



# Nuisance Abatement Ordinance

WILLIAMSTOWN TOWNSHIP, INGHAM COUNTY, MICHIGAN

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# NUISANCE ABATEMENT ORDINANCE

## Williamstown Township Ingham County, Michigan

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AN ORDINANCE ENACTED BY AUTHORITY OF MICHIGAN PUBLIC ACT 246 OF 1945, AS AMENDED, FOR THE PURPOSES OF DEFINING AND IDENTIFYING PUBLIC NUISANCES THAT COULD HARM THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE; PROVIDE PROCEDURES FOR ABATING PUBLIC NUISANCES; AND PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

### ARTICLE 1.00 – TITLE

This ordinance shall be known and cited as the Williamstown Township “Nuisance Abatement Ordinance.”

### ARTICLE 2.00 – FINDINGS AND PURPOSE

The existence of public nuisances as defined in this Ordinance, on private or public property, is found to create conditions that promote blight and deterioration, create fire hazards, lead to infestations of vermin and pests, result in the devaluation of private property, and harm the public health, safety, and general welfare. The presence of a public nuisance on private or public property is declared to be contrary to the public good and shall be subject to code enforcement actions to abate. In the absence of compliance with such code enforcement actions, such public nuisances shall be subject to abatement by the Township or a contractor acting on behalf of the Township. It is the purpose of this Ordinance to provide for the lawful and cost-effective abatement of public nuisances as promptly as possible.

### ARTICLE 3.00 – GENERAL NUISANCE DEFINITION AND PROHIBITION

Whatever annoys, injures, or endangers the safety, health, welfare, comfort or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs or renders dangerous any street, highway, lake, or stream; or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance. Public nuisances include, but are not limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, permit, create, or maintain any public nuisance.

### ARTICLE 4.00 – DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Abandoned Motor Vehicle: Pursuant to Section 252a of Michigan Public Act 300 of 1949, as amended, an abandoned motor vehicle shall include:

- a. Any motor vehicle that has remained on private property without the consent of the property owner, or

- b. Any motor vehicle has remained on public property for a period of not less than forty-eight (48) hours, or on a state trunk line highway as follows:
  - i. If a valid registration plate is affixed to the vehicle, for a period of not less than eighteen (18) hours.
  - ii. If a valid registration plate is not affixed to the vehicle.

Abate: Lessen, reduce, or remove (especially a nuisance).

Garbage: Rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables.

Hazard or Hazardous: A condition that may potentially result in the death, injury, or illness of a human or in damage to real or personal property.

Inoperable Vehicle: Any motor vehicle unable to move under its own power, or part of any motor vehicle or other conveyance that is wrecked, disabled, or partially dismantled.

Junk or Scrap Motor Vehicle: Junk or scrap motor vehicles shall include:

- a. Any motor vehicle that, for a period of fifteen (15) consecutive days or more, does not have an engine in running condition, inflated tires, and a charged battery, or
- b. Any motor vehicle that is not currently registered pursuant to the Michigan motor vehicle code, Act No. 300 of the Public Acts of 1949, or
- c. Any motor vehicle that is for any period inoperable or is extensively damaged to the extent that the cost of repairing the vehicle so that it is operational and safe would exceed the fair market value of that vehicle.

Litter: Garbage, refuse, or rubbish that is strewn or scattered about.

Owner: Every person holding legal title or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common or as a land contract vendee. Owner shall also mean:

- a. Every person who in fact has been empowered to act on behalf of, or as an agent of the owner; or
- b. Every person who has or exercises care, custody, dominion, or control over any property; or
- c. Every person who is a record owner as demonstrated by a deed or other document of title recorded at the office of the Register of Deeds; or
- d. Every person listed as the taxpayer on the Assessor's records.

The owner shall not include a person who is a tenant.

Refuse: Something that is discarded as worthless or useless.

Residential Composting: The collection of organic materials from household kitchen food and yard waste, in a fully enclosed and commercially manufactured compost receptacle.

Rubbish: Hazardous or non-hazardous non-putrescible (i.e., not subject to decay or decomposition) solid waste, excluding ashes, including but not limited to, all combustible and noncombustible waste, paper, cardboard, metal containers, wood, glass, trash, brush, bedding, crockery, used or demolished building materials, litter of any kind, and discarded items of little or no apparent value.

