

**Ord. No. 161 - ANTI-NOISE AND PUBLIC NUISANCE
ORDINANCE**

Adopted: October 1, 1996

143.001 Title.

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

143.002 Anti-noise regulations.

Sec. II.

- A. *General regulation.* No person, firm or corporation shall cause or maintain any unreasonably 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 hereby 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 p.m. and 7:00 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 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 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 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.
 7. 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

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.

8. The creation of 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.
9. 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.
10. 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 amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
11. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort and repose of any person.
12. 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 therefrom 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 p.m. on any evening.

143.003 General exceptions.

Sec. III. The prohibition hereinbefore enumerated shall not apply to the following general exceptions:

- A. Any police vehicle, ambulance, fire engine or 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, County of Kalamazoo, or any municipal governmental body, between sundown and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
- C. Warning devices emitting sound for warning purposes as authorized by law.
- D. Noises emanating from the discharge of firearms are excluded, providing the discharge of firearms was authorized under Michigan law and all local Ordinances.
- E. The Township Board shall have authority to grant permits, for short-term outdoor recreational or holiday activities generating noise in excess of the limits set forth in this ordinance. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Board shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area.

143.004 Public nuisance regulations.

Sec. IV. 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 adjacent property owners and residents or persons in the area.

143.005 Validity.

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

143.006 Sanctions.

Sec. VI. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine	
—	1st Offense within 3-year period*	\$ 75.00	\$500.00
—	2nd Offense within 3-year period*	150.00	500.00
—	3rd Offense within 3-year period*	325.00	500.00
—	4th or More Offense within 3-year period*	500.00	500.00
*Determined on the basis of the date of commission of the offense(s).			

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Richland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation exists shall constitute a separate offense.

143.007 Effective date and repeal of conflicting provisions.

Sec. VII. This Ordinance shall take effect 30 days following publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.