



Milton Township
Board of Trustee
Board Packet
July 19th, 2016



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

Agenda for Milton Township Regular Board Meeting Milton Township Hall - 32097 Bertrand St., Niles, MI Tuesday, July 19 2016 7:00 P.M.

Call to Order/Pledge of Allegiance:

Community Reports:

1. Planning Commission Ex Officio Member
2. Other committee chairs
3. Visiting officials.

Anyone Wishing to Speak to the Board: (3 min/person)

Board Member Comments:

Approval of Agenda:

Approval of Previous Minutes:

Business (w/attendees):

1. Drug Enforcement Team Presentation

Old Business:

1. Fire Services Update
2. Rental Updates
3. Law Enforcement Pilot Update

New Business:

1. PC Appointments
2. Updated Rental Agreement
3. Noise Ordinance
4. Burn Ordinance
5. Fireworks Ordinance
6. Upcoming Zoning Ordinance Update

Financial Report:

1. Review of Township Budget
2. Financial Reports
3. Approval of Checks

Adjournment:



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Email: milton@miltontwp.org Website: www.miltontwp.org

Unofficial Minutes for Milton Township Board of Trustees Regular Board Meeting Milton Township Hall - 32097 Bertrand St., Niles, MI Tuesday June 21, 2016 7:00 P.M.

The meeting was called to order at 7:00pm and the pledge was recited.

Present: Robert Benjamin, Clerk Steve Sante, Treasurer Susan Flowers, Trustee Eric Renken Trustee Kelly Sweeney

Community Reports:

Planning Commission Ex Officio Member: Sweeney reports the new zoning ordinance has been completed and there will be a public hearing on 6/28/16.

Other Committee Chairs:

SMCAS: Renken reports that the case against the former SMCAS Director will be going to trial. It is anticipated that the insurance company will reimburse for the loss.

Renken went on to report that operating funds are presently tight. Also, it was reported that he is now the chairperson of the board.

Fire Board: Benjamin is working with the Edwardsburg Fire Department to revise language in the contract. It is hoped that the contract will be completed for the next meeting.

Council on Aging: Flowers introduced a speaker from the COA, indicating it was an organization worthy of our support. The presenter gave a presentation on the services provided by the organization.

Scott Teeter is running for Circuit Court Judge and gave a short presentation.

Visiting Officials: None

Anyone wishing to speak from to the board: Ann Brown indicated there is an open house at the Smith's Chapel this Saturday, which is June 25, 2016 from 10am to 1pm.

Board Member Comments: Benjamin indicated there is considerable storm damage in the area. He also indicated there are board meetings for the Special Assessment Districts on Thursday June 23, 2016 at 7:00pm and 8:00pm.

Approval of Agenda

The following were added:

Appointment of a PC Member

Electrical Wiring

Approval of Previous Minutes

Motion: Sweeney made a motion to approve the May 7, 2016 minutes as presented.

Second: Flowers

Discussion: None

Motion carried unanimously

Motion: Flowers made a motion to approve the May 19, 2016 (SAD 2016-1) minutes as presented.

Second: Sweeney

Discussion: None

Motion carried unanimously

Motion: Benjamin made a motion to approve the May 19, 2016 (SAD 2016-2) minutes as amended.

Second: Flowers

Discussion: None

Motion carried unanimously

Business (W/Attendees): None

Old Business

Fire Services:

Benjamin explained to the public that changes that are occurring with the SAD districts. He also explained the Edwardsburg Fire contract will be for four years and the Niles Township Fire contract will be for eight years.

Rental Updates:

Flowers reported that the lights in the great hall have been repaired. The service person indicated they were not installed correctly. Flowers indicated she would try to get reimbursement from Fredrick Construction for the repair. Flowers also reported that Wayne Hardin is planning to repair the floor in the great hall. This should be at a minimal cost. She then went on to explain that there is limited storage for chairs and tables in the great hall and that a storage solution is needed.

