist, hinder, or oppose any member of the police force, or any peace officer in the discharge of his duties as such, or direct insulting or offensive words to a police officer in a threatening manner;
- (26) Prowl about any alley or the private premises of any other person, either by day or night, without authority or the permission of the owner of such premises;
- (27) Turn in, or encourage to be turned in, a false alarm of fire or a false report or complaint to any city or school official;
- (28) Knowingly sell, give or furnish liquor, wine, beer or other alcoholic beverages to any person under the age of 21 years, or to a drunken or intoxicated person, or to any disorderly person, or to any habitual drunkard;
- (29) Wrongfully throw or propel any snowball, missile, or object from any moving vehicle;
- (30) Wrongfully throw or propel any snowball, missile, or object toward any person or vehicle;
- (31) No person shall beat, kick, injure, or torture or cruelly strike any animal nor shall any person aid or assist another in so doing, except in self defense;
- (32) Commit the offense of larceny, by stealing, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, or other bill, draft, order of certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt.

SECTION 3. - Exceptions to noise prohibitions.

None of the prohibitions hereinbefore enumerated shall apply to any of the following: any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

SECTION 4. - Exemptions.

This ordinance does not apply to:

- (1) Agricultural field machinery used and maintained in accordance with the manufacturer's specifications;
- (2) Emergency operation by fire and rescue services, police agencies, or public utilities and their contractors;
- (3) A source or condition expressly subject to any State or federal noise-control law or regulation that is more stringent than this Chapter;
- (4) Sound, not electronically amplified, created between 7 a.m. and 11 p.m. by sports, amusement, or entertainment events or other public gatherings operating according to the requirements of the appropriate permit or licensing authority. This includes athletic contests, carnivals, fairgrounds, parades, band and orchestra activities, and public celebrations.

SECTION 5. - Waivers.

Temporary waiver:

- (1) The Township may waive any part of this Ordinance for a temporary event if the noise the event will create or cause in excess of the limits established under this Ordinance is offset by the benefits of the event to the public.
- (2) When the Township receives an application under this subsection, the Township must provide public notice of the application reasonable calculated to reach at least a majority of households that might be affected by noise levels anticipated for the event. The Township must not approve an application under this subsection less than 10 days after the public notice.

SECTION 6. - Penalty and Law Enforcement.

- (1) A person who shall violate any provision of this article shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$ 500.00) Dollars or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.
- (2) A person served with an appearance ticket for a violation of this article may waive his or her rights to an arraignment on such charge and voluntarily enter a plea of guilty thereto and pay a fine of one hundred (\$ 100.00) Dollars at the office of the Township Treasurer, but only if said person has never before been convicted of any violation of this article.
- (3) A citizen will not be required to sign a complaint for a violation of this article if such complaint can be validly signed by the enforcing officer.

SECTION 7. - Invalidity.

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 8. - Effective Date.

This Ordinance shall take effect the day following the date of the publication.

SECTION 9. - Where Ordinance Can Be Inspected.

A copy of this Ordinance can be obtained from the Clerk of Thetford Township at the offices of the Thetford Township, 4014 East Vienna Road, Clio, Michigan.

SECTION 10. - Publication.

This Ordinance is ordered to be given publication as required by law.

Motion by JOHN CONGDON, seconded by MARTIN COUSINEAU to adopt Ordinance No. 2015-06-08

Vote:

YAS Eileen Kerr, Supervisor

YAS Leanne Pennington, Clerk

NO Shelly Ayotte, Treasurer

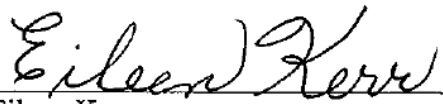
YAS John Congdon, Trustee

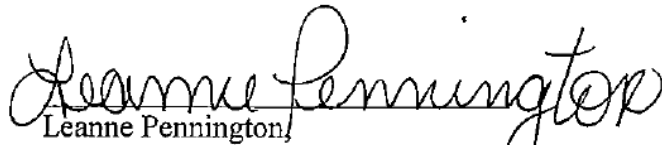
YAS Martin Cousineau, Trustee

NO Eric Gunnels, Trustee

NO Gary Stevens, Trustee

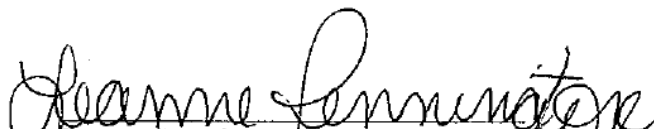
The Foregoing Ordinance was duly adopted at a regular meeting of the Thetford Township Board held on the 23 day of JULY, 2015.


Eileen Kerr,
Supervisor of Thetford Township


Leanne Pennington,
Clerk of Thetford Township

I Leanne Pennington, Clerk of Thetford Township, do hereby certify that the above is a true and exact copy of the Ordinance passed by the Township Board for Thetford Township, Genesee County, Michigan.

This Ordinance was published in the Genesee County Herald on the 19 day of August, 2015.


Leanne Pennington,
Clerk of Thetford Township