

March 19, 2007  
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order by Mayor Winarski at 7:00 p.m.

Present: Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Novak, Smith

Absent: None

Staff Present: Bob Moffit, Shannon Greaves, George Alward, Charlie Jones

Also Present: Mayor Winarski, Pastor Joe Dorais, Linda Winarski, Arden Shell, Nancy Bodnar, Commissioner Bill Rhode, Sheila Wright, George Card, Mary Card

Mayor Winarski led the Pledge of Allegiance and the invocation was given by Pastor Joe Dorais.

Minutes of the March 5, 2007 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Jungman to approve Warrant 07-26 in the amount of \$35,114.50. All ayes. Motion carried.

#### Hearing of Delegations

Commissioner Rhode stated that there was a meeting held today regarding house numbering in Gladwin County.

Arden Shell was present to state issues regarding noise, parking lot lights and streetlights in the Industrial Park. Mayor Winarski stated that these issues will be looked at.

Clerk Greaves read the Notice of Public Hearing regarding revisions to the Blight Ordinance and Noise Ordinance.

Motion by Council Member Mienk, supported by Council Member Crawford to recess the regular meeting and enter into the public hearing. All ayes. Motion carried.

Council heard comments regarding Ordinance No. 291 – Blight Ordinance.

Motion by Council Member Crawford, supported by Council Member Mienk to close the public hearing and re-enter the regular meeting. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to recess the regular meeting and enter into the public hearing. All ayes. Motion carried.

Council heard comments regarding the Ordinance No. 292 – Noise Ordinance.

Motion by Council Member Crawford, supported by Council Member Alward to close the public hearing and re-enter into the regular session. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to establish the agenda with the following additions: New Business – (c) Resolution for GBPA Raffle, (d) Purchase Order #07-241, (e) Gladwin Record – Full Page Ad. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Crawford to approve the consent agenda as follows: Meetings – County Commission 2/13/07, Ordinance Committee 2/20/07, County Commission 2/27/07, Board of Review 3/6/07, Board of Review 3/12/07, Board of Review 3/13/07, Arena Board 3/14/07, Ordinance Committee 3/15/07, Finance Committee 3/15/07. All ayes. Motion carried.

### Old Business

#### **Ordinance No. 291** **BLIGHT ORDINANCE**

An ordinance to promote the health and welfare of the citizens of the City of Gladwin; provide for the abatement of dangerous, unsanitary, obnoxious or unsightly conditions on premises, vacant lands or public rights-of-way within the City; for the abatement thereof by the City at the owner's and/or occupant's failure to comply with the notice to abate the same; prescribing penalties therefore; and for the repeal of Ordinances No. 181.

#### THE CITY OF GLADWIN ORDAINS:

Section 1. Definitions. For the purposes of this Ordinance, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section.

"Junk" shall include, without limitation, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery, equipment or motor vehicles, unused stoves, or other household appliances or furniture stored on any public or private premise, remnants of wood, metal or other materials or other castoff material of any kind whether or not the same could be put to any reasonable use.

"Blighted structure" shall include, without limitation, any dwelling garage, or outbuilding, warehouse or any other structure or part of a structure which because of fire, wind, or other natural disaster, physical deterioration, demolition or partial demolition when said demolition is not carried out within a reasonable period of time, or is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended, or has uncovered openings which may provide unrestrained access to enter the structure.

"Building materials" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, felt, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.

"Person" or "owner" both singular or plural, shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated owning or occupying any lot or land, whether acting by themselves, or by a servant, agent, or employee. All persons who violate any provisions of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.

"Private premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether used or inhabited or temporarily or continuously unused or uninhabited or vacant, and shall include any ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

"Trash" or "rubbish" shall include any and all forms of debris not herein otherwise defined.

Section 2. Unlawful to Cause Blighted Condition. No person, owning or occupying any lot or land within the City of Gladwin, shall store or permit accumulations of junk, trash, rubbish, and/or building materials nor maintain any blighted structure on said lot or land except upon the premises of a licensed or approved junk dealer, junk buyer, or dealer in second hand goods or junk for sale when any such lot or lands are in a zoning district which permits said use.

Section 3. Notice to Remedy Prohibited Condition. Upon the discovery of a prohibited condition existing as set forth in Section 2 of this Ordinance, the City Manager, or his duly authorized representative, shall notify the owner of the property of such condition and require that it be remedied within ten (10) calendar days. Said notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises.

Section 4. Failure to Remedy Prohibited Condition. Should the owner fail to remedy the condition after notice as described in Section 3 of the Ordinance, the City Manager or his duly authorized representative shall remedy the condition or cause the same to be done by personnel of the City or by private contractor, and the actual cost of remedying the prohibited condition plus ten (10%) percent for inspection and overhead and other additional costs in connection therewith, shall be collected as a special assessment against the premises as provided in the City of Gladwin and become a lien against the property. Levying or collecting such a special assessment shall not relieve any person offending against this Ordinance from the penalty prescribed for the violation of same.

Section 5. Penalty For Violation. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500) dollars or ninety (90) days in jail or both.

Section 6. Saving Clause. If any term, section, paragraph, clause or provision of this Ordinance shall be invalid for any reason, the same shall not affect the validity of any other provision, term, section, paragraph, or clause of this Ordinance which shall remain in force and effect.

Section 7. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and deemed null and void.

Section 8. Effective Date. This ordinance shall take immediate force and effect.

Dated this 19<sup>th</sup> day of March, 2007.

Roll Call Vote:

Ayes:	Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Novak, Smith
Nays:	None
Absent:	None
Abstain:	None

**Ordinance No. 292**  
**NOISE ORDINANCE**  
**AMENDED ORDINANCE 164**

The City of Gladwin ordains:

Section 1. DECLARATION OF POLICY. It is hereby determined and declared that the making, creating or maintaining of loud, unnecessary, unnatural or unusual noises, without a specific permit which are prolonged or sustained in duration by reason of the hour of the day or night, place, or use, impair and are a detriment to the public health, comfort, convenience, safety, welfare and enjoyment of the residents of the City of Gladwin, and it is hereby declared to be necessary and in the public interest for the prohibitions and provisions as hereinafter set forth to be enacted, all of which are in pursuance for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and enjoyment and for the peace and quiet of the residents of the City of Gladwin.

The Police Department and the City Administrator of the City are hereby authorized and empowered to enforce the provisions of this ordinance.

Section 2. UNLAWFUL TO MAKE NOISE. It is hereby declared to be unlawful for any person to make, create or continue or cause to be made, created or continued, any loud, unnecessary unnatural or unusual noise, which unreasonably annoys, disturbs, injures, endangers or impairs the comfort, repose, health, peace, convenience, safety, welfare or enjoyment of the residents of the neighborhood in which the noise originates.

Section 3. ACTS VIOLATING ORDINANCE. The following acts among others are hereby declared to be loud, disturbing, annoying, injurious and unnecessary noises which are in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, to wit:

(a) Radios, Phonographs, Loud Speakers. The playing, using or operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loud speaker or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, repose, comfort, welfare and enjoyment of the neighboring residents or at any time with louder volume than is

necessary for convenient hearing for the person or persons who are in the room, vehicle or place in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 o'clock pm and 6:00 o'clock am the following morning in such manner as to cause unnecessary or objectionable noise penetrating more than a reasonable distance from the room, building, structure, place, or vehicle from which the noise emanates shall be prima facie evidence of a violation of this section.

(b) Yelling, Shouting, Loud Talking. Yelling, shouting, hooting, whistling, singing or loud talking on the public streets or places or on private property, particularly between the hours of 11:00 o'clock pm and 6:00 o'clock am the following morning or at any other time or place so as to unreasonably annoy or disturb the quiet, comfort, repose, welfare or enjoyment of persons in any office, dwelling, hotel or other type of residence or any persons in the vicinity thereof.

(c) Animals. The keeping of any animal which by causing frequent or long continued noise shall disturb the quiet, comfort, repose, welfare or enjoyment of any persons in the vicinity thereof.

(d) Whistles. The blowing of any locomotive whistles or whistles attached to any stationary boiler or air compressor of any kind or of any sirens except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon the request of proper public authorities.

(e) Exhaust and Motor Idling. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, or the permitting of the motors in motor vehicles to idle in the "warming up" process or the unnecessary racing of motors, particularly the idling or racing of truck motors, whether diesel or gasoline powered, either on the public street, public ways or public places or on private property. The operation of any such motor, motor vehicle or machine between the hours of 11:00 o'clock pm and 6:00 o'clock am the following morning in such a manner as to cause unnecessary or objectionable noise penetrating more than a reasonable distance from the room, building, structure, vehicle or place from which the noise emanates, whether on public property or on private property, shall be prima facie evidence of a violation of this section.

All internal combustion engines must be equipped with an adequate muffling device to eliminate effectively all unnecessary or excessive exhaust noise, and it shall be unlawful to operate a motor vehicle equipped with a muffler from which one or more baffles have been removed. Further, prolonged idling or operating or excessive racing of any type of engine, particularly trucks, operating at any location, either on public or private property, may not be done when such operation causes unnecessary or excessive noise. It shall be unlawful to operate a motor vehicle at any time on the streets of the City of Gladwin with the so-called "cut out" open. It is not intended that this section shall apply to vehicles operated in conjunction with an organized event such as a fair or exposition.

(f) Defect in Vehicle or Load. The use of any motor vehicle, motor cycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, pounding, rattling or other disturbing noises.

(g) Loading, Unloading, Opening Boxes. The creation of loud and excessive noise in connection with loading and unloading of any vehicle or the opening or destruction of bales, boxes, crates and containers between the hours of 11:00 o'clock pm and 6:00 o'clock am the following morning.

(h) Construction or Repairing of Buildings. The erection, (including excavating) demolition, alteration or repair of any building other than between the hours of 6:00 o'clock am and the following 11:00 o'clock pm of each week day which is attended by loud, continuous or unusual noises penetrating more than a reasonable distance outside the property lines of the property from which the noise originates except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City of Gladwin, which permit may be granted for a period of not to exceed three days while the emergency continues, which permit may be renewed for periods of three days while the emergency continues. If the City of Gladwin should determine that the public health, safety, quiet, repose, welfare, or convenience of the residents of the City of Gladwin, will not be impaired by the erection, demolition, alteration or repair of any buildings or the excavation of streets, highways or public places between the hours of 11:00 o'clock pm and 6:00 o'clock am of the following morning then upon application being made a permit for such work may be issued during the progress of the work.

(i) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such buildings are being used, or adjacent to any hospital, which unreasonably interferes with the operation and use of such institution or building or which disturbs or unduly annoys patients in such hospital, provided conspicuous signs are displayed in such streets indicating the location of such school, institution of learning, church, court or hospital.

(j) Pile Drivers, Hammers, Automatic Screw Machines, Compressed Air Pumps, etc. The operation between the hours of 11:00 o'clock pm and 6:00 o'clock am of the following day of any type of noisy machine such as a pile driver, steam or power shovel, drop forge, pneumatic hammer or chisel or riveting machine, electric drill, drill press, punch press, steam or electric hoist, automatic screw machine, compressed air engine, air compressor, power saw or other appliance, the use of which is attended by loud, continuous or unusual noises in such a manner as to cause unnecessary or reasonable objectionable noise penetrating more than a reasonable distance outside the property lines of the property from which the noise originates; provided however, that in the event of an emergency which affects the public health or safety, the City of Gladwin may issue a special permit for a limited time only for the use of any such equipment or appliances as may be necessary.

(k) Blowers. The operation of any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise and not cause unnecessary or unreasonably objectionable noise penetrating more than a reasonable distance from the nearest point on the property, either public or private, where such noise is created.

Section 4. PENALTIES. Any person, firm or corporation who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$500.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment in the discretion of the court.

Section 5. SAVING CLAUSE. It is intended that each separate provision of this ordinance shall be deemed independent of all other provisions herein set forth, and it is further intended that if any provision of this ordinance shall be declared invalid by any court of competent jurisdiction, all other provisions thereof shall remain in full force and effect.

Section 6. EFFECTIVE HOURS OF OPERATION. Anything in Ordinance to the contrary notwithstanding, it is hereby declared that said Ordinance on Sundays shall be in operation and effect between the hours of 11:00 o'clock pm and 6:00 o'clock am. Wherever the effective hours of operation appear in this Ordinance, for the day Sunday, they shall be read and interpreted as provided in this Section 6.

