

NOISE ORDINANCE
GREENDALE TOWNSHIP
ORDINANCE #1991-2

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

THE TOWNSHIP OF GREENDALE, COUNTY OF MIDLAND, 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, or disturbs, 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 disturbing or 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 or excessive yelling, shouting, singing, or use of any radio, phonograph, television or other electronic or mechanical sound producing device, including any musical instrument which disturbs the peace and quiet of the neighborhood.

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 or excessive frequent or extended noise which disturbs the peace and quiet of the neighborhood.

2.4 The operation of any automobile, motorcycle or other vehicle that causes unreasonable or excessive noise, including, but not limit to, noise resulting from exhaust. The modification of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle as originally manufactured shall be a violation of this section.

2.5 The sounding of any horn or other device on any motor vehicle unless reasonable under the circumstances or necessary to operate said vehicle safely or as required by Michigan law.

2.6 The unreasonable or excessive use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which disturbs the peace and quiet of the neighborhood.

2.7 The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud or excessive noise which disturbs the peace and quiet of the neighborhood.

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 circumstance shall any race track, proving ground, testing area or obstacle course operate after 11:00 o'clock pm on any evening.

Section III. ALLOWED EXCEPTIONS.

None of the prohibitions hereinbefore described shall apply to the following:

3.1 Reasonable excavation, construction, alteration or demolition activities between the hours of 7:00 o'clock am and 10:00 o'clock pm, 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 in good working condition being operated lawfully and in a reasonable manner.

Section IV. NOISE PERMIT.

The Township Supervisor, 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 shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Supervisor shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area. Each such permit must be in writing and shall be for a time period not longer than twenty-four (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 unenforceability 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), or imprisonment in the county jail for not more than thirty (30) days, or both fine and imprisonment, in the discretion of the court. 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. Any violation of this Ordinance is deemed a nuisance per se.

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 in a newspaper of general circulation in the Township.

THIS ORDINANCE ENACTED THIS 11TH DAY OF JUNE, 1991, by the Greendale Township Board, Greendale Township, Midland County, Michigan.

John R Priest, Supervisor

Linda Farison, Clerk

CERTIFICATION OF ADOPTION OF ORDINANCE BY TOWNSHIP

I, Linda Farison, the duly elected Clerk of the Township of Greendale, County of Midland, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Greendale Township Board on the 11th day of June, 1991, at which meeting the following named members of the Board were present and voted in person as follows:

(a) Voting in favor of the adoption of this Ordinance:

John R Priest, Shirley Herron, Richard Dean Cottrell, Robert Charles Albaugh

(b) Voting against adoption of this Ordinance:

Linda Farison

Linda Farison, Clerk

Certification date:

I, Linda Farison, the duly elected Clerk of the Township of Greendale, County of Midland, Michigan, hereby certify that a summary of such Ordinance was published in the Midland Daily News at Midland, Michigan, on the 11th day of July, 1991 and that this Ordinance and the Publisher's Affidavit, hereto attached are filed in the Greendale Township Ordinance Book on the date of this Certificate, such date being within one week after the first of such publication.

Linda Farison, Clerk