

ORDINANCE NUMBER 30

ANTI-NOISE AND PUBLIC NUISNACE ORDINANCE

An Ordinance to secure the public health, safety, and general welfare of the citizens of Eureka Township, Montcalm County, Michigan, by the regulation of noise within said Township and to prescribe penalties for the violation thereof; pursuant to the authority of Public Act 246 of 1945, as amended, the same being M.S.A. 5.45 (1).

SECTION 1.0 TITLE

- A. This Ordinance shall be known and cited as the Township Anti-Noise and Public Nuisance Ordinance.

SECTION 2.0 ANTI-NOISE REGULATIONS

- A. General Regulation - No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the township.
- B. Specific Violations - The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
 - 1. 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
 - 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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 7:00 o'clock a.m. and sundown on any day, except in cases of urgent necessity in the interest of 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.
9. 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.
10. 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.
11. 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 simplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
12. 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.
13. The operation 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 area of the Township where the noise emanating there from would be

unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 o'clock p.m. on any evening.

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

SECTION 3.0 PUBLIC NUISANCE REGULATION

- A. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to the adjacent property owners and residents or persons in the area.

SECTION 4.0 VALIDITY

- A. The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section of provision thereof is invalid, such holding shall not affect or impair the validity of any other section of provision of this Ordinance.

SECTION 5.0 PENALTIES

- B. Any person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction, be punished by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit, injunction, damages or other appropriate legal action.

SECTION 6.0 EFFECTIVE DATE

- A. This Ordinance shall take effect thirty (30) days from the date of publication in the Greenville Daily News.

**Adopted: 1/3/80
Published: 1/9/80
Effective: 2/8/80**

ORDINANCE NO. 30-A

An Ordinance to secure the public health, safety and general welfare of the citizens of Eureka Township, Montcalm County, Michigan, by the regulations of noise within said township and to prescribe penalties for the violation thereof; pursuant to the authority of Public Act 246 of 1945, as amended, the same being M.S.A. 5.445 (1)

Section 1.0 The Township Hereby Ordains:

- A. Section 2B1 of Ordinance No. 30-A shall be amended to read as follows:
 - 1. 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.
- B. Section 2B12 of Ordinance No. 30-A shall be amended to read as follows:
 - 2. The operation of any machinery, equipment or mechanical device as to emit unreasonable loud noise which is disturbing to the quiet, comfort or repose of any person.
- C. Section 5 Ordinance No. 30-A shall be amended to read as follows:

Penalties

A violation of this Ordinance is a municipal civil infraction. Any person or persons, firm, corporation, or owner, tenant, or manager of any real estate who violates this Ordinance shall be punished on a finding of responsibility thereof of a fine of not less than \$100.00, nor more than \$500.00 plus costs. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance

D. Effective Date

This ordinance shall take effect thirty (30) days from the date of publication.

Adopted: 10/9/06
Published: 10/13/06
Effective Date: 11/12/06