Motion: Flowers made a motion to purchase two chair racks at a cost not to exceed \$500.

Second: Sweeney

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Each board member indicated if they were for or against allowing alcohol on township premises. Sweeney, Sante, and Renken are for allowing alcohol. Benjamin is opposed to alcohol in general, but does not want to restrict the rights of others. Flowers is opposed to allowing alcohol on township property.

Benjamin opened up comments to the public:

Ann Brown questioned if this would extend to the Smith's Chapel.

Kenneth Daniels indicated it would enhance rentals of the great hall.

Richard Kern thought the township should limit alcohol.

Bill Corbett indicated the township should try allowing it.

Motion: Sweeney made a motion that we approve alcohol on township property, excluding Smith's Chapel, on a trial basis through the end of the fiscal year.

Second: Renken

Discussion: Renken indicates it should be pending contract review

Motion to amend: Benjamin made a motion to amend limiting alcohol to beer, wine, and Champaign

Second: Sweeney

The initial vote was unclear, so a roll call was done.

Roll Call: Flowers Y, Renken N, Sante Y, Sweeney Y, Benjamin Y

Motion: Benjamin made a motion that we approve the amended motion

Second: Sweeney

Discussion: None

Roll Call: Flowers N, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Law Enforcement Pilot

Benjamin received feedback from the Under Sheriff regarding the recent law enforcement pilot. On Mother's Day Weekend they did not focus on the Varner's area due to poor communication. Benjamin recommended we continue with the program with it starting in Mid-July and running for three months.

Benjamin: Benjamin made a motion to approve the expanded pilot with the Cass County Sheriff's Department for three months not to exceed 12 hours each month.

Second: Sweeney

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Motion: Benjamin made a motion that the supervisor be authorized to coordinate with the CCSD for the purposes of the pilot program.

Second: Flowers

Discussion: None

Motion Carried Unanimously

Sound Panels

Sante indicated that the cost of the sound panels that were approved in the previous month increased to a cost of \$3,366.

Motion: Sante made a motion that we purchase ten sound panes at a cost of \$3,366.

Second: Flowers

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

New Business

Staffing Review

The groundskeeper requested that he be allowed to have an assistant, at his cost, help complete the tasks required by his employment with the township. Benjamin indicated that this would not be acceptable. He went on to request that his wife be able to volunteer to complete work on the township premises. Benjamin indicated this would be acceptable.

Benjamin went on to say that if anyone had issues regarding employees they should contact him.

Appoint PC Member

Benjamin made a motion appointing Karen Shirk to a four term on the PC.

Second: Sweeney

Discussion: Benjamin indicated one more position needs to be filled on the PC.

Motion Carried Unanimously

Electrical Wiring:

Benjamin indicated it was discovered that the light and HVAC system for the great hall are not connected to the generator. Benjamin recommended we allocate funds to get this rectified. Sante agreed to take care of the problem.

Motion: Benjamin made a motion authorizing the Clerk to pursue updating the electrical at a cost not to exceed \$7,500.

Second: Renken

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Review of Township Budget

Motion: Benjamin made a motion for budget resolution 2016-18R to be as follows:

MTA Dues	+\$121
Township Maintenance	+7,500
Sherriff's Patrol	+3,600
Event Manager	+500
Porta Potty	\$339

Second: Sweeney

Discussion:

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Financial Report

Flowers indicated the township funds total \$643,592.08.

Approval of Checks

Motion: Sante made a motion to approve checks as written with the following addition:

Audimute \$3,366

Second: Flowers

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Sweeney Y, Benjamin Y

Adjournment:

Motion: Benjamin made a motion to adjourn at 8:25pm

Second: Flowers

Discussion: None

Motion Carried Unanimously



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**Unofficial Minutes for Milton Township Board of Trustees
SAD 2016-01 Public Hearing
Milton Township Hall - 32097 Bertrand St., Niles, MI
Thursday June 23, 2016 7:00 P.M.**

The meeting was called to order at 7:00pm and the pledge was recited.

