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Effective: 1/1/13

TOWNSHIP OF POWELL
COUNTY OF MARQUETTE, STATE OF MICHIGAN
ORDINANCE NO. 066718

NOISE AND PUBLIC NUISANCE

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

THE TOWNSHIP OF POWELL, MARQUETTE COUNTY, MICHIGAN,
ORDAINS:

Section 1: Title,

This Ordinance shall be known and may be cited as the Anti-Noise and Public Nuisance Ordinance of Powell Township.

Section 2: 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 Township of Powell hereby enacts the following Noise and Nuisance Ordinance, the purpose of which is to prohibit excessive, unnecessary, unnatural, or unusually loud noise, or which 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 public health, comfort, convenience, safety, welfare, peace and prosperity of the general public, and to provide penalties for the violation of this Ordinance.

Section 3: General Prohibited Noise,

No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.

Section 4: Specific Noises Prohibited: Standards,

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 construed to exclude other violations of this ordinance not specifically enumerated:

- A. 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.
- B. Yelling, shouting, hooting or singing on the public streets between the hours of 11 p.m. and 7 a.m. or at any time or place so as to unreasonably up set or disturb the quiet, comfort or repose of any persons in the vicinity.
- C. The keeping of any animal, birds, or pet 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.
- D. The operation of any automobile, motorcycle 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 disturbing the quiet, comfort or repose of the other persons. The modifications 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.
- E. The sounding of any horn or signaling device on any automobile, motorcycle, boat, bus, truck, or other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonably period of time, or at an unnecessary and unreasonable time of the day or night; and, the use of any hand held or hand operated signal device which emits a loud or harsh sound except as a danger warning.
- F. The discharge into open air of the exhaust of any steam engine, stationary 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.
- G. 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. 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 of disturbance unreasonably annoying to other persons, other than between the hours of 7:00 am and sundown on any day, except in cases of urgent necessity in the interest of public health

and safety. In such a case, a permit shall be obtained from the ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.

- I. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, trailer or other carrier .
- J. The operation of any race track, proving ground, testing area, or obstacle course for vehicles, motorcycles, boats, racers, automobiles, snowmobiles, off-road 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 identified vehicles would be unusually loud or continuous, or unreasonably disturbing, or up setting to persons in that vicinity.

Section 5: Public Nuisance Regulations

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.

Section 6: Severability

The several provisions of this ordinance are declared to be separate, if any court of law shall hold that any section or provision thereof is invalid. Such holding shall not affect or impair the validity of any other Section of this Ordinance.

Section 8: Violations

A violation of this Ordinance shall be deemed to be civil infraction, and any person, firm, or entity found responsible thereof 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.

Section 9: Effective Adoption and Date

This Ordinance shall become effective thirty (30) days after its publication, as required by law.

This Ordinance was adopted by the Township Board of Powell Township on the 12th day of December 2012.

Township Supervisor

Wendy Turner

Township Clerk

Amelia A. Lambie

Published

Sept 8 2013
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