



**PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE NO. 2023-03**

AN ORDINANCE TO REPEAL CHAPTER 6, ENTITLED “ANIMALS”, TO AMEND CHAPTER 16, ARTICLE IV, SECTION 16-101, ENTITLED “ENVIRONMENT; NOISE CONTROL, UNLAWFUL NOISE PROHIBITED”, TO ADD A NEW CHAPTER 16, ARTICLE IX, ENTITLED “ENVIRONMENT; ANIMAL WASTE,” AND TO AMEND CHAPTER 26, ARTICLE II, SECTION 26-37, ENTITLED “PARKS AND RECREATION; PARK REGULATIONS, ANIMALS” OF THE PLAINFIELD CHARTER TOWNSHIP CODE

PLAINFIELD CHARTER TOWNSHIP CODE OF ORDINANCES

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township offices on April 24, 2023, beginning at 6:00 p.m., the following Ordinance was offered for adoption by Township Board Member Hagedorn, and was seconded by Township Board Member Morrow:

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

1. **Repeal Chapter 6 Animals.** That Chapter 6 of the Plainfield Charter Township Code, entitled “Animals”, is hereby repealed in its entirety.
2. **Amend Chapter 16, Article IV, Section 16-101.** That Chapter 16, Article IV, Section 16-101 of the Plainfield Charter Township Code, entitled “Environment; Noise Control, Unlawful Noise Prohibited” is amended to to read as follows:

Sec. 16-101. – Unlawful Noise Prohibited

It shall be unlawful for any person or other legal entity to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, or unusually loud noise, or any noise which either annoys or disturbs a reasonable person of normal sensitivities or injures, or endangers the comfort, repose, health, peace, or safety of others within the township. The following acts, among others are declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive. Each such act, which either continues or is repeated more than one-half hour beyond its inception shall be considered and may be prosecuted as a separate violation of this article:

- (1) *Horns and signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a signal in response to an imminent danger and implemented as an immediate safety measure; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.
- (2) *Radio, phonograph, musical instruments.* The playing of any radio, phonograph, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, compact disc player, or other such electronic sound producing devices, in such a manner or with volume, at any time or place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity. The operation of any such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section. The operation of any such electronic sound producing device in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing, or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity.
- (4) *Loud vehicles.* The operation of any automobile, motorcycle or other vehicle so out of repair or so 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 disturbing to the quiet, comfort or repose of other persons. The modification or elimination of any noise abatement device on any motor vehicle or engine or the failure to maintain 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.
- (5) *Race track; etc.* The operation or use of any race track, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any of the township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area, or obstacle course operate after 10:00 p.m.
- (6) *Hawking.* The hawking of goods, merchandises, or services in a loud or disturbing manner.

- (7) *Whistle or siren.* The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire, or danger.
 - (8) *Engine exhaust.* The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device, which effectively prevents loud or explosive noises therefrom.
 - (9) *Construction noises.* The creation (including excavation therefor), demolition, alteration, or repair of any building and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor be first obtained from the township manager or superintendent.
 - (10) *Devices to attract attention.* The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.
 - (11) *Barking Dogs.* No owner or other person having charge, care, custody, or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause a nuisance or to be unreasonably annoying to people in the neighborhood.
3. **Amend Chapter 16, to Add a New Article XI.** That Chapter 16 is amended to add a new Article to the Plainfield Charter Township Code of Ordinances, to read as follows:

ARTICLE XI – ANIMAL WASTE

Sec. 16-401 – PURPOSE

This article is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the township by regulating due care and control of animal waste in the township. Furthermore, this article is intended to regulate and maintain the beauty and peace of township and should not be interpreted to conflict with or supersede any other ordinance regulating activities associated with animals.

Sec. 16-402.

A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, an animal to defecate upon any public property or upon any private property or premises other than those of the person having charge, care, custody, or control of such animal, without the consent of the owner or person in lawful occupation of such property. Notwithstanding the above, it shall not be a violation of this section if the person having custody of the animal immediately picks up or otherwise removes the waste material from the area where the animal has defecated and deposits the waste material in an appropriate receptacle or container.

Sec. 16-403. Violation of article a municipal civil infraction.

Any person who violates or refuses to comply with any provision of this article shall be responsible for a municipal civil infraction.

4. **Amend Chapter 26, Article II, Section 26-37.** That Chapter 26, Article II, Section 2637, of the Plainfield Charter Township Code of Ordinances, is amended to read as follows:

- (a) No person shall permit or allow any animal to be at large, unrestrained, or outside his or her custody and control within a township park.
- (b) No person shall allow any dog within Versluis Park. In all other township parks, no person shall permit any dog to be in a township park unless on a leash no more than six feet long within said person's grasp, except in such areas as may be designated as "dog parks."
- (c) No person shall bring, ride, or lead a horse within a township park.
- (d) No person shall permit an animal within his or her possession to disturb, harass, or endanger any person within a township park.
- (e) Nothing in this section shall prohibit:
 - (1) Any dog that is used as a guide, leader, hearing, service or signal dog by a person with a disability or,
 - (2) Any dog within the custody and control of a law enforcement officer.
- (f) A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, a dog to defecate within a township park. Notwithstanding the above, it shall not be a violation of this subsection if the person having custody of the dog immediately picks up or otherwise removes the waste material from the area where the dog has defecated and deposits the waste in an appropriate receptacle or container.
- (g) This Sec. 26-37 is intended to regulate and maintain the beauty and peace of township parks and should not be interpreted to conflict with or supersede any other ordinance regulating activities associated with animals.

5. **Effective Date.** This Ordinance shall become effective upon the expiration seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

The vote to approve and enact this Ordinance was as follows:

Yeas: Morrow, Batey, Brinkman, Hagedorn, Pfaff, Postmus, Coleman

Nays: None

Absent: None

Abstain: None

Ordinance No. 2023-03 declared adopted.

CERTIFICATION

I, Cathleen Postmus, the Clerk of the Charter Township of Plainfield, certify that the foregoing is an ordinance adopted by the Township Board of the Township at a regular meeting held on April 24th, 2023.

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

Cathleen Postmus, Clerk