

# **Golden Township Noise and Public Nuisance Ordinance Ordinance # 47**

**An ordinance to secure the public health, safety, and general welfare of the residents and property owners of the Township of Golden, by regulating, and where necessary prohibiting noise within said Township and proscribing penalties for the violation thereof.**

**THE TOWNSHIP OF GOLDEN, COUNTY OF OCEANA, STATE OF MICHIGAN,  
ORDAINS:**

## **Section 1: Repealer.**

Upon the effective date of this Ordinance, the prior Ordinance No. 6, known as the Township Anti-Noise and Public Nuisance ordinance, is, at the same time, repealed.

## **Section 2: Title.**

This Ordinance shall be known and may be cited as the Township Anti-Noise and Public Nuisance ordinance.

## **Section 3: 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 Township of Golden hereby enacts the following Noise Ordinance, the purpose of which is to prohibit excessive, unnecessary, unnatural, or unusually loud noises, or which are prolonged, unusual, and unnatural in their time, place, and use, and which disturb the peace and comfort of the public, or 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 4: General Prohibited Noise.**

- A. It shall be unlawful for any person or entity to make, maintain, or continue, or cause to be made or continued, any excessive, unnecessary, unnatural, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs the comfort, repose, health, or peace of another, within the limits of the Township of Golden.
- B. It shall be unlawful for the owner of any premises within the Township of Golden, and for the occupant or person in possession of any premises within the Township of Golden, 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, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs the comfort, repose, health, or peace of other, within the limits of the Township of Golden.

## **Section 5: Specific Noises Prohibited; Standards.**

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud which annoy, disturb, injure, or unreasonably impair the comfort, repose, health, or peace of others in violation of this Ordinance, said specification is not to be construed to exclude other violations not enumerated:

- A. **HORNS AND OTHER SIGNALING DEVICES.** The sounding of any horn or signaling device on any automobile, motorcycle, boat, bus, truck, or other vehicle, except as a danger warning or as required by the Michigan Vehicle Code; 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 device for the production or reproduction of sound, in such a manner as to unreasonably or unnecessarily irritate, annoy, or disturb the peace, quiet, and conform of the neighboring inhabitants, or at any time at a volume unnecessary for convenient listening of the person or persons 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 between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) 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. **YELLING, SHOUTING, AND VERBAL NOISE.** Yelling, shouting, hooting, whistling, singing, or other verbal noise upon any premises, or upon the public streets, between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m., or at any other time or place, in such a manner so as to unreasonably annoy or disturb peace, natural quietude, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of 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.
- D. **ANIMALS, BIRDS, OR PETS.** The keeping of any animal, bird, or pet which, by causing frequent or continuous 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.

- E. **EXHAUST NOISES.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or any other form of engine, whether in a boat, motor vehicle, motorcycle, off-road vehicle, or tractor, except through a muffler or other device which effectively prevents or reduces loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be prima facie evidence of a violation of this section.
- F. **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.
- G. **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 (7:00) a.m. and sundown where such activity results in the creation of unusually loud noise or noise which annoys, disturbs, injures, or unreasonably impairs 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.
- H. **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 unreasonably impairs the comfort, repose, health, peace or safety of others.
- I. **PILE DRIVERS AND OTHER HEAVY EQUIPMENT.** The operation between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. 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 repeated or continuous noise.
- J. The operation of any race track, proving ground, testing area, or obstacle course for vehicles, motorcycles, boats, racers, automobiles, snowmobiles, off-road vehicles, or vehicles of any kind or nature in a residential area of the Township, or adjacent to a residential area of the Township where such noise emanating from the identified vehicles would be unusually loud or continuous, or unreasonably disturbing, or upsetting to persons in that vicinity. Under no circumstances shall any such businesses operate after 11:00 o'clock p.m. on any evening.
- K. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- L. 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 disturbing to other persons in the vicinity.

- M. 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 device emits loud and raucous noises easily heard from nearby adjoining residential property.
- N. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- O. The operation of any 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 unreasonably disturbing to the quiet, comfort or repose of other persons.

### **Section 6: Exceptions.**

The noise prohibitions set out hereinbefore shall not apply to the following:

- A. Any police vehicle, ambulance, fire engine, or other 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, Township of Golden, or County of Oceana, between sundown and seven o'clock (7:00) a.m. when the public welfare, health, safety or convenience renders it impossible to perform such work during other hours.
- C. Noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
- D. Agricultural operations protected by the Right to Farm Act P.A.93 of 1981, as amended, MCL 286.471 *et seq.* and in compliance with the current GAAMPS.

### **Section 7: Public Nuisance Regulations**

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

### **Section 8: 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 law 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 9: Violations.**

Any person, firm or corporation found violating this provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such find and imprisonment, at the discretion of the court. A violator of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. Violations of this Ordinance are deemed a nuisance per se and may also be enforced by suit for injunction, damages or other appropriate legal action. The Township shall be awarded costs, including a reasonable attorney fee, in an action to enforce the provisions of this Ordinance.

### **Section 10: Effective Adoption and Date.**

- 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 Township of Golden, County of Oceana, and State of Michigan, at its regular meeting held on March 15, 2011.
- C. Published in the Oceana Herald Journal March 24, 2011