

ORDINANCE NO. 97-158

NOISE CONTROL

Section 97-158

No person, firm, corporation, or business shall cause or create or permit to continue any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Charter Township of Mt. Morris.

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 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 and musical instrument, in such a manner or with such volume as to upset or disturb the quiet, comfort, or repose of reasonable persons. A prima facia cause establishing unreasonableness shall be established upon the submission of proof that such device as used in the interior of any building emanates such volume of sound as to be heard from any public way or from any private property not owned by the maker of such noise.

2. The playing of any radio, stereo, compact disc player, or other electronic or mechanical sound-producing device upon or within any motor vehicle in such a manner as to upset or disturb the quiet, comfort, or repose of any reasonable person.

3. Yelling, shouting, hooting, or singing on the public streets between the hours of 10:00 p.m. And 7:00 a.m., or at any time or place so as to upset or disturb the quiet, comfort, or repose of any reasonable persons in the vicinity, or which constitutes a breach of the peace.

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

5. The keeping of any animal, bird, or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort, or repose of any reasonable persons 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.

6. The operation of any automobile, motorcycle, or other vehicle so out of repair, 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 disturbing to the quiet, comfort, or repose of other reasonable persons.

7. 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 or the Uniform

Traffic Code for cities, townships, and villages as adopted by the Charter Township of Mt. Morris.

8. The discharging outside of any enclosed building of a 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 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.

9. The erection, excavation, demolition, alteration, or repair of any building or premises in any part of the Charter Township of Mt. Morris, including the streets and highways, in such a manner as to emanate noise or disturb the quiet, comfort, or repose of other reasonable persons, other than between the hours of 7:00 a.m. And sundown on weekdays, including Saturdays, 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 Charter Township of Mt. Morris, which permit shall limit the periods that the activity may continue.

10. The creation of a loud or excessive noise which disturbs the quiet, comfort or repose of reasonable 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.

11. 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, disturbs the quiet, comfort, or repose of other reasonable persons in the vicinity.

12. The operation of any loudspeaker or other sound amplifying device upon or within any vehicle on the streets of the Charter Township of Mt. Morris for the purpose of advertising or for any other purpose where such vehicle, speaker, or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property, and which disturbs the quiet, comfort, or repose of any reasonable person.

13. The operation of any machinery, equipment, or mechanical device so as to emit loud noise which is disturbing to the quiet, comfort, or repose of any reasonable person.

14. The operation of any race track, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles, snowmobiles, or vehicles of any kind or nature in any area of the Charter Township of Mt. Morris where the noise emanating therefrom would disturb the quiet, comfort, or repose of other reasonable persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. On any evening.

15. The use of any loudspeaker, bullhorn, or other device to urge, incite, or induce any violence or breach of the peace.

Exceptions

None of the prohibitions enumerated herein shall apply to the following:

1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
2. The emission of sound for the purpose of alerting persons to the existence of an emergency.
3. The emission of sound in the performance of emergency work.
4. Warning devices necessary for public safety such as police, fire, and ambulance sirens and horns.
5. Motor vehicles and equipment for which noise levels are regulated by Act 73 of the Public Acts of 1978, being MSA 9.2407, as amended, and/or the Traffic code set forth in Chapter 28.
6. Aircraft and trains.
7. The operation of domestic tools such as lawn mowers, snow blowers, rototillers, edgers and the like, when such tools are operated in a manner and frequency which is normal and customary in the community.

Severability

If any provision of this Article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction the remaining provisions of this Article shall not be invalidated.

Penalty

Any person, firm, or corporation who violates this section is responsible for a civil infraction and shall be subject to a fine not to exceed \$100.00, plus court costs as determined by the sentencing Judge, and may also be required to reimburse the Charter Township of Mt. Morris for the costs of prosecution.

Each time a violation shall occur it will be considered and treated as a separate offense.

Provisions of this Ordinance may also be enforced by lawsuit for injunction damages, or other appropriate legal action.

We, hereby certify that the foregoing Ordinance was adopted on the Second Reading by the Township Board of the Charter Township of Mt. Morris on August 8, 1997.