Unlicensed or Unregistered Vehicle: Any motor vehicle or other vehicle or conveyance that lacks a current license plate or registration required for use.

## **ARTICLE 5.00 – PROHIBITED NUISANCES**

It is hereby determined that the following uses, activities, and structures are public nuisances that are prohibited in Williamstown Township:

### **Section 5.01 – Inoperable, Junk or Abandoned Motor Vehicles**

1. No inoperable, junk, or abandoned motor vehicles shall be stored, maintained, kept, or left outdoors in the Township, except that one (1) such vehicle may be kept outdoors on a paved surface for a maximum period of seventy-two (72) hours for maintenance purposes.
2. No person shall abandon a motor vehicle or part thereof on the premises of another.
3. Storage of inoperable vehicles within a fully enclosed building is permitted.
4. If a motor vehicle has remained on private or public property so that it qualifies as abandoned as described in Article 4.00 of this Ordinance and Section 252a of Michigan Public Act 300 of 1949, as amended, then the police agency having jurisdiction over the vehicle shall initiate proceedings to have the motor vehicle towed and taken into custody, pursuant to said Act 300. Such action by the police agency may be requested by the Township Supervisor or the owner of private property on which the vehicle has been abandoned.

### **Section 5.02 – Inoperable Recreational Vehicles, Equipment, and Watercraft**

1. Recreational vehicles, equipment, or watercraft include, but are not limited to, motor homes or other motorized dwellings, travel trailers, pickup campers, pop-up trailers, tent trailers, all types of watercraft, boat trailers, and other equipment and devices intended for recreational purposes.
2. “Inoperable” recreational vehicles, equipment, or watercraft are incapable of being propelled under their own power or are unable to operate or function because of dismantling, disrepair, or other reason.
3. No inoperable recreational vehicles, equipment, or watercraft shall be stored, maintained, kept, or parked outdoors in the Township.

### **Section 5.03 – Inoperable Machinery and Equipment**

1. “Inoperable” machinery and equipment are unable to operate or function because of dismantling, disrepair, or other reason.
2. No inoperable machinery or equipment shall be stored, maintained, kept, or parked outdoors in the Township.

### **Section 5.04 – Storage of Building Materials**

1. Building materials shall include, but not be limited to, lumber, bricks and blocks, concrete, cement and mortar, plumbing materials, electrical wiring and equipment, heating ducts and equipment, shingles, fasteners, and fencing materials.

2. Except as noted in item 3, below, no building materials shall be kept or stored outdoors in the Township.
3. The orderly outdoor storage of building materials shall be permitted on premises where there is in effect a valid building permit for construction, and the building materials are intended for such construction.

#### **Section 5.05 – Accumulation of Rubbish or Garbage**

All rubbish and garbage shall be placed in containers for waste disposal on a frequent basis. Rubbish and garbage shall not be allowed to accumulate on a premises for a period longer than twenty-eight (28) days.

#### **Section 5.06 – Litter**

1. No person shall allow litter to remain on premises owned or occupied by him/her.
2. No person shall throw or leave litter in any of the following locations within the Township:
  - a. On the premises of another person.
  - b. Any public road or highway, park, public place, sidewalk, or land within the boundaries of Williamstown Township that is owned by the Township, Ingham County, the State of Michigan, or any other municipal corporation.
  - c. Any river, lake, stream, drainage way, wetland, or other body of water.
3. No person, while a driver or passenger in a motor vehicle, shall throw or deposit litter upon any road or highway or other public place or private property in the Township.

#### **Section 5.07 – Dust, Smoke, Soot, Dirt, Ash, and Products of Wind Erosion**

1. Emissions of dust, smoke, soot, dirt, ash, and products of wind erosion shall be subject to the regulations promulgated under the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, and other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with approved state-of-the-art equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
2. The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles, or debris from open stockpiles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, wetting, covering, landscaping, fencing, or other means.

#### **Section 5.08 – Explosives, Flammable and Combustible Liquids, and Other Dangerous Substances**

The keeping and use of explosives, flammable and combustible liquids, and other dangerous substances is prohibited except in strict compliance with local, state, and federal laws and regulations, including, but not limited to, the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, the Michigan Fire Protection Code, Public Act 207 of 1941, as amended, and the Williamstown Township Fireworks Ordinance.

#### **Section 5.09 – Unguarded Excavations and Machinery**

Unguarded excavations and machinery, as might exist at a construction site on public or private property, which may be a dangerous attractive nuisance to children or others, are prohibited. This regulation does not apply to farm machinery used in farming operations. Basement excavations shall be secured with a six (6) foot high chain link fence, unless construction on the site is continuous and ongoing.

### **Section 5.10 – Truck Debris and Load Loss**

1. No person shall drive a truck or other motor vehicle within the Township unless the load is secured and covered to prevent any part of the load from being blown or deposited on any road, highway, sidewalk, or other public or private place. This regulation does not apply to trucks and farm machinery used in a farming operation.
2. A truck or other piece of construction equipment shall not be driven within the Township if mud, soil, grease, or other foreign matter of any kind will be deposited from the tires or other parts of the vehicle on any road, highway, sidewalk, or other public or private place. The Township Supervisor may grant a temporary exemption from this regulation upon finding that it would be in the public interest, subject to the following provisions:
  - a. The exemption shall be for a limited, specific period.
  - b. The operator shall execute an agreement with the Township whereby the operator agrees to:
    - i. Remove any deposit of mud, soil, grease, or other foreign matter in a timely manner, and
    - ii. Reimburse the Township and/or Ingham County Road Department for any maintenance expenses incurred related to the exemption.

### **Section 5.11 – Keeping of Bees**

To prevent the keeping of bees from becoming a nuisance that affects public safety or the use of neighboring property, beekeepers shall comply with the regulations in Section 8.02, subsection RR, of the Williamstown Township Zoning Ordinance.

### **Section 5.12 – Keeping of Farm Animals on Non-Farm Parcels**

To prevent the keeping of farm animals on non-farm parcels from becoming a nuisance that generates conflict between neighbors or impacts public health, compliance with the regulations in Section 8.02, subsection RR, of the Williamstown Township Zoning Ordinance shall be required. These regulations do not apply to commercial farms that are subject to the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices (GAAMPs).

### **Section 5.13 – Dangerous Conditions for Children**

It is unlawful for any person who owns, leases, occupies, or has charge of a parcel of land in the Township to maintain an attractive nuisance for children on the parcel for any length of time (see also Sections 5.01 through 5.03). Attractive nuisances include, but are not limited to:

1. Unattended, unused, or discarded refrigerators or other air-tight containers that have a locking device. Before discarding, the doors and locking devices shall be removed.
2. Unused, discarded, or broken equipment or vehicles.

## **ARTICLE 6.00 – OUTDOOR LIGHTING**

### **Section 6.01 – Findings**

Adequate outdoor lighting is beneficial for safety and security. However, improper use of outdoor electric lighting can cause light pollution, disrupting people's enjoyment of their surroundings. Research has shown that some types of lighting can harm human health and disrupt wildlife. Some types of lighting, such as lighting that creates glare, causes visual discomfort, and may even reduce visibility. The goals of Article 6.00 are to set forth regulations

that permit essential outdoor lighting that promotes safety and security but discourage use of nuisance lighting that is detrimental to the public health, safety, and welfare.

### **Section 6.02 – Purpose**

The purpose of Article 6.00 is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting needed for nighttime safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse off-site impacts of outdoor lighting, such as light trespass and glare.
3. Curtail light pollution, reduce sky glow, and improve the ambience of the nighttime environment.
4. Protect the natural environment from the adverse effects of night lighting.
5. Conserve energy.

### **Section 6.03 – Lighting Definitions**

The following words, terms, and phrases, when used in Article 6.00, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

**Bulb (or Lamp):** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” is often used to denote the bulb and its housing.

**Canopy:** A covered structure that is open on its sides for vehicular or pedestrian access (e.g., a gas station canopy).

