

## ORDINANCE NO. 244

### NOISE ORDINANCE

The Charter Township of Larkin ordains: An Ordinance enacted pursuant to the authority of MCL 41.181 et seq., to secure the public health, safety and general welfare of residents, property owners and persons within the Charter Township of Larkin, Midland County, Michigan by the regulation of noise within the Township and to prescribe the penalties for the violation thereof.

#### Section 1. Title

This Ordinance shall be known and cited as the "Larkin Township Noise Ordinance" and it shall be sufficient in any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

#### Section 2. General Regulation

No person, firm, corporation or other legal entity shall cause, create or maintain any unreasonably loud noise or disturbance which is injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties. Any such noise or disturbance is hereby declared a nuisance per se.

#### Section 3. Specific Violations

The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose or other interests of persons in the vicinity or on nearby properties are declared to be a violation of this Ordinance. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

A. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise.

B. Unreasonable emission or creation of any excessive noise that interferes with operation of any school, church or hospital.

C. The keeping of any animal, bird or fowl, including but not limited to a barking dog, which, by causing frequent or long continuous noise, shall disturb the comfort or repose of any person in the vicinity or on nearby property.

D. Use of any loud speaker, amplifier, or other instrument or device, whether stationary or mounted on a vehicle, whether for commercial or non-commercial purposes, which unreasonably disturbs any persons in the vicinity or on nearby property.

E. The playing of any radio, television set, phonograph, tape player, or any other device capable of the electronic reproduction or amplification of sound, or any musical instrument in such a manner or with such volume, particularly during the hours between ten o'clock p.m. and eight o'clock a.m., or at anytime and place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity or on nearby property.

F. The sounding of any horns or warning devices on any automobile, truck, motorcycle, bus, or other vehicle except when reasonably necessary for the prevention of accidents or as required by the Michigan Motor Vehicle Code.

G. The operation of any automobile, truck, motorcycle, bus or other vehicle that causes unreasonable noise, including but not limited to noise resulting from exhaust, mechanical defect or modification. The modification or removal of any noise abatement device or muffler 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 a violation of this section.

H. Unreasonable yelling, shouting, singing or use of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument between the hours of ten o'clock p.m. and eight o'clock a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or any building, hotel, or other place of residence, or of any person in the vicinity.

I. The discharge of noise into the open air from any noise-creating blower, fan, engine, motor or other power plant unless the noise from such equipment is muffled sufficiently to deaden same.

J. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, trailer, railroad car, other carrier or the opening and destruction of bales, boxes, crates, containers;

K. The erection, excavation, demolition, alteration or repair of any building or premises, including streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, except in

cases of urgent necessity in the interest of public health and safety.

L. The sounding of any whistle, siren or bell on any vehicle other than police fire or other emergency vehicles.

M. The operation of any track, course, proving ground, testing area, obstacle course or other premises for vehicles, motor vehicles, motorcycles, boats, all-terrain vehicles, miniature or model airplanes or other motorized conveyances of any kind where the noise emanating there from disturbs or annoys the quiet, comfort, or repose of persons in the vicinity or on nearby property.

#### Section 4. Allowed Exceptions

None of the terms or prohibitions of the preceding sections shall apply to or be enforced against:

A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities;

B. Warning devices emitting sound for warning purposes as authorized by law.

#### Section 5. Violations, Penalty and Persons Responsible

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than Five Hundred (\$500) dollars, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine (\$9.00) dollars or more than five hundred (\$500.00) dollars be ordered. The owner, resident or occupant in control of a premises upon which a violation of this Ordinance occurs is responsible for the violation to the same extent as the person(s) who conduct the activity giving rise to the violation. All violations of this Ordinance are declared nuisances per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day a violation of this ordinance continues to exist constitutes a separate violation.

#### Section 6. Severability

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 7. Effective date

This Ordinance shall become effective thirty (30) days after its publication.

Ordinance No. 244, adopted December 9, 2003

September 30, 2004