

## **60.000 ANTI-NOISE AND ANTI-NUISANCE ORDINANCE**

### **Ord. No. 1991-10**

**Adopted: June 26, 1991**

An Ordinance enacted pursuant to the authority of MCLA 41.181, MCLA 41.184, and MCLA 42.15 to prevent, reduce, and eliminate excessive noise and nuisances within the Charter Township of Union; to preserve, promote, and protect the health, safety, and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof including a provision that violations will constitute a misdemeanor, and to establish that any violation shall be a public nuisance.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN ORDAINS:

#### **60.001 Title.**

Sec. 1.0. This Ordinance shall be known and cited as the "Charter Township of Union Anti-Noise and Anti-Nuisance Ordinance," and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

#### **60.002 Purpose.**

Sec. 2.0. It is the purpose of this Section to promote the general health, safety, and welfare of the residents and property owners of the Township by preventing, reducing, and eliminating excessive noises and nuisances in the Township by preventing or eliminating noises and disturbances which now exist or may in the future exist within the Township.

#### **60.003 Excessive noises and nuisances.**

Sec. 3.0. The following noises and disturbances are declared to be a violation of this Ordinance; however the enumeration of the same in this Ordinance is not to be construed to exclude other violations not specifically enumerated:

- a. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

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- b. Yelling, shouting, hooting or singing on the public streets or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity. Under no circumstances shall such behavior be allowed during the following times:
- From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;
- From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;
- From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;
- From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;
- From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;
- From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;
- From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.
- c. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- d. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- e. 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 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.
- f. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- g. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so 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 during the following times:
- From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;
- From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;
- From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;
- From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;
- From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;
- From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;
- From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.
- h. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 5:00 a.m. and

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sundown on any day, except in cases of urgent necessity in the interest of the public health and safety. In such case, a permit shall be obtained from the building inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.

- i. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading, or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

- j. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display, or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

- k. The operation of any loudspeaker or other sound-amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

- l. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort, or repose of any person during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

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From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

- m. The operation of any racetrack, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles, or vehicles of any kind or nature in any area 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 during the following times:

From Sunday at 11:00 p.m. until Monday at 5:00 a.m.;

From Monday at 11:00 p.m. until Tuesday at 5:00 a.m.;

From Tuesday at 11:00 p.m. until Wednesday at 5:00 a.m.;

From Wednesday at 11:00 p.m. until Thursday at 5:00 a.m.;

From Thursday at 11:00 p.m. until Friday at 5:00 a.m.;

From Friday at 11:30 p.m. until Saturday at 5:00 a.m.;

From Saturday at 11:30 p.m. until Sunday at 5:00 a.m.

#### **60.004 Exceptions.**

- Sec. 4.0. None of the prohibitions hereinbefore enumerated shall apply to the following:
- a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
  - b. Warning devices emitting sound for warning purposes as authorized by law.

#### **60.005 Enforcement officer.**

Sec. 5.0. The Union Township Zoning Officer is charged with the enforcement of this Ordinance as more fully hereinafter set out.

#### **60.006 Enforcement and penalties for failure to comply with this Ordinance.**

Sec. 6.0.

- [6.1.] Any person who shall violate any terms of this Ordinance or any person who shall permit, encourage, promote, or cause a violation of any terms of this Ordinance to occur on his premises shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 or to imprisonment for a period of not more than 90 days, or both, plus costs of prosecution. Nothing contained in this Ordinance shall prevent the Township Board, public official, or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance.

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[6.2.] *Nuisance provision:* Noises and disturbances in violation of this Ordinance are hereby declared to be a nuisance per se. A court of competent jurisdiction may order such nuisance abated and the owner or agent in charge of the premises where such nuisance is located may be adjudged guilty of maintaining a nuisance per se.

**60.007 Severability.**

Sec. 7.0. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

**60.008 Effective date.**

Sec. 8.0. This Ordinance will take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.