**Filtered Fixture:** A light fixture that has a glass, acrylic, or translucent enclosure to filter the light.

**Fixture:** The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), ballast, housing, and the attachment parts.

**Floodlight:** A fixture or lamp designed to flood an area with light.

**Footcandle:** A unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one (1) foot. A light meter provides the most reliable means of measuring footcandles.

**Fully Shielded Fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties and does not cause glare or interfere with the vision of motorists.

**Glare:** An intense and blinding light that results in reduced visibility and is often accompanied by visual discomfort.

**High Pressure Sodium (HPS) Lamp:** High-intensity discharge lamp where light is produced by radiation from sodium vapor at relatively high partial pressures (100 torr).



Incandescent Lamp: A lamp that produces light by a filament heated to a high temperature by electric current.

Laser Light Source: An intense beam of light, in which all photons share the same wavelength.

LED Light: A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and adverse impacts on the nocturnal environment.

Light Trespass: Light that falls beyond the property it is intended to illuminate (also called spill light).

Lighting Uniformity: The human perception of even distribution of light throughout a given area.

Low Pressure Sodium (LPS) Lamp: A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

Lumen: A measure of the total quantity of visible light emitted by a source per unit of time.

Luminaire: The complete lighting unit (fixture), consisting of a lamp, or lamps and ballasts (when applicable), together with parts designed to distribute the light (reflector, lens, diffuser), position and protect the lamps, and connect the lamps to a power supply.

Mercury Vapor Lamp: A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

Metal Halide Lamp: A high-intensity discharge mercury lamp where the light is produced by radiation from metal halide vapors.

Mounting Height: The height of the photometric center of a luminaire above grade level.

Non-Essential Lighting: Outdoor lighting which is not required for safety or security purposes.

Ornamental Lighting: A luminaire that is used to illuminate streets, driveway entrances, sidewalks, or building entrances, that serves a decorative function as well. Such lighting typically has a historical or decorative appearance, along with the following characteristics:

- It is designed to mount on a pole using an arm, pendant, or vertical component.
- It has an opaque or translucent top and/or sides.
- It has an optical aperture that is either open or enclosed with a flat, sag, or drop lens.
- It is mounted in a fixed position.

Recessed Canopy Fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**Shielded Directional Luminaire:** A luminaire that has an adjustable mounting device that allows it to be aimed in any direction and has a shield, louver, or baffle to block direct view of the lamp.

**Sky Glow:** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upward or sideways. Sky glow reduces one's ability to view the night sky.

**Uplighting.** A lighting effect created by strategically placing lighting fixtures on the ground and pointing them up.

**Visual Discomfort:** Discomfort or pain in or around the eyes, often associated with a headache and/or nausea, and sometimes accompanied by signs such as red, itchy, or watery eyes. The lighting conditions likely to cause visual discomfort are insufficient lighting for the task at hand, differences in illumination around the task, shadows, veiling reflections, glare, and flicker.

#### **Section 6.04 – General Requirements**

The requirements in this Section apply to both residential and nonresidential lighting throughout the Township.

1. **Fixture Orientation and Shielding.** Unless otherwise noted herein, lighting fixtures shall be focused downward and shall be fully shielded to prevent glare and sky glow and to minimize light trespass onto adjoining properties. Full cut-off fixtures shall be used to prevent light from projecting above a ninety degree (90°) horizontal plane (see illustration at end of Article 6.00).
2. **Light Trespass at the Property Line.** The intensity of light on a site shall not exceed two-tenths (0.2) of a footcandle at any property line that abuts a residentially zoned property and one-half (0.5) of a footcandle at any other zoned property.
3. **Uplighting.** Uplighting of buildings and trees for aesthetic purposes shall be confined to the target surfaces to prevent sky glow.
4. **Mounting Height.** Lighting fixture mounting height shall not exceed twenty-two (22) feet.
5. **Color Correction.** Some LED lighting produces significant levels of potentially harmful blue light, which is known to increase glare and compromise human vision. The Correlated Color Temperature (CCT) measures the coolness or warmth of light. To correct for the blue light concern, only fixtures with a CCT equal to or less than 3,000 Kelvin shall be permitted.
6. **Ornamental Lighting.** The orientation, shielding, and light trespass requirements shall be waived for ornamental lighting, as defined herein, if the Township enforcement official determines that the fixture will comply with the illumination levels specified in Section 6.05, will not cause glare or interfere with the vision of drivers, and will be consistent with the spirit and intent of this Chapter. If the ornamental lighting is in a residential setting, the average maximum maintained illumination level shall be 5.0 footcandles.

