

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, STATE OF MICHIGAN
ORDINANCE NO. #40**

NOISE ORDINANCE

[An ordinance to secure the public health, safety, and general welfare of the residents and property owners of Mussey Township by regulating and, where necessary, prohibiting loud and unreasonable noise within said Township and proscribing penalties for the violation thereof.]

Mussey Township, St. Clair County, STATE OF MICHIGAN, ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the Noise Ordinance of Mussey Township.

SECTION 2: PURPOSE

The purpose of this Ordinance is to protect the general public health, safety, and welfare by prohibiting excessive, unnecessary, unnatural, or unusual loud noise, or such noise which is prolonged, unusual, and unnatural in time, place, and use, and which disturbs the peace, comfort or repose of the general public or is otherwise detrimental to the public health, comfort, convenience, safety, welfare, peace or prosperity.

SECTION 3: GENERAL PROHIBITED NOISE

- A.** It shall be unlawful for any person or entity to make, maintain, or continue, or cause to be made, maintained or continued, any excessive, unnecessary, unnatural, repeated, prolonged or unusual loud noise, or any such noise which annoys, disturbs, injures, irritates or unreasonably impairs the comfort, repose, health, or peace of another person or entity within the limits of Mussey Township.
- B.** It shall be unlawful for the owner of any premises within Mussey Township, and for the occupant or person in possession or control of any premises within Mussey Township, whether individual, corporate, or otherwise, to knowingly make, allow, or permit to be made upon such premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged or unusual loud noise, or any such noise which annoys, disturbs, injures, irritates, or unreasonably impairs the comfort, repose, health, or peace of another person or entity within the limits of Mussey Township.

SECTION 4: SPECIFIC NOISES PROHIBITED; STANDARDS.

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud which annoy, disturb, injure, or unreasonably impair the comfort, repose, health, or peace of others in violation of this Ordinance, but such specification shall not to be construed to exclude other noises prohibited by this Ordinance which are not specifically enumerated:

- A.** **HORNS AND OTHER SIGNALING DEVICES.** The use and sounding of any hand-held horn or signaling device or on any automobile, boat, bus, truck, or other vehicle, except as a danger warning, in such a manner as to be continuous or for an extended period of time such that it disturbs the quiet, peace, comfort or repose of any person.
- B.** **RADIOS, TELEVISIONS, AND MUSICAL INSTRUMENTS.** The playing of any radio, 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. The operation of any said radio, television, phonograph, musical instrument, or other such sound-producing 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 fifty (50') 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 other time or place, in such a manner so as to unreasonably annoy or disturb peace, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence or business, or of any persons in the vicinity where such noise is plainly audible at a distance of fifty (50') 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 frequent or extended noise, does unreasonably disturb the quiet, comfort or repose of any person in the vicinity. Permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property or which is plainly audible at a distance of fifty (50') feet from its point of origin, shall be prima facie evidence of a violation of this Section.
- E.** EXHAUST NOISES. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or any other form of engine, whether in a boat, 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.** CONSTRUCTION OR REPAIRING BUILDINGS. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m. where such activity results in the creation of unusually loud noise or 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.
- G.** BUSINESS OPERATION 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, or unusually loud noise, which disturbs, injures, or unreasonably impairs the comfort, repose, health, peace or safety of others.
- H.** PILE DRIVERS AND OTHER HEAVY EQUIPMENT. The operation between the hours of eight o'clock (8:00) p.m. and seven o'clock (7:00) a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other form of heavy equipment, the use of which is attended by loud, or repeated or continuous use.
- I.** The operation of any race track, proving ground, testing area, or obstacle course for vehicles, motorcycles, boats, racers, automobiles, snowmobiles, off-road vehicles, or vehicles of any kind or nature in a residential area of the Township, or adjacent to a residential area of the Township where such noise emanating from the identified vehicles would be unusually loud or continuous, or unreasonably disturbing, or upsetting to persons in that vicinity.

SECTION 5: EXCEPTIONS

The noise prohibitions set out hereinbefore 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 bridges, streets, or highways, or other property by or on behalf of the State of Michigan, Mussey Township, or St. Clair County, between 8:00 o'clock p.m.

and seven (7:00) a.m. when the public welfare, health, safety or convenience renders it impossible to perform such work during other hours.

- C.** Noises emitted from warning devices for the purpose of notifying individuals or 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 ordinance.
- F.** Farm or business operations which are carried on in an area properly zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation.

SECTION 6: WAIVER

Permission to waive the provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

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: PENALTY FOR VIOLATION

- A.** Except as provided in subsection “B” of this Section, violation of this Ordinance shall be deemed to be a municipal civil infraction, and any person, firm, or entity who is issued a citation and found responsible therefore shall be subject to a fine not to exceed \$500 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.
- B.** Any person, firm, or entity who violates this Ordinance after being issued a notice of violation or citation under subsection “A” above, such that an authorized enforcement official or officer responds to the subsequent violation at the same location within 48 hours of the prior incident, shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and/or not more than 90 days in jail.

SECTION 9: EFFECTIVE ADOPTION AND DATE.

- A.** This Ordinance shall become effective thirty (30) days after its publication as required by law.
- B.** This Ordinance was adopted by the Township Board of Mussey Township, St. Clair County, Michigan on December 12, 2018.

Sheila McDonald, Clerk
Mussey Township

Mike Lauwers, Supervisor
Mussey Township

First Publication: October 31, 2018:

Public Hearing: November 13, 2018

Adoption: **December 12, 2018**

Final Publication: **January 9, 2019**

Effective Date: **February 5, 2019**

Effective date:
