

**Vergennes Township
Kent County**

Ordinance # 2016-0815

Adopted Date: 8-15-16

Adopted Amendments Date: 6-19-17

AN ORDINANCE TO DESCRIBE AND REGULATE CERTAIN NOISES WITHIN VERGENNES TOWNSHIP.

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Adopt a new ordinance to regulate noise disturbances in the Township as shown below:

VERGENNES TOWNSHIP

NOISE ORDINANCE

THE TOWNSHIP OF VERGENNES ORDAINS:

Section A. Prohibited Noise.

- (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, or unreasonably loud noise or raucous conduct which either disturbs the comfort, health, public peace, quiet or safety of persons in the vicinity or their property, or disturbs or disrupts a reasonable person of normal sensitivity in the vicinity, including on adjacent properties.
- (2) **Specific Violations.** The following acts, among others, are hereby declared to be loud, disturbing, injurious, 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, television, amplified or unamplified musical instrument, megaphone, speaker, compact disc player, smartphone, tablet, or other sound producing or amplifying devices, in such a manner or with volume, at any time and place, so as to disrupt or disturb the quiet, comfort, or repose of reasonable persons in any office or in any dwelling, hotel, hospital, church, school or other type of residence in the vicinity (including adjacent properties), or of any reasonable persons in the vicinity (including adjacent properties). 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 facia* evidence of a violation of this Ordinance. 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 or location from which the noise emanates shall be *prima facia* evidence of a violation of this Ordinance.

- b. **Animals or birds.** The keeping of any animal, bird or fowl, which emanates frequent, repeatedly or continued duration noise which shall unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity and can be clearly heard from nearby property such as meowing, squawking, crowing, dog barking or howling or other similar animal or bird sounds.
- c. **Engines.** The operation of an automobile, motorcycle, engine, snowmobile, all-terrain vehicle or other vehicle so out of repair, modified 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 in the vicinity (including from adjacent properties) and which unreasonably disturbs or disrupts the quiet, comfort or repose of other persons in the vicinity (including adjacent properties)
- d. **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.
- e. **Construction noises.** The tools and equipment for 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, between the hours of 9:00 p.m. and 7: 00 a.m. of the following day, except in cases of urgent necessity in the interest of public health and safety. In such cases of necessity, an approval shall be obtained from the Building Inspector, Ordinance Enforcement Officer or Supervisor of the Township, which approval shall limit the periods that the activity may continue.
- f. **Shouting and whistling.** Yelling, shouting, hooting, whistling, singing or making any other loud noises on the public streets, sidewalks, bike pathways or other streets or paths located within the Township, between the hours of 11:00 p.m. and 7:00 a.m. the following day, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in the vicinity.

- g. **Recreational Vehicles.** The operation of any 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 disturbing to other persons on adjoining property or in the vicinity unless otherwise permitted by the Zoning Ordinance and approved by the appropriate Township Board or Planning Commission.
 - h. **Target Practice.** Excessive noise emanating from the discharge of firearms or other shooting or firing devices for target practice, recreational or sighting purposes for such continuous periods as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence in the vicinity. This section does not apply to gun clubs or shooting ranges.
- (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, such as tornado sirens.
 - 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, or related seasonal type or work that is of a timely nature, such as crop planting, tending crops and harvesting crops or timbering.
 - 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 for hunting purposes.
- 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 B. "Person" Defined.

- (1) In addition to its normal meaning, the term "person" as used in this section means a person who causes or makes an unlawful noise; or a person who is in control of the property or premises from which an unlawful noise originates or emanates; or a person who owns the property or premises from which an unlawful noise originates or emanates.

Section C. 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 \$260 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 2. Conflicts. If any provision of any other Vergennes Township ordinance conflicts with this Ordinance, the most restrictive provision shall be applied.

Section 3. Severability. Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation in the Township.

**NOTE: ORIGINAL ORDINANCE IS SIGNED AND ON THE WEBSITE*

ORDINANCE DECLARED ADOPTED BY VERGENNES TOWNSHIP BOARD

Dated: _____

By: _____
Timothy Wittenbach, Supervisor

Dated: _____

By: _____
Heather Hoffman, Clerk

Date Published: _____