

MILLS TOWNSHIP NOISE ORDINANCE

NO. 64

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Mills, Midland County, Michigan by the regulation of noise within said Township; and to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF MILLS, MIDLAND COUNTY, MICHIGAN ORDAINS:

Section I GENERAL PROHIBITION

No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance which is injurious to, or which significantly interferes with, the public health, safety, welfare, peace, comfort, convenience or other public interest of the residents and property owners of the Township. Any such noise or disturbance is hereby declared a public nuisance.

Section II SPECIFIC VIOLATIONS

The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or significantly interfering with, the public health, safety, welfare, peace, comfort, convenience or other public interest, are declared to be a violation of this Ordinance.

- 2.1 Unreasonable yelling shouting, singing or use of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument.
- 2.2 Unreasonable emission or creation of any excessive noise which interferes with operation of any school, church or hospital.
- 2.3 The keeping of any animal, bird or fowl, including but not limited to a barking dog, which emanates unreasonable frequent or extended noise.
- 2.4 The operation of any automobile, motorcycle or other vehicle that causes unreasonable noise, including but not limited noise resulting from exhaust. The modification of any noise abatement device or muffler on any motor vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.

- 2.5 The unreasonable use of any horn or other device on any motor vehicle unless reasonable under the circumstance or necessary to operate said vehicle safely or as required by Michigan law.
- 2.6 The unreasonable 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.
- 2.7 The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise.
- 2.8 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 injurious to, or an unreasonable interference with the public health, safety or welfare. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 9:00 p.m. on any evening.

Section III ALLOWED EXCEPTIONS

None of the prohibitions herein before described shall apply to the following:

- 3.1 Reasonable excavation, construction, alteration or demolition activities between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m., or any reasonable time when such activity is urgently necessary in the interest of the public health, safety or welfare.
- 3.2 Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities.
- 3.3 Warning devices emitting sound for warning purposes as authorized by law.
- 3.4 Normal sounds emanating from farm equipment being operated lawfully and in a reasonable manner.

Section IV NOISE PERMIT

The Township Supervisor or designated Township Board Member, upon request, may issue a permit allowing otherwise prohibited noise of a nature, under circumstances and for a time period as described in the permit. In determining whether to grant any such permit, the Township Supervisor or designated Township Board Member shall

- 1) consider the duration of the proposed activity,
- 2) the level of

noise likely to be generated, and c) the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Supervisor or designated Township Board Member shall have the right to impose reasonable terms and conditions designated to minimize any adverse impact of the proposed activity on the surrounding area. Each permit must be in writing and shall be for a time period not longer than 24 hours.

Section V SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, unlawful or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness or unenforcibility shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance.

Section VI PENALTY

The penalty for any person, firm or corporation violating this Ordinance shall be a fine of not more than Five Hundred Dollars (\$500.00). Each day that a violation shall continue shall constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section VII INCONSISTENT ORDINANCES

All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

Section VIII EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Adopted by the Township Board of the Township of Mills this 14 day of February 2000

Date of Publication: February 23th 2000
Effective Date: March 23, 2000

Attest: *Dalter J. Dittz*
Mills Township Supervisor
Marianne Bueh
Mills Township Clerk

AFFIDAVIT - PROOF OF PUBLICATION

STATE OF MICHIGAN
COUNTY OF MIDLAND

Mills Twp.
Ord # 64

PAULA C. ST. LOUIS, being duly sworn, disposes and says that I am

- See a representative of Midland Daily News, a daily newspaper published and circulated

Attached in the County of Midland, and that a notice, of which the annexed printed notice is a

true copy, has been published in said paper once in each week for *1* successive

Rider - weeks *1* times and that the first publication thereof was on the *23rd* day

of *March* 2000, and that the last publication thereof was on the *23rd* day

of *March* 2000

Paula C St Louis

PAULA C. ST. LOUIS

Subscribed and sworn to before me this *5* day of *Apr* 20*00*

Joyce Dittenber
Notary Public

My commission expires *June 16, 2000*

Printers fee

139.83

Affidavit chg

700

Total Charges

146.83

Times *1*

JOYCE DITTENBER
Notary Public, Midland County, MI
My Commission Expires June 16, 2000