Present: Robert Benjamin, Treasurer Susan Flowers, Clerk Steve Sante, Trustee Eric Renken

Absent: Trustee Kelly Sweeney

Guests Present: Township Attorney Catherine Kauffman, Assessor Bill Gibert

Public Comment

None

Benjamin indicated that the meeting was for the purposes of considering the special assessment roll for the previously established Milton Township Fire Protection Services Special Assessment District Number 2016-1.

Attorney Kauffman read a statement indicating the district has already been established and the assessment roll has been prepared. The purpose of the meeting is to hear objections to the assessment roll.

At this point Benjamin allowed public comment.

Jackie Pflug is opposed to the special assessment. (See Letter On Page 3)

Motion: Benjamin made a motion to close the public comment portion of the meeting.

Second: Sante

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Benjamin Y

A resolution approving special assessment roll for fire protection services for FY beginning April 1, 2016 was presented by Benjamin. It was read aloud to the public.

Motion: Benjamin made a motion to pass resolution 2016-19R as read to the public.

Second: Sante

Discussion: There are two spelling errors in the resolution that need to be corrected.

Roll Call: Flowers Y, Renken Y, Sante Y, Benjamin Y

Motion: Benjamin made a motion to adjourn at 7:21pm.

Second: Renken

Discussion: None

Motion Carried Unanimously

UNOFFICIAL



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**Unofficial Minutes for Milton Township Board of Trustees
SAD 2016-02 Public Hearing
Milton Township Hall - 32097 Bertrand St., Niles, MI
Thursday June 23, 2016 8:00 P.M.**

The meeting was called to order at 8:00pm and the pledge was recited.

Present: Robert Benjamin, Treasurer Susan Flowers, Clerk Steve Sante, Trustee Eric Renken

Absent: Trustee Kelly Sweeney

Guests Present: Township Attorney Catherine Kauffman, Assessor Bill Gibert

Public Comment

None

Benjamin indicated that the meeting was for the purposes of considering the special assessment roll for the previously established Milton Township Fire Protection Services Special Assessment District Number 2016-2.

Attorney Kauffman read a statement indicating the district has already been established and the assessment roll has been prepared. The purpose of the meeting is to hear objections to the assessment roll.

At this point Benjamin allowed public comment.

David Eckrich provided two letters in opposition to the special assessment. (See Pages 3 & 4)

A protest by Diane Hurlbutt was struck from the May 19, 2016 minutes, as they occurred outside of the meeting. A protest is entered at this time for her. The property address is 68644 Beebe Road.

Motion: Benjamin made a motion to close the public comment portion of the meeting.

Second: Renken

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Benjamin Y

A resolution approving special assessment roll for fire protection services for FY beginning April 1, 2016 was presented by Benjamin. It was read aloud to the public.

Motion: Benjamin made a motion to pass resolution 2016-20 as read to the public.

Second: Renken

Discussion: None

Roll Call: Flowers Y, Renken Y, Sante Y, Benjamin Y

Motion: Benjamin made a motion to adjourn at 8:25pm.

Second: Renken

Discussion: None

Motion Carried Unanimously

UNOFFICIAL



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**Unofficial Minutes for Milton Township Board of Trustees
Special Board Meeting
Milton Township Hall - 32097 Bertrand St., Niles, MI
Thursday July 7, 2016 5:00 P.M.**

The meeting was called to order at 5:00pm and the pledge was recited.

Present: Supervisor Robert Benjamin, Clerk Steve Sante, Treasurer Susan Flowers, Trustee Kelly Sweeney

Absent: Trustee Eric Renken

Benjamin stated that the purpose of the special meeting was for the following:

- Review the fireworks ordinance
- Review a fireworks application submitted by Geoff Klopenstine

Public Comment:

Joe, whom is a resident of Kestrel Hills, indicated he was opposed to the fireworks application being approved, as the fireworks would be noisy.

