

LYON TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN

ORDINANCE NUMBER 48

ADOPTED: November 28, 2000

PUBLISHED: OCTOBER 28, 2000

ANTI-NOISE

PURPOSE AND INTENT

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Lyon Township, Roscommon 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.

TOWNSHIP OF LYON
ROSCOMMON COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be know as and cited as the Lyon Township Anti-Noise Ordinance

SECTION 2

DEFINITIONS

The following terms used in this ordinance are as follows: N/A

SECTION 3

REGULATIONS

- A. UNLAWFUL NOISE PROHIBITED.** It shall be unlawful for any person to make, continue, or cause to be made or continue any excessive, unnecessary, or unusually loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace of safety of others within the Township. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this Section, but this enumeration shall not be deemed to be exclusive. Each such act which either continues or is repeated more than one-half (1/2) hour,

beyond its inception shall be considered and may be prosecuted as a separate violation of this Ordinance.

1. **HORNS AND SIGNAL DEVICES.** The sounding of any horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.
2. **RADIO, PHONOGRAPH, MUSICAL INSTRUMENTS.** The playing of any radio, phonograph, television set, amplified musical instruments, loudspeaker, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling hotel, hospital or other type of residence; or of any person in the vicinity, excluding persons in a single family dwelling in which the sound is produced. The operation of any such set instrument, phonograph, machine, or device in such manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.
3. **SHOUTING AND WHISTLING.** Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, motel, rental unit, hospital, or other type of residence, or in any office or of any persons in the vicinity.
4. **HAWKING.** The hawking of goods, merchandise, or newspapers in a loud or boisterous manner.
5. **ANIMAL AND BIRD NOISES.** The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
6. **WHISTLE OR SIREN.** The blowing of any whistles or sirens, except as a warning of fire or danger.
7. **ENGINE EXHAUST.** The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises there from.
8. **CONSTRUCTION NOISES.** The mining of sand, gravel and other earthen material, erection (including excavation therefore), demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays and other days, except between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., unless a permit therefore be first obtained from the Lyon Township Board.
9. **HANDLING MERCHANDISE.** The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers, except between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m.
10. **DEVICES TO ATTRACT ATTENTION.** The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting for any purpose.
11. **INTERNAL COMBUSTION ENGINES.** The use outdoors of any internal combustion engine or power equipment, including but not limited to chain saws, lawn mowers, leaf & grass shredder, chippers and leaf blowers except during the hours of 7:00 o'clock a.m. to 8:00 o'clock p.m.

B. **EXCEPTIONS.** None of the terms or prohibitions of the previous section shall apply or be enforced against:

1. EMERGENCY VEHICLES. Any police, fire, or emergency medical vehicle, including the private vehicle of fire and medical volunteers while engaged upon necessary emergency business.
2. HIGHWAY AND UTILITY MAINTENANCE AND CONSTRUCTION. Necessary excavations in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Township of Lyon or Roscommon County Road Commission, or any public utility or any agent of the State of Michigan, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such time.
3. PUBLIC ADDRESS. The reasonable use of stationary amplifiers or loud speakers for public addresses which are non-commercial in character and for which a permit has been obtained from the Lyon Township Board.
4. SACRED MUSIC. The use of sound amplifiers or other such devices by churches, or other organizations approved by the Lyon Township Board.
5. SNOW REMOVAL. The operation of snow removal equipment necessary for the removal of snow or ice from public or private streets, alleys, drives sidewalks, and parking areas, provided that any motor vehicle used for snow removal which is required to be licensed shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent engine noise in excess of the limits established by Section 701 © of Articles 300 P.A. 1949, and any motor driven vehicle of a type not subject to registration for road use or domestic snow removal equipment shall be equipped with an exhaust system or mufflers in good working order to prevent excessive or unusual noise.

C. RETALIATION. If there be any evidence of retaliation by any offender against any complainant or witnesses, such evidence shall be communicated to the District Court. In sentencing any violator, the District Court or Magistrate shall first examine the evidence of retaliation, and if such be shown, shall consider such acts, including the amount of and property damage, and sentence the violator accordingly which sentence may include restitution for any damage.

SECTION 4

VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 st offense within a 3-year period*	\$ 50.00
2 nd offense within a 3-year period*	\$125.00
3 rd offense within a 3-year period*	\$250.00
4 th or subsequent offense in a three-year period*	\$400.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

SECTION 5

SEVERABILITY

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 any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

SECTION 6

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7

EFFECTIVE DATE

This ordinance shall take effect 30-days after publication as required by law.