

THE CHARTER TOWNSHIP OF GARFIELD

ORIGINAL

ORDINANCE NO. 47
NOISE ORDINANCE

An Ordinance to prohibit, regulate and control excessive, unnecessary, unnatural, or unusually loud noises which disturb the peace, comfort, welfare and prosperity of the residents and general public within the Township; to provide for the enforcement hereof; and to prescribe penalties for the violation of this Ordinance.

THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY,
MICHIGAN ORDAINS:

Section 1. Repealer

Upon the effective date of this Ordinance, the prior Charter Township of Garfield Noise Ordinance, being Ordinance No. 44 is, at the same time, repealed.

Section 2. Title

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

Section 3. Prohibited Noise - General

- 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 Charter Township of Garfield, all as more specifically defined herein.
- B. It shall be unlawful for the owner of any premises within the Charter Township of Garfield, and for the occupant or person in possession of any premises within the Charter Township of Garfield, 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 another, within the limits of the Charter Township of Garfield, all as more specifically defined herein.

Section 4. Specific Noises Prohibited; Standards

The following noises and acts are hereby determined (i) to be excessive, unnecessary, unnatural, or unusually loud and (ii) further have the effect of annoying, disturbing, injuring, or unreasonably impairing the comfort, repose, health, or peace of others in violation of this Ordinance:

- A. Horns and Other Signaling Devices: Other than when used as a danger warning, the sounding of any horn or signaling device on any automobile, motorcycle, boat, bus, truck, or other vehicle, or the use of any hand held or hand operated signal device which emits a loud or harsh sound, for an unnecessary and unreasonable period of time, or at an unnecessary and unreasonable time of the day or night.

- B. Sound Producing or Amplification Equipment. The using, operating, or permitting to be played, used, or operated, any radios, stereos, televisions, phonographs, musical instruments, loud speakers, amplifiers or other such devices for the production or reproduction or amplification of sound, in such a manner as to unreasonably or unnecessarily irritate, annoy, or disturb the peace, quiet, and comfort of 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 equipment or device is being operated, and who are voluntarily listeners thereto. The operation of any such radio, stereo, television, phonograph, musical instrument, loud speaker, amplifier or other such equipment or device between the hours of 10:00 p.m. and 6:00 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 10:00 p.m. and 6:00 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 sounds are plainly audible at a distance of fifty (50) feet from their point of origin, the detection thereof in such manner shall constitute *prima facie* evidence of a violation of this Ordinance.
- 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 stationary internal combustion engine, or any other form of engine, whether in a boat, motor vehicle, motorcycle, off-road vehicle, snowmobile or tractor, except through a muffler or other device which effectively prevents or reduces loud or explosive noises. The provisions of this Section shall not apply to motor vehicles operated on a highway or public street and subject to the noise regulations of the State Motor Vehicle Code or comparable versions of the Uniform Traffic Code, and in such case, violations shall be enforced under the procedures set forth therein.
- F. Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of 6:00 a.m. and 10:00 p.m. 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.
- G. 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.

- H. Pile Drivers and Other Heavy Equipment. The operation between the hours of 10:00 p.m. and 6:00 a.m. of any pile driver, pneumatic hammer, derrick, hoist hydraulic, or other form of heavy equipment, the use of which is attended by loud, or repeated or continuous noise.
- I. Handling of Refuse Containers. The loading/unloading or other handling of trash dumpsters or other refuse containers between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to create an unusually loud noise, or a noise which annoys, disturbs, injures or unreasonably impairs the comfort, repose, health, peace or safety of others.
- J. Snow Removal Equipment. The operation between the hours of 10:00 p.m. and 6:00 a.m., other than in cases of officially declared "snow emergencies" of any snow removal equipment (other than light trucks), the use of which is accompanied by loud, repeated and/or continuous noises, including, for example, but not in way of limitation, the operation of heavy equipment, the dropping or lowering of large "snow-pushers" therefrom, and/or the operation of equipment with back-up alarms.

Section 5. Exceptions

The noise prohibitions set out in the previous Sections shall not apply to or be enforced against the following:

- A. Noises of any police vehicle, ambulance, fire engine, or other public service or emergency vehicle while engaged in necessary emergency activities.
- B. Noises emitted from public or governmental safety signals, warning devices or emergency devices for the purpose of notifying individuals or the public at large as authorized by law.
- C. Noises usually created by or as a result of industrial, manufacturing, assembly, storage, processing, or electrical power plants, and similar uses when located in proper use areas.
- D. Noises usually created by, or generally associated with agricultural operations and agribusinesses, including the raising of farm animals, livestock, and the operation of farm equipment generally.
- E. Noises from lawn mowers, snow blowers, snow removal equipment, leaf blowers, or other garden or yard equipment between the hours of 6:00 a.m. and 10:00 p.m. daily.
- F. Noises from religious or educational institutions.
- G. Noises from licensed dog kennels located in proper use areas.
- H. Noises emitted from any aircraft operated in conformity with or pursuant to Federal Aviation Regulations and air traffic control instruction and used pursuant to and within the duly adopted Federal Aviation Regulations.
- I. All railroad operations meeting the maximum permissible noise levels

otherwise permitted by law.

- J. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

Section 6. Application for Special Permit

- A. Applications for a permit for relief from the noise level designated in this Ordinance on the basis of undue hardship may be made to the Township Board or its duly authorized representative. Any permit granted by the Township Board hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Township Board, or its duly authorized representative, may grant the relief applied for if it finds the following:
 - 1. That additional time is necessary for the applicant to alter or modify his/her activity or operation to comply with this Article; or
 - 2. The activity, operation, or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this Section; and
 - 3. That no other reasonable alternative is available to the applicant.
- B. The Township Board may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.
- C. Property owners who own property within 300 feet of the property where the noise for which the special permit is requested shall be notified by first-class mail.
- D. The fees shall be set by resolution of the Township Board.

Section 7. Penalties

A violation of this Ordinance shall be deemed to be a municipal civil infraction, and any person, firm, or entity found responsible therefore shall be subject to fine not to exceed \$500 for each offense. 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. Any person who refuses to abate a noise disturbance upon the demand of the Charter Township of Garfield Ordinance Enforcement Office, or a duly authorized township official or an officer of the Grand Traverse County Sheriff's Department, interferes with such officer or other authorized official's enforcement of the Ordinance, or retaliates against another who had made a complaint of a noise disturbance shall be guilty of a misdemeanor punishable by a maximum of ninety (90) days in jail and a fine of \$500.00, plus court costs.

Section 8. Severability

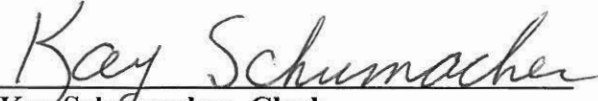
Each of the provisions of this Ordinance is severable, and if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining

provisions shall remain in full force and effect.

Section 9. Effective Date

This Ordinance shall take effect thirty (30) days after it is published.

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 25th day of May, 2006 that of (7) Seven members of the Township Board were in attendance and (7) Seven voted for the adoption of the Ordinance.


Kay Schumacher, Clerk

ORIGINAL

LEE F. WILSON, Supervisor
KAY SCHUMACHER, Clerk
Garfield Township Board
Introduced: May 11, 2006
Adopted: May 25, 2006
Prepared in the law offices of:
Running, Wise & Ford, P.L.C.
By: Kent E. Gerberding
Township Attorneys
Business Address:
326 E. State Street, PO Box 686
Traverse City, MI 49685-0686

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