#### **Section 6.05 – Nonresidential Lighting Requirements**

The requirements in this Section apply only to nonresidential lighting throughout the Township.

1. Illumination Levels. Nonresidential lighting shall comply with the illumination levels specified in the following chart.

Location	Average Maximum Maintained Footcandles
Infrequently Used Pedestrian Entrances	1.0
Active Pedestrian Entrances	5.0
Low Activity Parking Areas	3.0
High Activity Parking Areas	5.0
Loading Areas	5.0

2. Uniformity Ratio. To attain lighting uniformity, the ratio between average lighting levels to the average maximum lighting levels shall not exceed 4:1.
3. Canopy Lights. Light fixtures mounted on the underside of a canopy or similar structure shall be fully recessed into the canopy.

### **Section 6.06 – Exemptions**

The following outdoor lighting shall be exempt from the regulations in Article 6.00:

1. Fossil Fuel Light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps) is exempt from the regulations in Article 6.00.
2. Temporary Lighting for a Carnival or Civic Use. Lighting for a permitted temporary carnival, fair, or civic use is exempt from the regulations in Article 6.00.
3. Construction and Emergency Lighting. Temporary lighting necessary for construction or emergency purposes is exempt from the regulations in Article 6.00, if it is discontinued immediately upon completion of the construction or abatement of the emergency.
4. Lighting for Public Monuments. Lighting for public monuments, statuary, or historical markers is exempt from the regulations in Article 6.00.
5. Flag Lighting. Lighting of federal, state, or local governmental flags is exempt from the regulations in Article 6.00 provided that the flag lighting fixtures produce a maximum light output of 500 lumens, with a narrow beam ranging between 15 and 25 degrees, that is focused directly on the flag.
6. Lighting in a Public Right-of-Way. Lighting within a public right-of-way or easement for the principal purpose of illuminating a public road, highway, sidewalk, or path is exempt from the regulations in this Chapter.
7. Temporary Low Illuminance Seasonal Lighting. Temporary low illuminance lights used for seasonal display (e.g., holiday lights) are exempt only from the regulations regarding fixture orientation and shielding, mounting height, and color correction in Article 6.00. High intensity lights and flashing and moving lights are prohibited, as stated in Section 6.07.

### **Section 6.07 – Prohibited Lighting**

The following outdoor lighting shall be prohibited in Williamstown Township:

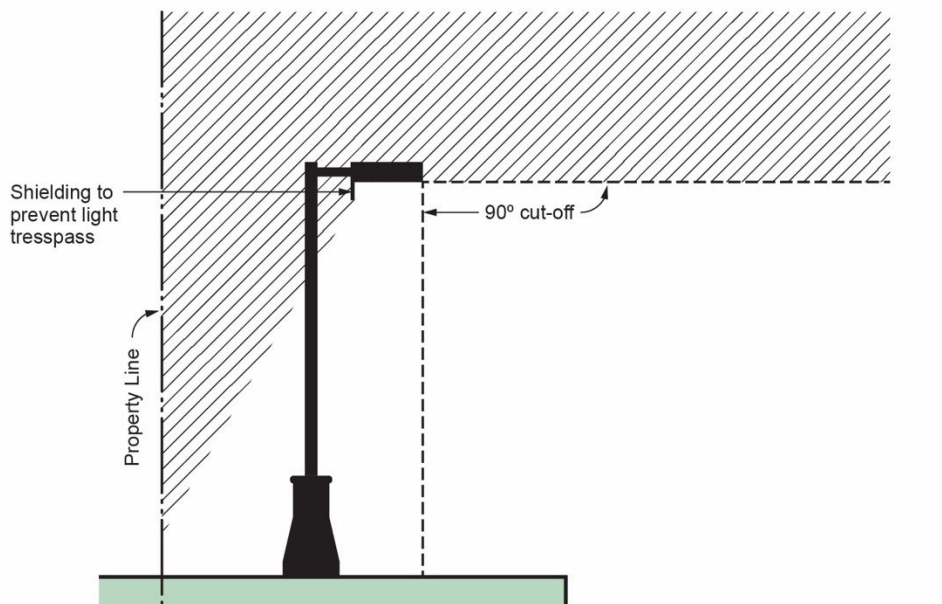
1. High Intensity Lights. Laser lights, strobe lights, searchlights, and any other similar high intensity lights shall be prohibited for lighting, advertising, seasonal displays, or entertaining purposes, except that laser lights may be used for seasonal displays but only if the beams are terminated on a surface, such as a house.
2. Flashing and Moving Lights. Flashing, moving, and intermittent lighting, which may be distracting to drivers, is prohibited.
3. Unshielded Lights. Because of the inability to shield them, non-shielded wall packs and floodlights not aimed downward are prohibited (see illustration at end of Article 6.00).
4. Recreational Facility Lighting. No outdoor recreational facility, public or private, shall be illuminated after 10:00 p.m., except to conclude a permitted recreational event in progress prior to 10:00 p.m.