Klopenstine indicated he was wishing to have a 15 minute firework display near his residence. He further stated that he is trying to do the right thing by seeking a fireworks permit.

Review Of Ordinance

Sweeney indicated that there are not forty-five days between the board meeting and the scheduled display date and the board needs to consider altering the ordinance to better serve the residents.

Benjamin has the following concerns:

Fears changing the 45 day rule in the ordinance sets a bad precedent.

The Niles Township Fire Chief indicates a portion of the street should be closed and the Applicant does not have permission from the CCRC to do so.

Benjamin stated that the applicant could use consumer fireworks until 12:00am and would not need board approval.

Benjamin polled the board on outlawing the use of consumer fireworks from 1:00am to 8:00am seven days a week. It was noted to be generally acceptable to the board.

Fireworks Application

Motion: Sweeney made a motion to approve the fireworks application submitted by Klopenstine.

Second: Flowers

Discussion: Road closing not addressed in motion and why the exemption from the 45 day rule in the ordinance is being made.

Amended Motion: Sweeney made an amended motion to amend the 45 day rule as it is arbitrary. Also, Approval of the application is subject to approval of closing the road by CCRC.

Second: Flowers

Discussion: None

Roll Call: Flowers Y, Sante Y, Sweeney Y, Benjamin Y

Motion Carried

Amended Motion:

Roll Call: Flowers Y, Sante Y, Sweeney Y, Benjamin N

Adjournment:

Motion: Benjamin made a motion to adjourn at 5:27pm

Second: Flowers

Discussion: None

Motion Carried Unanimously



Milton Township

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Email: milton@miltontwp.org Website: www.miltontwp.org

MILTON TOWNSHIP HALL RENTAL AGREEMENT

PLEASE PRINT AND FILL OUT COMPLETELY:

APPLICANT'S NAME _____ DATE OF APPLICATION _____

ADDRESS _____

PHONE NUMBER _____ DRIVERS LICENSE _____

ROOM RENTED _____ ESTIMATED NUMBER OF GUESTS _____

PURPOSE FOR USE _____

DATE TO BE USED _____ TIME: FROM _____ TO _____

TOTAL HOURS _____ TOTAL AMOUNT OF RENTAL \$ _____

☐ Security Deposit Fee Paid \$ _____ Receipt # _____ Date _____

Received by _____ Date Returned _____

☐ Rental Fee Paid \$ _____ Receipt # _____ Date _____

Received by _____

☐ General Liability _____ Policy Number _____

Received by _____

☐ Liquor Liability _____ Policy Number _____

Received by _____

☐ Additional Charges _____ \$ _____

☐ Event Manager _____

***** THIS IS A SMOKE FREE FACILITY *****

**** PLEASE READ CAREFULLY AND COMPLETELY BEFORE SIGNING ****

You must comply with all the following terms and conditions. This agreement is not valid unless approved by Township Board Supervisor. You must abide by the rules and regulations given to you or ALL or a percentage of your deposit will be withheld. If damage exceeds your deposit, you will be charged according to the decision of the Milton Township Board Supervisor. Guests are only to use the rented rooms as listed on the Rental Agreement. Milton Township reserves the right to hold other functions in rooms not reserved by the renter.

In exchange for the privilege of using the Township facilities for the purposes indicated on the above dates and times, the Applicant signing agrees and promises the following:

1. **FEE AND TERMS** The security deposit must be made at the time of reservation. Payment of rental fee must be paid to Milton Township no later than 2 weeks prior to your rental date. If the rental fee is not received within the allotted time, the security deposit and reservation is automatically forfeited and said property is opened for rental date usage.
2. **MINIMUM AGE** You must be eighteen years of age to rent property from Milton Township and provide proper identification (i.e. valid driver's license).
3. **MINORS** Groups composed of minors (under 18 years old) must be supervised by one adult for every 20 minors. Minors must be under adult supervision at all times.
4. **SET UP** Rental area will be available at the designated start time and not before. The rental area must be vacated at rental finish time (this includes all clean up). Described property may be rented on the day prior to the event for a maximum of four additional hours for an additional fee. This rental is for the purpose of decorating or set-up for the following day's event only. Failure to comply with rental start time and end time will result in partial or full loss of security deposit.
5. **DECORATIONS** To preserve our facilities, the use of glue, tacks, nails, staples, confetti, glitter, rice or other damaging products are prohibited. Decorating plans must be approved by the Milton Township Supervisor prior to or at the time of booking. Use of candles on birthday cake permitted for not more than 10 minutes. Violations of this rule will result in a deduction from the security deposit.
6. **EQUIPMENT** Groups are welcome to bring in their own equipment at no additional charge. It is important to test audio visual/laptop connections prior to your event during our business hours. Milton Township Event Managers have a basic knowledge of our systems but will not be responsible for technical connection issues. Band equipment is subject to approval.
7. **EVENT MANAGER** Milton Township will assign an Event Manager who will be on sight during your event. All rules and regulations will be strictly enforced. Milton Township Event Manager and/or Law Enforcement may immediately terminate a rental with no refund of rental fees or deposits if any facility rental policies are violated.
8. **HOURS OF USE** Rental of the Great Hall must conclude by 12:00 PM on Friday and Saturday and 11:00 PM Sunday through Thursday. Rental of the Bertrand Room must conclude by 5:00 PM Monday through Friday. Any extension of that must be agreed upon in writing by all parties of this Agreement. After hour rates will be calculated at 150% of the regular hourly rate. Any extension of that must be agreed upon in writing by all parties of this Agreement.
9. **SOUND LEVELS** The Event Manager assigned by Milton Township has the sole authority to request music be lowered if deemed too loud. Profane language and disorderly conduct are not permitted at any time.

10. **FOOD** Milton Township and their employees are not responsible for food or drinks that are delivered ahead of scheduled activity or left after the activity. The sale of any items, including refreshments, must be approved by the Milton Township Supervisor when booking the facility rental.
11. **CLEAN UP** Applicant agrees to clean the Township Hall, inside as well as the grounds, and put trash into dumpster. Applicant agrees to return the hall and premises to the condition in which it existed when Applicant's use began or as otherwise directed by the Event Manager. **All remaining supplies, decorations, food and beverages must be removed from the facility immediately after the event. If using a caterer, they must remove their equipment immediately after the event (including boxes, crates, supplies, etc.).**
12. **DAMAGES** Applicant agrees to reimburse and pay the Township of Milton for any damage to the premises, building, equipment and grounds caused by Applicant's use. All tables and chairs will be inspected for damage after each rental. Note your deposit may be forfeited. If damages are more than your deposit, you will be billed for the damages.
13. **OTHER AREAS** Applicant agrees to use only the assembly room, kitchen facilities, and restrooms in said building during the above-indicated period.
14. **SECURITY** It shall be the Applicant's responsibility to secure and maintain security and shall be at the sole expense of Applicant.
15. **SMOKING** Smoking is strictly prohibited inside the Township Hall or within 25 feet the premises.
16. **BUILDING CAPACITY** The number of persons attending any function shall not exceed the capacity of the building as mandated by Milton Township and the appropriate officials.
17. **UNAUTHORIZED AREAS** Restricted areas of the Milton Township Hall are labeled "Authorized Personnel Only" and are off limits to all Guests. Unauthorized persons found in restricted areas will be asked to return to the event location.
18. **DOORS** Blocking emergency doors is prohibited. Exterior doors may not be propped open.
19. **INSURANCE** Applicant shall submit to Milton Township evidence of general liability insurance (may be from homeowner's or renter's insurance) showing limits of liability not less than \$300,000 prior to the event. Failure to produce same may cause cancellation of event. The applicant will indemnify and hold harmless Milton Township for any damages or action seeking damages as the result of any injuries, death or damage which may occur as the result of any accident arising from the serving or consumption of alcohol at the event, or otherwise resulting from the negligence, actions or conduct of the renter or any of their guests. Said insurance shall name Milton Township as an additional insured and be for the duration of the event. Milton Township is also not responsible for lost, stolen or damaged items. **Additional insurance will be mandatory if alcohol will be served. See #20 for details.**
20. **ALCOHOL** Alcohol is limited to beer, wine and champagne. Applicant agrees to comply with all applicable laws and ordinances concerning the serving and consumption of alcohol on Milton Township properties. Sale of alcoholic beverages is prohibited. No one under the age of 21 shall be served or drink alcohol at your event or on the township property. Applicant acknowledges that Milton Township is not providing "Liquor Liability" coverage whatsoever. If the applicant furnishes alcoholic beverages at the rental event, they shall have sole responsibility for any and all liability. An additional insurance policy, commonly referred to as "Liquor Liability Insurance", with Milton Township listed as a named insured on the policy.
21. **PERSONAL PROPERTY** Milton Township assumes no responsibility for any property placed in or on said described property by Applicant or Applicant's guests and Milton Township is hereby expressly released and discharged from any and all liability for such loss. All personal property must be removed from described property at the conclusion of the event.

