

**GENERAL LAW TOWNSHIP OF SANDS**

**MARQUETTE COUNTY, MICHIGAN**

**ORDINANCE NUMBER 53**

**Noise Control Ordinance**

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

THE GENERAL LAW TOWNSHIP OF SANDS, COUNTY OF MARQUETTE, MICHIGAN, ORDAINS:

**Section 1: Repealer**

Upon the effective date of this ordinance, the prior Ordinance adopted October 8, 1991, and known as the Noise Control Ordinance of the Township of Sands is, at the same time, repealed.

**Section 2: Title**

This Ordinance shall be known and may be cited as the Noise Ordinance of the General Law Township of Sands.

**Section 3: Purpose**

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 General Law Township of Sands hereby enacts the following Noise Ordinance, the purpose of which is to prohibit excessive, unnecessary, unnatural, or unusually loud noises, or noises 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 4: 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, within the limits of the General Law Township of Sands.

- B. It shall be unlawful for the owner of any premises within the General Law Township of Sands, and for the occupant or person in possession of any premises within the General Law Township of Sands, 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, disturbs, injures, irritates, or unreasonably impairs the comfort, repose, health, or peace of other, within the limits of the General Law Township of Sands.

### **Section 5: Specific Noises Prohibited; Standards**

The following are examples of what would violate, but are not exclusive.

- (A) Horns and Other Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck, boat or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time of the day or night; and the use of any signaling device except one operated by hand or electricity, 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, Stereos, Phonographs, and Musical Instruments. The using, operating, or permitting to be played, used, or operated any radio receiving set, television receiving set, musical instrument, phonograph, or other machine or other such device for the producing or reproducing of sound in such manner as to unreasonably or unnecessarily irritate, annoy, or disturb the peace, quiet, and comfort of the neighboring inhabitants or at anytime at a volume unnecessary for convenient listening of the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such radio, television, phonograph, musical instrument, or other such machine or device between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located or which is plainly audible at a distance of one hundred (100) feet from the building, structure, or vehicle in which it is located, or which is plainly audible in a dwelling unit other than that 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 ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. or at any 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 one hundred (100) feet from its point of origin shall be prima facie evidence of a violation of this section.

- (D) Animals, Birds, or Pets. The keeping of any animal, bird, or pet which, by causing frequent or long continued noise plainly audible at a distance of one hundred (100) feet from its point of origin, shall be a prima facie evidence of a violation of this section
- (E) Exhaust Noise. The discharge into the open air of the exhaust of any engine, stationary internal combustion engine, or any other form of engine, whether in a boat, or 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, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or trailer, or the opening and destruction of bales, boxes, crates, and containers.
- (G) Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration, or repair of any building other than between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. on weekdays, where such activity results in the creation of unusually loud noise which annoys, disturbs, injures, or unreasonably impairs the comfort, repose, health, peace, or safety of others except in case of urgent necessity in the interest of public health and safety, for the duration of such emergency, and then only with a permit from the zoning administrator.
- (H) Business Operations and Other Premises Activities. The carrying on of any business operations or any other activities upon any premises in such a manner so as to create any excessive, unnecessary loud noise which disturbs, injures, or unreasonably impairs the comfort, repose, health, peace, or safety of others.

## **Section 6: 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 streets, highways, bridges or other property by or on behalf of the State of Michigan, General Law Township of Sands, or County of Marquette, 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. Noise emitted from warning devices for the purpose of notifying individuals of the public at large as authorized by law.
- D. All railroad operations meeting the maximum permissible 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 ordinances.
- F. Sands Speedway Racetrack, the operations of which are conducive to the court order resulting from prior litigation, providing the racing starts no earlier than nine o'clock (9:00) A.M. and ends no later than eight o'clock (8:00) P.M. or per adjustment to court order.

### **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: Violations, Enforcement, and Penalties**

- 1. A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine not to exceed \$500.00 for each offense. A violator of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- 2. This ordinance shall be enforced by the Sands Township Ordinance Enforcement Officer, Supervisor, Local law enforcement, and/or any other such person the board may designate.
- 3. Whenever the Ordinance Enforcement Officer determines that a violation of this ordinance exists, said Ordinance Enforcement Officer shall utilize all legal means to correct said violation, including the issuing of a civil infraction citation/s.

### **Section 9: Effective Adoption and Date**

- 1. This Ordinance shall become effective thirty (30) days after its adoption and publication.