### **Section 6.08 – Sign Lighting**

Illuminated signs shall comply with the regulations in Section 7.06, subsection B, of the Williamstown Township Zoning Ordinance.

### **Section 6.09 – Article 6.00 Illustrations**

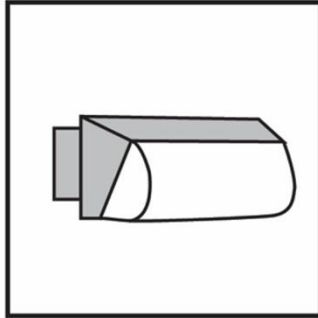
- (a) Pursuant to Section 6.04(1), full cut-off fixtures shall be used to prevent light from projecting above a ninety degree (90°) horizontal plane.



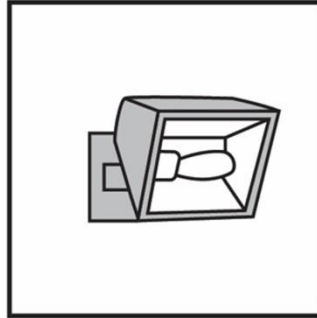
### **Parking Lot Fixture Orientation and Shielding**

(b) Pursuant to Section 6.07(3), the following unshielded lights are prohibited.

**Non-Shielded  
Wall Packs**



**Floodlights or Lights  
Not Aimed Downward**



## Prohibited Lights

### ARTICLE 7.00 – NOISE

#### **Section 7.01 – Findings and Purpose**

Loud, persistent, tonal, impulsive, or impact-type sound or noise disrupts people's enjoyment of their properties and can harm public health, safety, and welfare. These types of noise are nuisances that are prohibited in Williamstown Township, except where absolutely necessary (for example, a siren that alerts people to an emergency). The purpose of this Article is to provide reasonable regulations that govern permitted level and types of noise, curtail excessive noise, and identify exceptions to the noise regulations, thereby protecting the Township's quiet rural environment.

#### **Section 7.02 – Noise Definitions**

The following words, terms, and phrases, when used in Article 7.00, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

**A-Weighted Sound Level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A) or dBA.

**Day-Night Average Sound Level:** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by 10 dB(A) before averaging.

**Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

**Impulsive Sound:** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions and discharge of firearms.

Noise: Non-harmonious or discordant sound that causes or tends to cause an adverse psychological or physiological effect on humans.

Noise Disturbance: Any sound which (a) endangers or injures the health, safety, or wellbeing of humans, or (b) annoys or disturbs a reasonable person of normal sensitivities. For the purposes of this ordinance, a Noise Disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this Article.

Noise Sensitive Zone: An area which contains noise-sensitive activities such as but not limited to, operations of a school, library, church, hospital, or nursing home.

Pure Tone: A sound that consists of one single frequency. Examples of sounds that contain a pure tone are squealing brakes or the sound of fingernails on a chalkboard.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

Sound Level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.

