

ORDINANCE NO. 2013-002

NUISANCE ORDINANCE

THE TOWNSHIP OF GRATTAN ORDAINS:

Section 1. Noise Regulations.

(1) **General Regulations.** No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any excessive, unnecessary, or unusually loud noise or disturbance which either endangers the comfort, health, peace, quiet or safety of persons in the Township or their property, or annoys or disturbs a reasonable person of normal sensitivity.

(2) **Specific Violations.** The following acts, among others, are hereby declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this Ordinance; provided, however, that the specification of these acts is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

a. **Amplified sound and musical instruments.** The playing of any radio, phonograph, television, amplified or unamplified musical instrument, loud speaker, tape recorder, compact disc player, or other electronic sound producing devices, in such a manner or with volume, at any time and 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 persons in the vicinity:

(i) The operation of any such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than the unit in which it is located, shall be *prima facie* evidence of a violation of this Ordinance;

(ii) The operation of any such electronic sound producing device in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be *prima facie* evidence of a violation of this Ordinance.

b. **Church or school zones.** The emission or creation of any excessive noise which unreasonably interferes with the operation of any school or church.

c. **Animals, birds.** The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably upset or 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 nearby property.

d. **Loud motor vehicles.** The operation of an automobile, motorcycle 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 which unreasonably upsets or disturbs the quiet, comfort or repose of other persons.

e. **Horn and signal devices.** The sounding of any horn or other device on any vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

f. **Construction noises.** The erection, excavation, demolition, alteration or repair of any building or premises, or any logging or mineral removal operations, in any part of the Township, and including the streets and highways, other than between the hours of 7:00 a.m. and 9:00 p.m. on any day, except in cases of urgent necessity in the interest of public health and safety. In such cases of necessity, 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. **Devices to attract attention.** 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 the creation of such noise, shall be unreasonably annoying or disturbing to other persons in the vicinity. Also, the operation of a 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 device emits loud and raucous noises easily heard from nearby adjoining residential property.

(3) **Exceptions.** This Ordinance shall not prohibit:

a. **Emergency vehicles.** Any police vehicles, ambulances, fire engine or emergency vehicle while engaged in necessary emergency activities.

b. **Highway and utility maintenance and construction.** Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Township, the County of Kent, or any public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.

c. **Warning devices.** Warning devices emitting sound for warning purposes as required by law.

d. **Agricultural operations.** Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act No. 93 of 1981, as amended.

e. **Township approved activities.** Township sponsored or approved parades, festivals, fairs or events.

f. **Construction projects.** Construction noise between the hours of 7:00 a.m. and 9:00 p.m., as long as a valid building permit has been issued by the Township and is currently in effect, if applicable.

g. **Repair and maintenance work.** Noise occurring between 7:00 a.m. and 9:00 p.m. caused by home or building repairs or from maintenance of grounds.

h. **Firearms.** Noise emanating from the discharge of firearms, providing the discharge of the firearms is authorized under Michigan law and all local ordinances.

i. **Approved activities.** Activities for which specific provisions are made for noise, including provisions made in the Township zoning ordinance or conditions of approval placed upon site plans, special land uses, or other zoning approvals.

Section 2. Violation; Municipal Civil Infractions.

(1) Any person, firm, corporation, or other entity who violates this Ordinance or who uses or permits the use of any property in violation of this Ordinance is responsible for a municipal civil infraction, and is subject to payment of a civil fine of not less than \$50 nor more than \$250 for each violation, plus the Township's attorney fees and other costs incurred in enforcing this Ordinance.

(2) Repeat offenses shall be subject to increased civil fines. For purposes of this section, "repeat offenses" means a second (or subsequent) violation of this Ordinance committed by a person within six months of another violation for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

a. The civil fine for violation that is a first repeat offense shall be not less than \$250 nor more than \$500 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

b. The civil fine for a violation that is a second repeat offense or a subsequent repeat offense shall be not less than \$500 nor more than \$1,000 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

c. Each day on which a violation of this Ordinance continues constitutes a separate offense and shall be subject to civil fines and actions as a separate violation.

Section 3. Validity.

The several provisions of this Ordinance are declared to be separate and if a court of competent jurisdiction shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other sections or provisions of this Ordinance.

Section 4. Repeal of Ordinances.

Ordinance Nos. 2012-001 and 2012-003 are hereby repealed in their entirety.

Section 5. Adoption.

This Ordinance is hereby declared to have been adopted by the Grattan Township Board at a meeting thereof duly called and held on the 11th day of March, 2013, and ordered to be given effect thirty (30) days after its publication as mandated by statute.

ORDINANCE DECLARED ADOPTED.