

Township Ordinance #3637

CLAM LAKE TOWNSHIP

NOISE ORDINANCE

An ordinance to secure the public health, safety, and general welfare of the residents and property owners of the Township of Clam Lake, by regulating and where necessary prohibiting noise within said Township and proscribing penalties for the violation thereof.

THE TOWNSHIP OF CLAM LAKE, COUNTY OF WEXFORD, STATE OF MICHIGAN, ORDAINS:

TITLE

Section 1: This ordinance shall be known may be cited as the Noise Ordinance of the Township of Clam Lake.

PURPOSE

Section 2: Pursuant to its statutorily authorized power to enact ordinances for the purpose of preserving and protecting the general health, safety, and welfare, the Township Board of the Township of Clam Lake hereby enacts the following Noise Ordinance, the purpose of which is to prohibit excessive, unnecessary, or unusually loud noises or which are prolonged, unusual, and unnatural, in their time, place, and use, and which disturb the peace and comfort of the public, or are a detriment to the public health, comfort, convenience, safety, welfare, peace and prosperity of the general public, and to provide penalties for the violation of this ordinance.

Section 3: General Prohibited Noise.

- A. It shall be unlawful for any person or entity to make , maintain, or continue, or cause to be made or continued, any excessive, unnecessary, unnatural, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs the comfort, repose, health, or peace of another person of reasonable sensitivities, within the limits of the Township of Clam Lake.
- B. It shall be unlawful for the owner of any premises within the Township of Clam Lake, and for the occupant or person in possession of any premises within the Township of Clam Lake, whether individual, corporate, or otherwise, to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs

the comfort, repose, health, or peace of another person of reasonable sensitivities, within the limits of the Township of Clam Lake.

Section 4: Specific Noises Prohibited; Standards.

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud which annoy, disturb, injure, or unreasonably impair the comfort, repose, health, or peace of another person of reasonable sensitivities in violation of this Ordinance, said specification is not to be construed to exclude other violations not enumerated:

- A. **Horns and Other Signaling Devices.** The sounding of any horn or signaling device on any automobile, motorcycle, boat, bus, truck, or any other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time, or at an unnecessary and unreasonable time of the day or night; and the use of any hand held or hand operated signal device which emits a loud or harsh sound except as a danger warning.
- B. **Radios, Televisions, Phonographs, and Musical Instruments.** The using, operating or permitting to be played, used or operated, any radio receiving set, television receiving set, phonograph, or musical instrument, or any other such device for the production or reproduction of sound, in such a manner as to unreasonably or unnecessarily irritate, annoy, or disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time at a volume unnecessary for the convenient listening of the person or persons in the room, vehicle, or chamber in which such machine or device is being operated, and who are voluntarily listeners thereto. The operation of any such radio, television, phonograph, musical instrument, or any other machine or device between the hours of nine o'clock (~~9:00~~) p.m. and seven o'clock (7:00) a.m. in such a manner as to be plainly audible at a distance of fifty (50') feet from the building, structure, or vehicle in which it is located or which is plainly audible in a dwelling unit other than in which it is located, shall be prima facie evidence of a violation of this Section.
- C. **Yelling, Shouting, and Verbal Noise.** Yelling, shouting, hooting, whistling, singing, or other verbal noise upon any premises, or upon the public streets, between the hours of nine o'clock (~~9:00~~) p.m. and seven o'clock (7:00) a.m., at any other time, or place, in such a manner so as to unreasonably annoy or disturb peace, natural quietude, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity where such noise is plainly audible at a distance of fifty (50') feet from its point of origin shall be prima facie evidence of a violation of this Section

Section 5: Exceptions.

The noise prohibitions set out herein before shall not apply to the following:

- A. Any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in necessary emergency activities.
- B. Excavation or repair of bridges, streets, or highways, or other property by or on behalf of the State Of Michigan, Township of Clam Lake, or the county of Wexford, between sundown and seven o'clock(7:00) a.m. when the public welfare, health, safety or convenience renders it impossible to perform such work during other hours.
- C. Noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
- D. All railroad operations meeting the maximum noise levels allowed or permitted by law.
- E. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

Section 6: Violations and Penalties.

A Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined un Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be punished as follows:

- 1 For the first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
- 2. For a second offence occurring within two (2) years of the date the person was found responsible for the first or immediately preceding, the person shall be fined not less than \$100.00 nor more than \$200.00 plus the costs of prosecution and other sanctions provided by law.
- 3. For a third or subsequent offence occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$250.00 nor more than \$500.00, plus the costs of prosecution and other sanctions provided by law.

- D. Animals, Birds, Or Pets.** The keeping of any animal, bird, or pet which, by causing frequent or continuous noise, plainly audible at a distance of fifty (50') feet from its point of origin, shall be a prima facie evidence of a violation of this Section.
- E. Exhaust Noises.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or any other form of engine, whether in a boat, motor vehicle, motorcycle, off-road vehicle, or tractor, except through a muffler or other device which effectively prevents or reduces loud or explosive noises.
- F. Loading, Unloading, And Opening Of Boxes.** The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or trailers, or the opening or destruction of bales, boxes, crates and containers.
- G. Construction Or Repairing Of Buildings.** The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of seven o'clock (7:00) a.m. and nine (9:00) p.m. where such activity results in the creation of unusually loud noise or noise that annoys, disturbs, injures or unreasonably impairs the comfort, repose, health, peace or safety of others except in the case of urgent necessity in the public interest of the public health and safety, for the duration of such emergency.
- H. Business Operations And Other Premises Activities.** The carrying on of any business operations, or other activities upon any premises in such a manner so as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or unreasonably impairs the comfort, repose, health, peace or safety of another person of reasonable sensitivities.
- I. Pile Drivers And Other Heavy Equipment.** The operation between the hours of nine o'clock (~~9:00~~^{6:30}) p.m. and seven o'clock (7:00) a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other form of heavy equipment, the use of which is attended by loud or repeated or continuous noise. Use of jake brakes on vehicles so equipped is prohibited except when used as an emergency device proven to avoid safety incidents.
- J.** The operation of any race track, proving grounds, testing area, or obstacle course for vehicles, motorcycles, snowmobiles, boat racers, automobiles, off-road vehicles, or vehicles of any kind or nature in a residential area of the Township, or adjacent to a residential area of the Township where such noise emanating from the identified vehicles would be unusually loud or continuous, unreasonably disturbing, or upsetting to another person of reasonable sensitivities in that vicinity.

- B.** The Township Supervisor and other persons specified by the township board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- C.** A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D.** In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7: Severability.

The several sections of this ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the law of the State of Michigan, and therefore voided by any court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

Section 8: Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.