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Cadillac, MI 49601
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Frequently Asked Questions Regarding Pending Code Updates

Noisy or Riotous Persons; Exhibition Driving; Motor Vehicle Noise; and Marihuana Odor Mitigation

On March 7, 2022 during the City Council's regularly scheduled 6 PM meeting, the Council will be introduced to four ordinances that amend the City's Code. The legislative action for City Council to consider on March 7th, is to set the four Public Hearings for the pending Code amendments for the Council's regularly scheduled 6 PM meeting on March 21st. On March 21st, during any of the Public Hearings scheduled for that agenda, anyone from the public has an opportunity to provide comments to the City Council, however it is not a discussion with City Council.

At the close of any Public Hearing, City Council may further discuss the proposal, approve the proposal, amend and then approve the proposal, remand the item to another board if appropriate, or take no action.

1. What topics are being covered that the pending ordinances to update Cadillac's Code?

- a. Answer: The proposed Code amendments cover the following:
- Noisy or Riotous Persons (Amends the City's Disorderly Conduct Regulations in Section 22-99 of the City Code)
 - Noise from Motor Vehicles (Amends the City's Noise Regulations in Section 16-144 of the City Code)
 - Exhibition Driving (Amends the City's Uniform Traffic Code Regulations in Section 40-25 of the City Code)
 - Marihuana Odors (Updates the City's Code by adding Section 22-139, Marihuana Odor Mitigation)

2. Noisy or Riotous Persons - What is the background regarding this pending Ordinance?

- a. Answer: This Code amendment disallows property owners from allowing illegal activity from occurring at their residence. Currently, if a property is not owner-occupied, the City is only able to cite the tenant(s). The proposed amendment specifically proposes that it shall

be unlawful for any person to operate or permit to be operated in any house or place the following, and subsequently allows the City to cite the property owner for:

- Prostitution
- Gambling
- Illegal sale or use of intoxicating liquor or controlled substances
- Any other illegal activity

3. Motor Vehicle Noise - What is the background regarding this pending Ordinance?

- a. Answer: This Code amendment proposes the inclusion of motor vehicles within our pre-existing noise ordinance. The Code already in place regarding noise only references radios, TVs, phonographs, musical instruments, or music of any type, coming from homes or other dwellings. By amending the Code to include motor vehicles, this will provide the City with the ability to cite noise violators from noise emitting from motor vehicles. One example of a potential violation would be music coming from a motor vehicle that is loud enough to vibrate adjacent windows in other vehicles, homes or businesses.

4. Exhibition Driving – What is the background regarding this pending Ordinance?

- a. Answer: This Code amendment does not ban or prohibit motorcycles, classic vehicles or other licensed vehicles from legally operating within the City. This Code amendment updates the Uniform Traffic Code to add a new civil infraction regarding exhibition driving, which is defined in the proposed amendment by the following acts:
 - Rapid acceleration
 - Squealing, peeling or burning of tires
 - Swaying of the motor vehicle from side-to-side, more commonly referred to as “fishtailing”
 - Racing or running of the engine of a motor vehicle at such speed to cause excessive or unusual noise
 - Unnecessary and excessive changing of lanes
 - Emission of any unreasonably loud, raucous, disturbing, or unnecessary noise from the engine or exhaust system of any motor vehicle

Currently, the City may cite anyone if noise from their vehicle exceeds what the State of Michigan currently allows (MCL 257.707), which varies by vehicle weight, and this Code amendment does not change or further restrict anyone from what is already in place.

City Police may currently cite anyone if they are driving carelessly under MCL 257.626(b), typically, if they violate a minimum of two of the above acts. Additionally, City Police may cite anyone for driving recklessly under MCL 257.626(2), typically, if they violate a minimum of three of the above acts; however, by having this additional option available, the City would be able to cite anyone if they violate only one of the above acts.

The option of citing anyone under the proposed Exhibition Driving Code versus citing someone under careless or reckless driving, even though it is likely that more than one act has been committed, reduces the financial burden to the violator as well as the number of points getting assessed against their license. The proposal also gives additional flexibility to the City's Police Department, and under the officer's discretion, provides another option.

5. Marijuana Odor – What is the background regarding this pending Ordinance?

- a. Answer: This Code amendment requires odor mitigation for all individuals who cultivate marihuana plants in the City for any purpose. Reasonable action individuals could use, for example purposes, may include the following:

- Use of activated carbon and charcoal filters
- Use of air purifiers or air filters
- Use of industrial odor-control system
- Use of a bio-filtration system
- Other common industry methods for odor mitigation

This Code amendment also prohibits marihuana odors caused by anyone cultivating or using it to where it results in a nuisance to the public or endangers the comfort, health or safety of the public. The proposed code further defines or establishes how an odor is objectionable, should either of the following conditions be met:

- Odor detectable in the ambient air is greater than a 7/1 dilution threshold (D/T) for two samples or observations not less than 15 minutes apart within a one-hour period measured by a field olfactometer device beyond the boundaries of the property.
- The City receives three or more formal complaints from individuals or entities within a 24-hour period, and the complaints are related to a single odor source. Formal complaints filed by members of the same household will be considered one complaint.

Marihuana odors caused by any licensed facility, such as a growing or cultivation facility, are currently covered in a separate section of City Code that requires mitigation control measures.