

BIG PRAIRIE TOWNSHIP, NEWAYGO COUNTY
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

(Ordinance No. 07-04)

At a regular meeting of the Township Board for Big Prairie Township held at the Township Hall at 2515 S. Elm St on November 13, 2007, beginning at 7:00 p.m., Township Board Member BAKER moved to adopt this Ordinance, which motion was seconded by Township Board Member DAVIS:

AN ORDINANCE TO REGULATE NOISE AND PUBLIC NUISANCES WITHIN BIG PRAIRIE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE.

THE TOWNSHIP OF BIG PRAIRIE ("Township") ORDAINS AS FOLLOWS:

Section 1. PURPOSE. It is hereby determined by the Township Board of Big Prairie Township that the making, creating, and maintaining or permitting of any loud, unnecessary, or unnatural noise (or noises) of such character, intensity, duration, either steadily or intermittently or by reason of the hour of the day or night, place or use, which annoys, disturbs, impairs or, is detrimental to the public health, comfort, convenience, safety, welfare, enjoyment and peace and quiet of the inhabitants of this Township is hereby declared to be a nuisance within the limits of Big Prairie Township. It is also hereby determined that the regulations as set forth herein are all in the pursuance of and for the purpose of serving and promoting public health, comfort, convenience, safety, welfare, and enjoyment for the peace and quiet of the inhabitants and property owners of Big Prairie Township.

Section 2. NAME. This Ordinance shall be known and cited as the "Big Prairie Township Anti-Noise and Public Nuisance Ordinance."

Section 3. GENERAL REGULATIONS. No person, firm, corporation, or other entity shall cause or create any unreasonable or unnecessarily loud noise or disturbance which is or may be injurious to the health, peace or quiet of the residents or property owners of the Township.

Section 4. 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 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 a 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 or in a public street or public place between the hours of 10:00 p.m. and 7:00 a.m. or at any time so as to unreasonably upset or disturb the quiet, comfort, or repose of any persons in the vicinity.

C. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.

D. 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 a nearby residential property.

E. The operation of any automobile, motorcycle, boat, a.t.v. 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 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 the 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.

F. 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 the case 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.

G. 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 creation of such noise shall be unreasonably disturbing to other persons in the vicinity.

H. 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.

I. It is unlawful for any person to fire, discharge, or shoot a firearm within the Township which results in unreasonable noise or unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any other person, resident, or property owner within the Township. A person can violate this subsection (I) based on the noise, frequency, intensity, or duration of a firearms discharge or discharges, or any combination of such effects.

The word "firearm" as used in this Ordinance shall mean any pistol, revolver, gun, rifle, weapon, or similar device which propels any missile, projectile, bullet, shot, pellet, or other mass by means of gunpowder or explosives.

Section 5. EXCEPTIONS. None of the prohibitions contained in this Ordinance shall apply to the following:

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 Newaygo, or Township of Big Prairie, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it difficult to perform such work during other hours.

C. Devices emitting sound for warning purposes as authorized by law.

D. Any activity that is a "farm operation" and is being operated in compliance with the Michigan Right to Farm Act, 1980 Public Act No. 93, MCLA 286.471 *et seq.*, as amended

Section 6. SAVING CLAUSE. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in force and effect.

Section 7. PENALTIES. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 8. REPEALER. When this Ordinance becomes effective, it shall automatically repeal Big Prairie Township Ordinance No. 90-1 (which was adopted by the

Big Prairie Township on October 22, 1991 and was entitled "Anti-Noise and Public Nuisance Ordinance").

Section 9. EFFECTIVE DATE. This Ordinance shall take effect 30 days after the date of publication as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: WRIGHT, BAKER, RUMMEGER, ANDERSON, DAUSON

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board of the Township of Big Prairie at Big Prairie Township Hall at a meeting held at 7:00 p.m. on November 13, 2007, pursuant to the required statutory procedures.

Judy Baker, Clerk
Judy Baker
Township Clerk