22. **LEGAL** During the time the facility is rented, the renter shall obey all applicable laws and shall allow no nuisance, undue noise or disturbance. If Applicant violates any of the terms or conditions of this Agreement, Milton Township shall have the right to immediately cancel this Agreement without notice or refund, and Milton Township may pursue all of the rights and remedies at law or inequity including, without limitation the right to recover court costs and attorney fees.
23. **HOLD HARMLESS** Applicant agrees to indemnify and hold harmless the Township of Milton against any and all liability to persons or property brought within the hall or upon the property of the Township by Applicant, its members, agents, or anyone acting on the Applicant's behalf.
24. **RIGHT OF REFUSAL** Any matters not covered by said rules and regulations in this Agreement shall be at the discretion of Milton Township.
25. **CANCELLATION** Should you decide to cancel your reservation prior to your event, your security deposit will be forfeited. Rental fees will be refunded. No rain checks or refunds will be given due to bad weather or late cancellations. Milton Township reserves the right to deny a facility rental to any person or organization for any reason at any time. Scheduled rentals can be cancelled by Township staff due to unforeseen circumstances, in which case a full refund will be granted.
26. **APPLICANT** The designated applicant, as it appears on this form, is responsible for monitoring the conduct of all guest and enforcing room rental policies. The applicant must be present the entire time of the rental. It is the designated applicant's responsibility to advise any "co-host" of the rules and policies as set forth in this document.

☐ **I HAVE READ AND AGREE TO THE ABOVE TERMS AND CONDITIONS**

Signature of Applicant

Date

Accepted & Approved: Township Supervisor

Date

MILTON TOWNSHIP ORDINANCE NO. ____

Adopted:

Effective:

MILTON TOWNSHIP ANTI-NOISE ORDINANCE

An ordinance to secure the public health, safety, and general welfare of the residents and property owners of Milton Township, Cass County, Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MILTON

CASS COUNTY, MICHIGAN,

ORDAINS:

SECTION I
TITLE

This Ordinance shall be known and cited as the Milton Township Anti-Noise Ordinance.

SECTION II
DEFINITIONS

“Decibel” means a unit to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (newtons per meter squared). As an example of the effect of this formula, a three decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten decibel change corresponds to a ten-fold increase or decrease to $1/10^{\text{th}}$ the former intensity.

“dB(A)” means the sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4-1971.

SECTION III
ANTI-NOISE REGULATIONS

- A. General regulation. No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance, injurious to the health, peace of quiet of the residents and property owners of the Township.
- B. Specific violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance, provided however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
1. The playing of any radio, phonograph, television or other electronic or mechanical sound producing device including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 2. Loud or abusive language such as yelling, shouting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset disturb the quiet, comfort or repose of other persons.
 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school church, hospital or court.
 4. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of other persons in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 5. The operation of any automobile, motorcycle or other vehicle so out of repair or loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbs the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain the same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 6. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.

