

NOISE ORDINANCE 2ND READING AND APPROVAL

At a regular meeting of the Township of Charter Township of Green of Mecosta, Michigan, held at the

Green Charter Township Hall, 21431 Northland Drive, Paris, Michigan on the 14th day of December,

2021 at 7 p.m. Local Time.

PRESENT: MEMBER: James Peek, Janet Clark, James Chapman, Denise MacFarlane,
Gary Todd, Roger Carroll

ABSENT: MEMBERS: Dale Jernstadt

The following ordinance was offered by Member Gary Todd and seconded by Member James Peek.

ORDINANCE NO. 01-021-12 GREEN CHARTER TOWNSHIP NOISE ORDINANCE THE CHARTER TOWNSHIP OF GREEN ORDAINS:

Section 1. General Prohibition. It shall be unlawful for a person to make, cause, assist in making, permit another to make or to continue to make any loud or unreasonable noise, music, percussion, or other sounds which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person within the Township.

Section 2. Time Frame. The general prohibitions in Section 1 shall apply especially during the time period(s) of 10:00 pm until 7:00 am of the following morning, beginning on any Sunday, Monday, Tuesday, Wednesday, or Thursday or during the period of 12:02 am until 7:00 am on any Friday or Saturday.

Section 3. Volume and Distance. During the time periods provided in Section 2, a loud and unreasonable noise is one which is either:

1. Clearly discernible at a distance of 100 feet from the property line of the property, or from the vehicle, from which the sound is emanating, or
2. Which is in excess of 60 decibels as measured from the property line or from immediately outside the vehicle where the noise is emanating, as such sound would be measured on a sound measuring instrument which meets American National Institute Standard S1.4-1971 (or a more recent revision thereof) for Type 1 or Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment which provide equivalent data. A sound level meter shall not be required for the enforcement of this Section if an enforcement officer has been trained to audibly recognize when sound levels are clearly in excess of the 60-decibel limit.

Section 4. Noises Prohibited. In addition to the general prohibition in Section 1 of this Ordinance, 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 thereby to be constructed to exclude other violations of this Ordinance not specifically enumerated:

1. *Horns or signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion except as a danger signal when the creation by means of any such signal device of any unreasonable loud or hard sound, and the sounding of such device for an unnecessary and unreasonable period of time.
2. *Radio and Musical Sources.* The playing of any radio, television, or any other musical source in such a manner or with such volume particularly during the hours listed above (Section "2") or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any offices, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
3. *Shouting and Whistling.* Yelling, shouting, hooting, whistling, singing or the making of any other loud noise on the public streets, during the hours listed above (Section "2") or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any offices, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
4. *Whistle or Siren.* The blowing of any whistle or siren, except as a warning of fire or danger.
5. *Vehicle noises.* The operation of an automobile, motorcycle, watercraft, snowmobile, all-terrain vehicle, off road vehicle, remote controlled hobby airplane, or other vehicle so out of repair or so 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 which unreasonably upsets or disturbs 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. *Construction noises.* 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 Loud Noise during hours listed above (Section "2"), except in cases of urgent necessity in the interest of public health and safety. In such cases of necessity, 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.

7. *Animal noises.* The keeping of any animal or bird which emanates frequent or extended noise which shall unreasonably upset or 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.
8. *Noises interrupting public/religious/educational activities.* The emission or creation of any Loud Noise which unreasonably interferes with the operation of any school, church, court or hospital.
9. Noises emitted from the ignition of fireworks, pyrotechnics, or other explosives.

Section 5. Exceptions. None of the prohibitions contained in this ordinance shall apply to the following:

1. Bells, chimes, carillons, loudspeakers, and similar devices while being used for religious purposes, or in conjunction with religious services;
2. Police vehicles, fire vehicles, or ambulances while engaged upon necessary public emergency business;
3. Necessary excavations or repairs of bridges, streets, or highways by or on behalf of the Township, County, or State during the night, when the public safety welfare, and convenience renders it impossible to perform such work during the day;
4. The reasonable use of stationary amplifiers or loudspeakers during public addresses which are noncommercial in character;
5. Businesses conducting normal business practices during normal daytime business hours;
6. Otherwise legally possessed fireworks during the time period(s) designated within the Fireworks Safety Act of 2011 (Public Act 256) was amended in December 2018, that being:
 - (a) December 31 until 1:00 a.m. on January 1
 - (b) The Saturday and Sunday before Memorial Day, until 11:45 p.m.
 - (c) June 29 to July 4, until 11:45 p.m.
 - (d) July 5, if it falls on a Friday or Saturday, until 11:45 p.m.
 - (e) The Saturday and Sunday before Labor Day, until 11:45 p.m.

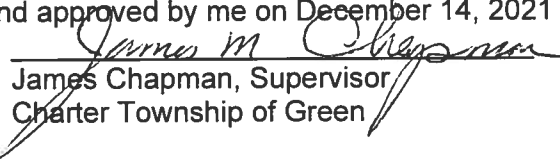
Section 6. Violations Enforcement and Penalties Any person violating this chapter shall be responsible for a municipal civil infraction for which the fine shall be \$100 for the first offense and not less than \$200 nor more than \$700 for subsequent offenses in the discretion of the court, and in addition to all of the costs, damages and expenses, including actual attorney fees incurred by the Township by reason of the violation, as provided by law. The imposition or payment of any municipal civil infraction penalty shall not prevent the Township from seeking injunctive relief or other available relief against a violator for any subsequent offense. For purposes of this Ordinance, "subsequent offense" means a violation committed by the same person or on the same property within one year of a previous violation of this Ordinance for which the person admitted responsibility or was adjudicated to be responsible.

Section 7. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

Section 8. Publication and Effective Date. This Ordinance shall become effective upon the publication of a summary of its provisions in a local newspaper of general circulation.


AYES: 6 – J. Peek, J. Clark, J. Chapman, M. MacFarlane, G. Todd, R. Carroll
NAYS: 0
ABSENT: 1 – D. Jernstadt
ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter of Green, County of Mecosta, Michigan, on December 14, 2021, and approved by me on December 14, 2021


James Chapman, Supervisor
Charter Township of Green

Attest:


Janet Clark, Township Clerk
Ordinance No. 01-021-12

First Reading: November 9, 2021
Second Reading: December 14, 2021
Ordinance becomes effective: , 2021

STATE OF MICHIGAN)
) ss.
COUNTY OF MECOSTA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township board of the Township Board of the Township of Green at a regular meeting held on the date first stated above, and I further certify that public