TOWNSHIP OF SULLIVAN

MUSKEGON COUNTY, MICHIGAN

# ORDINANCE NO. 9

ANTI-NOISE ORDINANCE

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Sullivan Township, Muskegon County, Michigan, by the regulation of noise within said Township; to prescribe penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF SULLIVAN HEREBY ORDAINS:

# SECTION 1 TITLE

This Ordinance shall be known and cited as the Sullivan Township Anti-Noise Ordinance.

# SECTION 2- PROHIBITED ACTS

1. No person, firm or corporation shall cause, to cause to be made or permit to be continued any unreasonable or improper noises or disturbances to the health, peace, repose, safety or quiet of the residents or property owners of the Township of Sullivan between the hours of 11 p.m. and 7 a.m.
2. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the enumeration herein shall not be construed to exclude other violations of this Ordinance not specifically enumerated:
	1. Radios, phonographs, sound equipment. The using, operation, or permitting to be played, any radio receiving set, TV, musical instrument, phonograph, or other machine/device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine/device is located.
	2. The operating or playing of such devices in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located,
	3. Yelling, shouting, hooting or singing in public so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
	4. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud, unnecessary, intentional and malicious noise like grating, grinding, rattling, exhaust or other noise disturbing to the quiet, comfort or repose of other persons.
	5. The erection, excavation, demolition, altercation or repair of any building, premises, street or highway in such a manner as to emanate noises or disturbances unreasonably annoying to other persons other than between the hours of 6:00 7 a.m. and sundown on weekdays, except in cases of urgent necessity, in the interest of public health and safety.
	6. The emission or creation of any excessive noises on any street which unreasonably interferes with the operation of any school, church, hospital or court, personal office or work space
	7. The operation of any race track, proving ground, testing area. or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or any racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation or where the noise emanating therefrom is unreasonably disturbing and annoying to other persons in the vicinity.
	8. The detonation or causing the explosion of any device or substance, such as exploding targets or Tannerite or other forms of binary explosive not otherwise expressly permitted by State law, at such volume or location so as to unreasonably annoy or disturb the peace, quiet, comfort and repose of persons in the vicinity. (Amended & Adopted 8/3/2021)
3. None of the prohibitions herein before enumerated shall apply to any of the following:
4. Any police vehicles, ambulances, fire engines, or emergency vehicles while engaged in necessary emergency activities.
5. Devices or acts creating sound made to alert persons to the existence of an emergency, danger, or attempted crime by law enforcement or other persons under the authority of law.
6. Excavation or repair of bridges, streets, highways by or on behalf of the Township of Sullivan, State of Michigan, or County of Muskegon, between the hours of 6:00 11 p.m. and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
7. Farming activities authorized by the Michigan Right to Farm Act.

 D. NOISE LEVEL SCIENTIFICALLY MEASURED:

If a measuring device is used by the Township to determine noise levels, the emission of measurable noises from any premises shall not exceed sixty-five (65) decibels as measured at the boundary of the property lines, except that where normal street traffic noises.

Within manufacturing districts, sound levels not exceeding seventy (70) decibels may be permitted. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance of adjacent uses.

# SECTION 3 – VIOLATIONS (Amended & Adopted 8/3/2021)

1. Any person who disobeys, neglects, or refuses to comply with any provisions of this ordinance, or who causes, allows or consents to any of the same, shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. Each violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than $100 nor more than $500, in the discretion of the Court, any other relief available under the Revised Judicature Act of 1961, being 236 PA 1961. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

CERTIFICATION OF ADOPTION

I, Elizabeth Spencer, Clerk of Sullivan Township, hereby certify that the foregoing

 Ordinance was unanimously adopted by the board members with the Open Meeting Act of the State of Michigan at the meeting held on August 3, 2021.

 Published August 4, 2021