Vibration: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

### **Section 7.03 – Noise Disturbances Prohibited**

No person shall make, continue, or cause to be made or continued any noise disturbance. Examples of noise disturbances include, but are not limited to:

1. Sounds Which Exceed Limits in Table A. Any sound which exceeds the limits set forth in Table A in Section 7.05, shall be deemed a Noise Disturbance.
2. Loading and Unloading. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. where such activity would cause a noise disturbance across a residential district boundary or within a Noise Sensitive Zone.
3. Construction. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday or any time on Sundays or holidays. This provision shall not apply to construction within a fully enclosed building, exterior construction where there are no occupied dwellings within 1,500 feet, residential construction projects lasting less than three (3) consecutive days, and emergency work of public service utilities.
4. Vibration. Operating of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a person to be

aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

5. Disruption in a Noise Sensitive Zone. Creating of any sound at any time within any Noise Sensitive Zone to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the values shown in Table A, provided that conspicuous signs are displayed indicating the presence of the zone.
6. Electronic Devices and Musical Instruments. The operation or playing of any electronic device (e.g., radio, television, etc.), amplified or unamplified musical instrument, or other sound producing device in a manner as to cause a noise disturbance in any residential district or Noise Sensitive Zone shall be prohibited.
7. Animals and Birds. Animals and birds kept on property in Williamstown Township shall not be allowed to howl, bark, squawk, or make other loud sounds outdoors frequently or for a continued duration so as to cause a noise disturbance in any residential district or Noise Sensitive Zone. These regulations do not apply to animals and birds kept on commercial farms that are subject to the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices (GAAMPs).
8. Engines. The operation of engines of any type, whether stationary or mobile, in a manner as to cause a noise disturbance in any residential district or Noise Sensitive Zone shall be prohibited (see exceptions in Section 7.04).

#### **Section 7.04 – Exceptions**

The activities and uses cited in this Section are excepted from the regulations in Article 7.00, to the extent specified.

1. Emergencies. The regulations in this Article shall not apply to (a) the emission of sound, such as from a siren, for the purpose of alerting people to the existence of an emergency, and (b) the emission of sound in the performance of emergency work.
2. Additional Exceptions. The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
  - a. Snow plowing, street sweeping, and other public works activities.
  - b. Agricultural uses.
  - c. Church bells, chimes, and carillons.
  - d. Lawn care and house maintenance that occurs between 7:00 a.m. and 8:00 p.m.
  - e. Trains and aircraft.
  - f. Operation of backup power generators.
  - g. Use of fireworks in a legally acceptable manner.
  - h. Use of firearms in a legally acceptable manner.

#### **Section 7.05 – Maximum Permitted Sound Levels by Receiving Zone District**

Sound emitted by any source is considered a Noise Disturbance when its average A-weighted sound level exceeds the limits set forth for the receiving zoning district in Table A, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

<b>Table A</b> <b>Maximum Permitted Average A-Weighted Sound Levels</b>		
Receiving Zoning District	Time	Average Sound Level dB(A)
Residential Districts	7:00 a.m. to <u>8:00</u> p.m.	55
	<u>8:00</u> p.m. to 7:00 a.m.	50
Commercial, Office, and Industrial Districts	7:00 a.m. to 6:00 p.m.	62
	6:00 p.m. to 7:00 a.m.	55

**Notes Related to Table A**

- a. **Correction for Tonal Sounds.** For any source of sound which emits a pure tone sound, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for Impulsive or Impact-Type Sounds.** For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Planned Development.** Where the receiving district is a planned development district, the applicable standard in Table A shall be based on the types of uses within the planned development.

**ARTICLE 8.00 – ORDINANCE ENFORCEMENT**

**Section 8.01 – Nuisance on Public Property**

If the Township Supervisor or another agent of the Township determines that there exists a nuisance on Township property or on the property of another municipal corporation within the boundaries of the Township, the nuisance may be abated at the direction of the Township Supervisor without notice. The cost of abatement shall be charged as provided in Section 8.05.

**Section 8.02 – Abatement of Emergency Nuisances**

The Township Supervisor or his/her agent may act to abate a public nuisance without giving notice as specified in Section 8.03, in emergencies where the public health, safety, and welfare is at immediate risk. The cost of abatement shall be charged as provided in Section 8.05.

**Section 8.03 – Public Nuisance on Private Property, Notice Requirements, Abatement Authority**

If the Township Supervisor or another agent of the Township determines that there exists a public nuisance on private property, the Township Supervisor or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the nuisance exists or to the person(s) otherwise responsible for said public nuisance. The notice shall specify the following:

- 1. The location and nature of the public nuisance.
- 2. That the owner or occupant or person otherwise responsible shall either repair, remove, or otherwise abate the public nuisance within ten (10) calendar days of receipt of the notice, or request a hearing within ten (10) calendar days of receipt of the notice.



3. That failure to repair, remove or abate the public nuisance or request a hearing within ten (10) calendar days of receipt of the notice will result in abatement of the nuisance by the Township, with the cost charged as provided in Section 8.05.

If the owner or occupant of the property is unknown or cannot be located, notice may be given by posting a copy of the notice in a conspicuous place on the property where the public nuisance is located and mailing a copy of the notice by certified mail, return receipt requested, to the owner or party in interest at the address shown on the Township tax records, at least twelve (12) days prior to further action by the Township.

If after due notice is given, the owner or occupant or other person of interest fails to repair, remove, or otherwise abate the public nuisance or request a hearing as herein specified, the Township Supervisor or his/her agent is empowered to enter upon the premises where the public nuisance exists for the purposes of repairing, removing, or abating the nuisance. The cost of abatement shall be charged as provided in Section 8.05.

#### **Section 8.04 – Hearing Requirements**

If, after notice provided in Section 8.03, the recipient requests a hearing, a hearing shall be held before a committee composed of one member each from the Planning Commission, Zoning Board of Appeals, and Construction Board of Appeals, with the Township Supervisor serving as an advisor to the committee. The committee shall make a decision with written findings of fact based on the evidence presented at the hearing whether the conditions in question violate the requirements of this Ordinance. If the committee determines that an Ordinance violation exists, the committee is authorized to order that the public nuisance be repaired, removed, or otherwise abated within ten (10) calendar days, unless the committee allows a longer abatement period. If the nuisance is not repaired, removed, or otherwise abated within the period specified in the order, the Township Supervisor or his/her agent is empowered to abate the nuisance, pursuant to Section 8.02.

#### **Section 8.05 – Recovery of Abatement Expenses**

1. All expenses incurred by the Township Supervisor or his/her agents for the purposes of repairing, removing, or otherwise abating a public nuisance under this Ordinance shall be charged to the person responsible for the nuisance, the owner or occupant of the property in question, or the person who appears as the owner or party of interest on the tax records of the Township.
2. If the person responsible fails to pay said charges within thirty (30) days after a statement is mailed to him/her, the expenses incurred by the Township shall be paid from the Township general fund and the amount thereof assessed against the lands on which said expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such property for such expenses, and the lien shall be enforced in the manner prescribed by the general laws of the State of Michigan providing for the enforcement of tax liens.

### **Section 8.07 – Additional Penalties**

In addition to the civil rights and remedies herein provided to the Township, any person violating any provisions of this Ordinance shall be guilty of a misdemeanor or a municipal civil infraction, as determined within the Township’s discretion, subject to the following parameters:

1. **Misdemeanor.** Any person who is convicted of a misdemeanor under this section shall be subject to punishment by an amount not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding ninety (90) days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
2. **Municipal Civil infraction.** If instead a municipal civil infraction is imposed, the penalty shall be a fine not to exceed five hundred dollars (\$500.00). Upon notice of a violation, the appropriate Township employee shall investigate any violation and then decide whether the penalty shall be imposed. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. The municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations.

## **ARTICLE 9.00 – SEVERABILITY, REPEAL, EFFECTIVE DATE**

### **Section 9.01 – Severability**

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared to be 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 9.02 – Repeal**

All other ordinances conflicting or inconsistent with the provisions of this Ordinance, to the extent of such conflict or inconsistency only, are hereby repealed. Upon adoption of this Ordinance, the Blight Control Ordinance of Williamstown Township shall be repealed in its entirety.

### **Section 9.03 – Effective Date**

This Ordinance shall become effective upon its passage, publication, and recording by the Township Clerk.

Adopted by the Township Board on June 14, 2023

Published on June 25, 2023

Effective Date: July 25, 2023