

TOWNSHIP OF CLYDE  
PROHIBITING MARIJUANA ESTABLISHMENTS  
ORDINANCE #72

THE TOWNSHIP OF CLYDE ORDAINS:

SECTION 1: Township of Clyde Code of Ordinances is hereby amended as follows:

Adding New Ordinance #72 of the Township of Clyde Code of Ordinances is hereby amended as follows:

**Prohibition of Marijuana Establishments**

The Michigan Regulations and Taxation of Marijuana Act was initiated by the voters of the State of Michigan pursuant to Proposal 1, the Marijuana Legalization Initiative, on November 6, 2018. The Act authorizes cities, villages and townships to completely prohibit marijuana establishments, as such are defined with the Act, within their boundaries. Pursuant to that authority, all marijuana establishments a defined in the Act are hereby prohibited within the Township of Clyde.

SECTION 2: Severability

The provisions of the Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 3: Effective date

This Ordinance shall become effective 30 days after publication.

  
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Kathleen Turner, Clerk

Clyde Township

Certification

I, Kathleen Turner, Clerk of the Township of Clyde, do hereby certify that Ordinance #72 was adopted by the Clyde Township Board at a regular meeting of the Township Board held on the 16<sup>th</sup> day, of April.

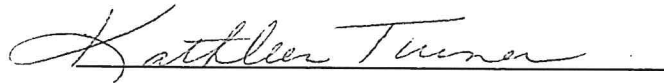
Vote of this Ordinance #72 was as follows:

AYES: Turner, Bates, Neruda, Dortman, Manoleas, Voight and McGriff

NAYS: 0

ABSENT: 0

I, further certify that said Ordinance #72 adopted by the Clyde Township Board on the 16<sup>th</sup> day of April was published once in the Times Herald, a paper published in the County of St. Clair, and circulated in the Township of Clyde on the April 30, 2019 this being the first and final day of publication of this ordinance.

A handwritten signature in cursive script, reading "Kathleen Turner", is written over a horizontal line.

Kathleen Turner, Clerk

Clyde Township

Adopted: April 16, 2019

Published: April 30, 2019

Effective: May 30, 2019

## CLYDE TOWNSHIP

### NOISE REGULATION ORDINANCE #74

The purpose of the Ordinance is to protect, preserve and promote the health, safety and welfare of the citizens of the Township through the regulation, control and prevention of noise which either annoys, injures, or endangers the comfort, repose, health or safety of others. Provided, noise which is necessary for the protection or preservation of property of the health, life or limb of a person shall not be prohibited by this Ordinance.

#### **Section 1. Definition**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to item in this section, except where the context clearly indicates a different meaning.

Construction means site preparation, assembly, erection, substantial repair, alteration, or similar action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma of property damage threatened or caused by an emergency.

Motor vehicle shall mean a motor vehicle as the term is defined by the Michigan Vehicle Code.

Motorcycle shall mean a motorcycle as that term is defined by the Michigan Vehicle Code.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of human or animals.
- (2) Upsets or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Person means any individual association, partnership, or corporation and included any officer, employee, department agency, or instrumentally of a state or any political subdivision of a state.

Real property boundary means the property line along the ground surface, and its' vertical extension, which separates the real property owner by one person from that owned by another.

#### **Section 2. Prohibited generally.**

Noise disturbances are hereby declared unlawful, shall constitute a public nuisance and are declared to be in violation of the article. In addition to the specific prohibitions outlined in this article, no person shall make,

continue, or cause to be made, continued or permitted, any noise disturbance within the Township.

### **Section 3. Specific prohibitions.**

Each of the following are declared unlawful noise disturbance shall constitute a public nuisance and declared to be in violation of this article.

- (1) Construction noises. The opening of any tools or equipment used in construction, drilling, or demolition work between the hours of 9:00 p.m. and 7:00 a.m. such that the sound therefrom can be heard across a residential real property boundary. This subsection shall not apply to emergency construction work of public service utilities or operation of road maintenance equipment.
- (2) Sound amplifiers. The use or operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose.
- (3) Radios and phonographs; time and use restrictions. Any radio receiving set, musical instrument, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound, including any sound equipment in a vehicle on private or public right-of-way loudly enough to be clearly heard from the property line.
- (4) Horns and signaling devices. The sounding of any horn or signaling device on any motor vehicle, motorcycle, or other vehicle on any street or public place of the Township, except as a danger warning. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the unreasonable use of any such signaling device when traffic is for any reason held up.
- (5) Yelling and shouting. Yelling, shouting, hooting, whistling, or singing on the public streets or public rights of way so as to upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- (6) Animals and birds. The keeping of any animal or bird which creates frequent or long continued noise unreasonably disturbing the comfort or repose of any persons in the vicinity.
- (7) Motor vehicles/motorcycles. The operation of any motor vehicle, motorcycle or other motorized vehicle on private or public property so as to cause loud and unreasonable noise including noise from exhaust, which is clearly audible from nearby property and which disturbs the comfort or repose of any persons in the vicinity. The modification of any such vehicle or the failure to maintain any such vehicle which results in an increase in emitted noise about that as emitted by such vehicle when manufactured is a violation of this section.



**Section 4. Exception to article provisions.**

This article shall not apply to:

- (1) Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way for which permission has been obtained.
- (2) Police vehicles, ambulance, fire engine or emergency vehicle while engaged in emergency work or activities.
- (3) Noise, including noise disturbances, cause by back-up generators or life-saving equipment.

**Section 5. Penalty.**

Any person who shall violate any provisions of this Article shall severely for each and every violation and noncompliance respectively be charged the current amount of a civil infraction fine.

**Certification**

I, Kathleen Turner, Clerk of the Township of Clyde, do hereby that Ordinance #74 was adopted by the Township Board at a Regular Meeting of the Township Board held at the Township Hall, 3350 Vincent Road, North Street, MI 48049 on the 17<sup>th</sup> day of September.

Votes on this Ordinance, all members being present, was as follows:

AYES: 6, Manoles, Voigt, McGehee, Nevada, Bates, Dortman

NAYS: 1, Turner

I, further certify that said Ordinance No. 74 adopted by the Clyde Township Board on the 16<sup>th</sup> day of October, 2019, was published once in the Times Herald, a paper published in the County of St. Clair ad circulated in the Township of Clyde, on the 23 day of October, 2019, this being the first and final day of publication of this Ordinance.

Kathleen Turner

Kathleen Turner, Clerk

Township of Clerk