Section 7. DEFINITIONS. The following terms used in this Ordinance are defined as follows:

"Decibel"-is a unit used 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 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10 fold increase or decrease to 1/10th 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 ANSISI.4-1971.

Section 8. ANTI NOISE REGULATIONS BASED UPON dB(a) CRITERIA. Any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be a prima facie violation of this Ordinance. However, violations under Section 3 above which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

(A) Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(a) established for the districts and times herewith 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 of the Ordinance. As an example, such noise shall include those emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

ZONING DISTRICTS	LIMITATIONS 6 AM TO 11:00 PM	LIMITATIONS 11:00 PM to 6 AM
Residential (including any area within 500 feet of a hospital or any dwelling under separate ownership regardless of zoning district).	65 dB(a)	60 dB(a)
Commercial where at least 500 feet from any dwelling under separate ownership	70 dB(a)	65 dB(a)
Industrial	75 dB(a)	70 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 4 dB(a) less than those listed above.

When 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.

Violations shall exist when the source or sources of noise are identifiable, and the levels, emanating from the source or sources exceed the above limitations.

The following exceptions shall apply to these regulations under this Section 8, subsection A:

1. 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 public authorities and is currently in effect.
2. Noises caused by home or building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitations specified in Section 8, subsection A by more than 20 dB(a) between 6 o'clock am and sundown.
3. Noises emanating from the discharge of firearms, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
4. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the City of Gladwin

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 City of Gladwin Zoning Ordinance.

b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial or industrial) where such a use is specifically allowed as a permissible use.

(B) Regulations for decibel measurement of motor driver vehicles on public roads. All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible, measurement may be made at 25 feet and 6 dB(a) shall be added to the limit provided below. All such noises in excess of the dB(a) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance.

VEHICLE	WEIGHT	dB(a) MAXIMUM LIMITATION
Trucks and Buses	Over 10,000 lb. gross weight	82 dB(A)
Trucks and Buses	Under 10,000 lb. gross weight	74 dB(a)
Passenger Cars	Any weight	74 dB(a)
Motorcycles, Snowmobiles and Minibikes	Any weight	86 dB(a)
All other self-propelled motor vehicles	Any weight	74 dB(a)

(C) Measurement of noise.

All measurements of dB(a) according to subparagraphs A and B of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

Section 9. PERMITS. Upon application, the City through its Administrator or Police Department, may issue permits for the conduct of activities in conjunction with entertainment, political, social or cultural events, whereby the noise limitations of the Ordinance may be exceeded for specific times and under specific conditions. The City Council may determine from time to time a fee may be charged for such permit and may determine regulations which limit the number of such permits which may be granted during any period by reason of categories such as applicants, locations or otherwise.

This Ordinance shall take immediate force and effect.

Roll Call Vote:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Novak,  
Smith  
Nays: None  
Absent: None  
Abstain: None

Ordinance adopted this 19<sup>th</sup> day of March, 2007.

#### New Business

Motion by Council Member Crawford, supported by Council Member Mienk to set the Budget Public Hearing for April 2, 2007 at 7 p.m.

Motion by Council Member Crawford, supported by Council Member Jungman to authorize a waiver for water well at 602 Oberlin Road. All ayes. Motion carried.

**RESOLUTION**  
**RAFFLE LICENSE – GLADWIN BUSINESS AND PROFESSIONAL**  
**ASSOCIATION**  
**(SEE ATTACHED)**

Motion by Council Member Caffrey, supported by Council member Alward to approve purchase order #07-241 in the amount of \$3,841.29 to Kemiron Companies Inc. to come from 590-536-726.000. All ayes. Motion carried.

Discussion regarding placing a full page ad in the Gladwin County Record. Decision was that the City would not place an ad in the Record this year.

#### Comments

Mayor Winarski stated that any left over City Administrator evaluations are due as soon as possible.

Mayor Winarski asked that the checks for the DDA settlement be dispersed as soon as possible.

Chief Jones stated that the drug sweeps are still on-going.

Clerk Greaves stated a request for information and that the newsletter needed to go out the first week of April.

Motion by Council Member Jungman, supported by Council Member Alward to adjourn. All ayes. Motion carried.

Meeting ended at 8:58 p.m.

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Thomas L. Winarski, Mayor

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Shannon Greaves, City Clerk