

CHARTER TOWNSHIP OF CHOCOLAY, MICHIGAN

ORDINANCE NO. 45

NOISE ORDINANCE

An Ordinance to prohibit the making, creation, maintenance or allowance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual, and unnatural in their time, place, and use, and which disturb the peace and comfort of the public, or which are a detriment to the public health, comfort, convenience, safety, welfare, peace, and prosperity of the public, and to provide penalties for the violation of this Ordinance.

THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:

SECTION .1 SHORT TITLE

This Ordinance shall be known and may be cited as the Noise Ordinance of the Charter Township of Chocolay.

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 Charter Township of Chocolay hereby enacts the following Noise Ordinance, the purpose of which is to prohibit the making, creation, maintenance or allowance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual, and unnatural in their time, place, and use, and which disturb the peace and comfort of the public, and which are a detriment to the 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 PROHIBITED NOISE

- A. It shall be unlawful for any person or entity to make, create, maintain, or continue, or cause to be made or continued any excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, or unnatural in its time, place, or use, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the limits of the Charter Township of Chocolay.
- B. It shall be unlawful for the owner of any premises within the Charter Township of Chocolay, and for the occupant or person in possession of any premises within the Charter Township of Chocolay, whether individual, corporate, or otherwise, to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, or unnatural in its time, place, or use, or any noise which either annoys, disturbs, injures, or endangers, the comfort, repose, health, peace, or safety of others, within the limits of the Charter Township of Chocolay.

SECTION .4 NOISES PROHIBITED; STANDARDS

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud noises which annoy disturb, injure, or endangers the comfort, repose, health, peace, or safety of others in violation of this Ordinance, said enumeration being by way of illustration only, and not all

inclusive:

- A. HORNS AND OTHER SIGNALING DEVICES. The sounding of any horn or signaling device on any automobile, motorcycle, boat, bus, truck, or other vehicle on any street or public place of the Charter Township of Chocoday, 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 unreasonable 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.
- B. RADIOS, TELEVISIONS, PHONOGRAPHS, AND MUSICAL INSTRUMENTS. The using, operating, or permitting to be played, used, or operated, any radio receiving set, television receiving set, phonograph, or musical instrument, or other such machine or device for the production or reproduction of sound, in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with a louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is being operated, and who are voluntarily listeners, thereto. The operation of any such radio, television, phonograph, musical instrument, or other such machine or device particularly between the hours of eleven o'clock (11:00) p.m. and seven (7:00) o'clock a.m. 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, or which is plainly audible in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this Section.
- C. LOUD SPEAKERS, AMPLIFIERS FOR ADVERTISING. The using, operating, playing, or the permitting of the use, operation, or playing of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- D. YELLING, SHOUTING, AND VERBAL NOISE. Yelling, shouting, hooting, whistling, singing, or other verbal noise upon any premises, or upon the public streets, particularly between the hours of eleven o'clock p.m. (11:00) and seven o'clock a.m. (7:00), or at any other time or place, in such a manner so as to annoy or disturb the peace, quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type or residence, or of any persons in the vicinity where such noise is plainly audible at a distance of fifty (50') feet from its point of origin shall be prima facie evidence of a violation of this Section.
- E. ANIMALS, BIRDS, OR PETS. The keeping of any animal, bird, or pet which, by causing frequent or long continued noise, plainly audible at a distance of fifty (50') feet from its point of origin, shall be a prima facie evidence of a violation of this Section.
- F. EXHAUST NOISES. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or any other form of internal

combustion engine, whether in a boat, motor vehicle, motorcycle, or tractor, except through a muffler or other device which will effectively prevent or reduce loud or explosive noises therefrom.

- G. DEFECT IN VEHICLE OR LOAD. The use of any motor vehicle, motorcycle, tractor, or any other type of vehicle in such a state of disrepair, or loaded in such a manner, as to result in loud and unnecessary grating, grinding, rattling, exhaust, or other noise.
- H. LOADING, UNLOADING, AND opening OF BOXES. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or trailer, or the opening or destruction of bales, boxes, crates, and containers.
- I. CONSTRUCTION OR REPAIRING OF BUILDINGS. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of seven o'clock a.m. (7:00) and nine o'clock p.m. (9:00) on weekdays, where such activity results in the creation of unusually loud noise or noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others except in case of urgent necessity in the interest of public health and safety, for the duration of such emergency.
- J. SCHOOLS, COURTS, CHURCHES, HOSPITALS. The creation of any excessive noise on any street or premises adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital or other facility where medical services are provided, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys the patients in any such hospital or medical facility, provided that conspicuous signs are displayed in the streets adjacent thereto indicating that the same is a school, hospital, or medical facility.
- K. BUSINESS OPERATIONS AND OTHER PREMISES ACTIVITIES. 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 endangers the comfort, repose, health, peace or safety of others.
- L. PILE DRIVERS AND OTHER HEAVY EQUIPMENT. The operation between the hours of ten o'clock p.m. (10:00) and seven o'clock a.m. (7:00) of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other form of heavy equipment, the use of which is attended by loud or unusual noise.
- M. BLOWERS, FANS. The operation of any noise creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffling device sufficient to reduce such noise.

SECTION .5 VIOLATIONS:

A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine of not to exceed Three Hundred Dollars (\$300.00) for each offense.

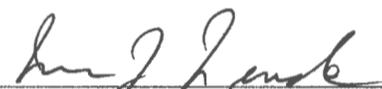
SECTION .6 SEVERABILITY.

The several Sections of this Ordinance shall be deemed severable, and should any Section, Clause or Provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan, and therefore voided by any Court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part or Section so declared to be unconstitutional or invalid.

SECTION .7 EFFECTIVE DATE AND ADOPTION.

- A. This Ordinance shall become effective thirty (30) days after its publication as required by law.
- B. This Ordinance was adopted by the Township Board of the Charter Township of Chocolay, Marquette County, Michigan, at its regular meeting held on September 19, 1988.

CHARTER TOWNSHIP OF CHOCOLAY

By: 
Ivan J. Fende, its Supervisor

By: 
Arlene E. Hill, its Clerk

Dates of Publication in the "Mining Journal"

1. September 14, 1988
2. September 22, 1988

Township Board vote on final adoption:

AYES: Ivan J. Fende, Arlene E. Hill, John Greenberg, Richard Bohjanen, Lois Sherbinow, Michael Summers, Thomas Thomas.

NAYS: None.

Motion Carried.