7. The sounding of any horn or other device on any motor vehicle or boat unless necessary to operate such vehicle safely or as required by the state motor vehicle code or marine rules and regulations.
8. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain any noise abatement device so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. The use of any drum, loudspeaker or other instrument or device for the purposes of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speak or sound amplifying equipment emits load and raucous noises easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

SECTION IV

ANTI-NOISE REGULATIONS BASED UPON dB(A) CRITERIA

In order to regulate and prove violations occurring in Section III of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance. However, violations under Section III but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

- A. Regulations for decibel measurement of noise originating from private parties. Noise radiating from all properties or buildings, as measured at the boundaries of that portion of the property under separate occupancy, which is in excess of the dB(A) established for the districts and times here within listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the course or courses exceed the following

limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing, and manufacturing of material goods or products, including vehicles.

Zoning District	Limitations 7:00 a.m. to 10:00 p.m.	Limitations: 10:01 p.m. to 6:59 a.m.
Agricultural Production	60 dB(A)	50 dB(A)
Commercial	55 dB(A)	50 dB(A)
Industrial	80 dB(A)	75 dB(A)
Medium Density Residential	55 dB(A)	50 dB(A)
Planned Urban Development	55 dB(A)	50 dB(A)
Rural Residential	60 dB(A)	50 dB(A)
Single Family Residential	55 B(A)	50 dB(A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of five dB(A) less than those listed in this subsection.

Where a property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this subsection:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the state, township or the county, between 10:01 p.m. and 6:59 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Any agricultural animal, machinery, equipment, or mechanical device being used on lands utilized for legitimate agricultural purposes.
5. Any vehicle or equipment designed and used for the purpose of snow/ice removal when in use for such purpose.
6. Generator. A generator may be utilized any time for emergency power.
7. Emergency construction. Construction on any building in any zoning district can occur in order to secure property or prevent further damage from wind, flood, fire,

or any other disaster, provided a building permit is applied for the next available township business day.

8. Essential services. In an effort to provide services and protect the general health, safety and welfare of the public, essential services such as trash/garbage collection shall not be in violation regardless of time of day. This will allow the collection at a time of day so as not to hinder traffic from residents going to or from their place of employment and the transport of children on school busses without impeding safe traffic flow.
 9. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
 10. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
 11. Noises occurring between 7:00 a.m. and 10:00 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitations specified in this subsection by more than 20 dB(A), provided such noise does not exceed 90 dB(A).
 12. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under state law and all local ordinances.
 13. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal, nonconforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 - a) The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the township zoning ordinance if available.
 - b) The limitations contained in this subsection based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.
- B. Regulations for decibel measurement of motor driven vehicles on public roads. A motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of 50 feet except as provided in subsections (B)(2)(III) and (B)(3)(III) of this section:
1. A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more:

- a) Ninety dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - b) Eighty-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - c) Eighty-eight dB(A) under stationary run-up test.
2. A motorcycle or a moped:
- a) Eighty-six dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - b) Eighty-two dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - c) Ninety-five dB(A) under stationary run-up test at 75 inches.
3. A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subsection (2)a. or (2)b. of this section:
- a) Eighty-two dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - b) Seventy-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - c) Ninety-five dB(A) under stationary run-up test 20 inches from the end of the tailpipe.

SECTION V **PENALTY**

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
--- 1st offense	\$ 100.00	---
--- 2nd offense	\$ 150.00	---
--- 3rd or subsequent offense	\$ 250.00	---

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.

SECTION VI **SEVERABILITY**

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

SECTION VII
REPEAL

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VIII
EFFECTIVE DATE

This Ordinance shall take effect 30 days after its publication after adoption.

Steve Sante, Clerk
Milton Township
32097 Bertrand Street
Niles, MI 49120
Phone: (269) 684-7262